

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, May 8, 2007
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Richard T. Crotty; Commissioners Teresa Jacobs, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, Tiffany Moore
Others Present: County Comptroller as Clerk Martha Haynie, County Administrator Ajit Lalchandani, County Attorney Tom Drage, Minutes Supervisor Kathleen Johnson

• CALL TO ORDER, 9:10 a.m.

- Invocation-Reverend Scott Lee, Good News Jail and Prison Ministries and recognition of Ken Odom, Good News Jail and Prison Ministries, for his contributions to the community
- Pledge of Allegiance
- Presentation of Presidential Call to Service Award to Jerome Jay Hipscher
- Presentation of resolution designating May 19, 2007, as Armed Forces Day
- Presentation of a proclamation designating May 12, 2007, as National Association of Letter Carriers National Food Drive Day

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Stewart/Fernandez

AYEs-voice vote: All members

The Board deleted County Administrator Item 4; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the April 10, 2007, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following period: April 27, 2007, to May 3, 2007; total of \$46,481,609.10 (Finance and Accounting Department).

County Administrator

1. Approval of budget amendments #07-47, #07-48, and #07-49 (Office of Management and Budget).

(Budget amendments are on file in the Comptroller Finance and Accounting Department.)

2. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments:

- a. Animal Services Advisory Board: Appointment of Deputy Sheriff Robert L. Cobia to succeed Sgt. Ron L. Walker in the Orange County Sheriff's Office representative category with a term expiring December 31, 2008.
- b. Children and Family Services Board: Appointment of Shelman L. Alexander to succeed Kirsten Palacios in the at large representative category and Lee Bryan to succeed Allen E. Arthur in the at large representative category with terms expiring December 31, 2008.
- c. Health Council of East Central Florida: Appointment of Andria Annette Martin to succeed Meryl A. Biszick in the health care provider category and Sandra Lee Johnson to succeed Sue Ellen Dyer in the health care consumer over 60 category with terms expiring September 30, 2008.
- d. Industrial Development Authority: Appointment of Sylvia Dunlap to succeed Sheila I. Porrata-Doria in the at large representative category with a term expiring December 31, 2010.
- e. M/WBE Advisory Committee: Reappointment of Dr. Rupert Garvin in the at large representative category, the appointment of Kenneth David Henry to succeed Vennia A. Francois in the at large representative category, and the appointment of Nancy Henrion to succeed Maria Santamaria Wells in the at large representative category with terms expiring June 30, 2009.
- f. MetroPlan Orlando Citizens' Advisory Committee: Appointment of Sandra Walker to succeed Monica Denise Harris in the Orange County representative category with a term expiring December 31, 2007.
- g. Nuisance Abatement Board: Appointment of Jeff Davies to succeed Gail R. Cosby in the at large representative category and George M. Stokus to succeed Fonda L. McGowan in the at large representative category with terms expiring January 1, 2009.
- h. Orange Blossom Trail Development Board: Appointment of Ereka Renee Watson-Lee to succeed Sybil M. Adkins in the Orange County representative category with a term expiring January 14, 2010.

- i. Parks and Recreation Advisory Board: Reappointment of Christine Norwood as the District 2 representative as requested by Commissioner Brummer with a term expiring June 30, 2009; the reappointment of Laura L. Pooser in the Orange County Historical Society representative category with a term expiring June 30, 2009; and the appointment of Robert A. Fraser to succeed Karen Elise Climer in the District 3 representative category as requested by Commissioner Fernandez with a term expiring June 30, 2008.
- j. Public Works Advisory Board: Reappointment of William F. Peak in the general consulting disciplines representative category, Matthew L. Forbes in the development industry representative category, and Susan Gratch in the transportation engineer category with terms expiring June 30, 2009; and the appointment of Radha V. Mehta to succeed Thomas Picton Warlow IV in the construction discipline representative category with a term expiring June 30, 2008. Note: This would be a third term for Ms. Gratch and will require a supermajority (5) vote of the Board.

(Agenda Development Office)

3. Approval to award Invitation for Bids Y7-1047-LC, Temporary Labor for Security Transportation Traffic Dock Monitors - Convention Center, to the sole responsive and responsible bidder, All Access Enterprise, Inc., d.b.a. Total Access Staffing. The estimated contract award amount is \$325,000 for a 1-year term ([Security and Transportation Division - Convention Center] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y7-1027-JS, Household Hazardous Waste Collection/Disposal, to the low responsive and responsible bidder, Care Environmental Corporation. The estimated contract award amount is \$784,488 for a 3-year term ([Solid Waste Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deleted from the agenda.)

5. Approval of Contract Y7-819-CD, Owner's Representative Services for the Burnham Institute Biomedical Campus, to PMA Consultants. The total contract award amount is \$209,000 ([Capital Projects Division] Purchasing and Contracts Division).
6. Approval of payment of Intergovernmental claims for January 4, January 18, February 1, February 8, February 22, March 8, March 15, and March 22, 2007, totaling \$3,015,223.08 (Risk Management Division).

Administrative Services Department

1. Approval and execution by the County Mayor of Distribution Easement and authorization to record instrument for Orangewood Pump Station No. 3319, District 1 (Real Estate Management Division).
2. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instrument for Hess @ Crowntree Lakes - Utility File #46109, District 4 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval of the Interlocal Agreement between Orange County and the City of Winter Park for the transfer of the remaining funds in the Lake Bell Municipal Service Taxing Unit to the City of Winter Park, District 2 (Environmental Protection Division).
2. Approval to advertise Resolutions 2007-CED-110 through 2007-CED-121 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning:

- LC07-249
- LC07-250
- LC07-251
- LC07-221
- LC07-223
- LC07-224
- LC07-248
- LC07-245
- LC07-252
- LC07-257
- LC07-258
- LC07-259

Districts 1, 2, 3, and 6 (Code Enforcement Division).

Growth Management Department

1. Approval to waive Habitat for Humanity of Orlando's rezoning application fees of \$2,454, District 6 (Planning Division).

Office of Economic, Trade and Tourism Development

1. Approval of DME Corporation Qualified Defense Contractor (QDC) Tax Refund Resolution 2007-M-14.

Public Works Department

1. Approval to install a "No Parking" zone Monday through Friday 7:00 a.m. to 4:00 p.m. on both sides of Wild Majestic Street, District 4 (Traffic Engineering Division).
2. Approval of Developer's Agreement between Orange County and Kerina, Inc., for installation of a traffic signal in the Parkside Planned Development at the intersection of Buena Vista Woods and Apopka-Vineland Road, District 1 (Traffic Engineering Division).
3. Approval of a Road Impact Fee Agreement between Orange County and Wal-Mart Stores East, LP, regarding an Alternative Traffic Impact Fee Calculation for Wal-Mart Neighborhood Market #3617 (Alafaya Trail and Curry Ford Road), District 4 (Traffic Engineering Division).
4. Approval of Resolution 2007-M-15 regarding acceptance of future maintenance and attendant costs in connection with the Whirlpool, Inc., transportation project, District 4 (Public Works Engineering Division).

• INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the Minutes of the August 9, 2006, Stoneybrook West Community Development District meeting to file for the record (Comptroller Clerk of the Board of County Commissioners).

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval and execution by the County Mayor of contract for sale and purchase between Orange County and Cameron Kuhn, county deed, and authorization to perform all actions necessary and incidental to closing for One North Orange Avenue, District 3 (Real Estate Management Division).

Staff presented a report and recommended approval of this item; Board discussion ensued.

Motion/Second: Commissioners Fernandez/Segal

AYEs-voice vote: All members

Action: The Board approved execution by the County Mayor of contract for sale and purchase between Orange County and Cameron Kuhn, county deed, and authorization to perform all actions necessary and incidental to closing for One North Orange Avenue.

• COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval of the price structure for TM/Econ Mitigation Bank Phase IV Credits, all districts (Environmental Protection Division).

Staff presented a report and recommended approval of this item; Board discussion ensued.

Motion/Second: Commissioners Stewart/Moore

AYEs-voice vote: All members

Action: The Board approved the price structure for TM/Econ Mitigation Bank Phase IV Credits.

The Board adjourned as the Board of County Commissioners and convened as the Orange County Community Redevelopment Agency Governing Board.

• GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Approval of an agreement between the Orange County Community Redevelopment Agency (CRA) and the Orange Blossom Trail Development Board, Inc., regarding redevelopment activities on behalf of the CRA, District 6 (Department Office).

and

Authorization for a \$50,000 incentive payment to Agree Realty Corporation or its designee for development of a Walgreens Pharmacy to be located within the Community Redevelopment Area at 900 South Orange Blossom Trail subject to the terms of an incentive agreement to be brought back to the CRA in the future, District 6 (Orange Blossom Trail Development Board).

Staff presented a report and recommended approval of this item. Randall Grief, director, Orange Blossom Trail Development Board, contributed to the report. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Commissioner Jacobs requested the following revision to the agreement: On page 6, Section 13, line 2, after the words, "limited to," add the words, "the value of."

Motion/Second: Commissioners Moore/Fernandez

AYEs-voice vote: County Mayor Crotty; Commissioners Brummer, Fernandez, Stewart, Segal, and Moore

NOs-voice vote: Commissioner Jacobs

Action: The Orange County Community Redevelopment Agency (CRA) approved an agreement between the CRA and the Orange Blossom Trail Development Board, Inc., regarding redevelopment activities on behalf of the CRA with the following revision: On page 6, Section 13, line 2, after the words, "limited to," add the words, "the value of";

and

Authorized a \$50,000 incentive payment to Agree Realty Corporation or its designee for development of a Walgreens Pharmacy to be located at 900 South Orange Blossom Trail subject to the terms of an incentive agreement to be brought back to the CRA in the future.

The Orange County Community Redevelopment Agency Governing Board adjourned, and the Board of County Commissioners reconvened.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ADDENDUM 1

1. Board direction regarding implementation of an additional \$25,000 homestead exemption for low-income seniors as authorized by Chapter 2007-4, Laws of Florida.

Staff and Orange County Property Appraiser Bill Donegan presented a report. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Motion/Second: Commissioners Stewart/Moore

AYEs-voice vote: All members

Action: The Board approved moving forward with an ordinance regarding additional homestead exemption for low-income seniors.

- MEETING ADJOURNED, 11:45 a.m.

- MEETING RECONVENED, 1:35 p.m.

Members Present: County Mayor Richard T. Crotty; Commissioners Fred Brummer, Mildred Fernandez, Bill Segal, Tiffany Moore
Members Absent: Commissioner Linda Stewart; Commissioner Teresa Jacobs joined the meeting where indicated.
Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Minutes Supervisor Kathleen Johnson

- Presentation of Employee Service Awards to Mitchell R. Ramsey (35), Parks and Recreation, Community and Environmental Services; Jill Renee Heroux (25), Youth and Family Services, Evette Mary Jane Brown (20), Head Start, Health and Family Services; Ann A. Lawton (20), Water Reclamation, Engineering, Utilities
- Presentation of proclamation honoring Doris Graham on her retirement
- Presentation of proclamation designating the week of May 7 through May 12, 2007, as Water Safety Awareness Week

Member joined-Commissioner Jacobs

- PLANNING AND ZONING COMMISSION RECOMMENDATIONS, APRIL 19, 2007

Staff presented the recommendations.

Motion/Second: Commissioners Fernandez/Moore

Member absent: Commissioner Stewart

AYEs-voice vote: All present members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of April 19, 2007, with the exception of and authorizing public hearings be scheduled on June 12, 2007, for those listed below; subject to the usual right of appeal by any aggrieved party:

- Case RZ-06-07-093, Tuan Huynh for Villagio at Waterford Lakes Planned Development
- Case RZ-06-08-104, Jay Folk for Sheeler Avenue Townhomes Planned Development
- Case RZ-06-12-155, Sherri Fragomeni for AEI Center Planned Development

NOTE: The following public hearings meet applicable statutory and code requirements for publication/notification. Associated affidavits of publication, legal property descriptions, and staff reports are on file.

NOTE: THE FOLLOWING 8 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 11 AND 12 FOR MOTIONS.

• MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Tracy McFadden for Toll Brothers, Inc., previously known as Landstar Development Group
Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting to include the inventory at Meadow Woods Parcels 15, 15.1, and 15.2 with an annual cost of \$12.25 per lot for streetlighting.
Location: District 4; Parcel ID (multiple parcels); Section 25, Township 24, Range 29; Orange County, Florida (legal property description on file)

and

• MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Perry L. Brigmond, president, Brigmond Construction, Inc.
Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting at Nob Hill-Oleander-Hall Estates area with an annual cost of \$29 per lot for streetlighting.
Location: District 6; Parcel ID (multiple parcels); Section 24, Township 22, Range 28; Orange County, Florida (legal property description on file)

and

• MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Jennifer Slone Tobin for Shutts & Bowen, LLP
Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) at Signature Lakes Parcel 1A, Parcel 1B, Parcel 1C, Parcel 1D Phase 1, and Parcel 1D Phase 2 with an annual cost of \$139 per lot for streetlighting and an annual cost of \$60.90 per lot for maintenance of retention pond(s).
Location: District 1; Parcel ID (multiple parcels); Sections 22, 27, and 28, Township 23, Range 27; Orange County, Florida (legal property description on file)

and

- MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Candice Hawks of Engle Homes for Signature Lakes Parcel 1B and Signature Lakes Parcel 1D, Phases 1 and 2; and Larry T. Nicholson and Thomas P. McCarthy of Ryland Group, Inc., for Eden Isle Boat Ramp Replat and Southbridge Village

Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting at Village of Bridgewater Planned Development 11/2007 with an annual cost of \$16.50 per lot for streetlighting.

Location: District 1; Parcel ID (multiple parcels); Sections 22, 23, 27, and 28, Township 23, Range 27; Orange County, Florida (legal property description on file)

and

- MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Tracy McFadden for Landstar Homes

Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting at Cypress Springs Parkway and South Cypress Springs Parkway with an annual cost of \$37 per lot for streetlighting.

Location: District 4; Parcel ID (multiple parcels); Section 5, Township 23, Range 31; Orange County, Florida (legal property description on file)

and

- MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: C. Reed Haydon for Haydon-Rubin

Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) at Lake Cypress Cove and Lake Davis Reserve with an annual cost of \$160 per lot for streetlighting and an annual cost of \$60.90 per lot for maintenance of retention pond(s).

Location: District 1; Parcel ID (multiple parcels); Sections 13 and 24, Township 23, Range 27; Orange County, Florida (legal property description on file)

and

• MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Tracy McFadden for Landstar Homes
Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) at Villas at Cypress Springs with an annual cost of \$62 per lot for streetlighting and an annual cost of \$60.90 per lot for maintenance of retention pond(s).
Location: District 4; Parcel ID (multiple parcels); Section 5, Township 23, Range 31; Orange County, Florida (legal property description on file)

and

• MUNICIPAL SERVICE TAXING UNIT/MUNICIPAL SERVICE BENEFIT UNIT PUBLIC HEARING

Applicant: Orange County Code Enforcement
Consideration: Establish by resolution Special Assessments for 1-time-only lot cleaning assessments.
Location: All districts; Parcel ID (multiple parcels); Sections 1, 3, 5-6, 9-11, and 13-32, Townships 20-24, Ranges 27-32; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearings for comments. The following persons addressed the Board:

- Jorge Hernandez, for lot cleaning
- Gina Romero, for lot cleaning
- Michael Pecorale, for lot cleaning
- Rose Perreault, for lot cleaning

The County Mayor closed the public hearings and opened the matters for Board discussion.

Motion/Second: County Mayor Crotty/Commissioner Fernandez
Member absent: Commissioner Stewart
AYEs-voice vote: All present members
Action: The Board adopted the following resolutions:

- Amending Meadow Woods Planned Development, Municipal Service Benefit Unit (MSBU), annual cost of \$12.25 per lot for streetlighting

- Amending Nob Hill-Oleander-Hall Estates Area MSBU, annual cost of \$29 per lot for streetlighting
- Amending Signature Lakes Parcel 1A, Parcel 1B, Parcel 1C, Parcel 1D Phase 1, and Parcel 1D Phase 2 MSBU, annual cost of \$60.90 per lot for maintenance of retention pond(s) and \$139 per lot for streetlighting
- Amending Village of Bridgewater Planned Development 11/2007 MSBU, annual cost of \$16.50 per lot for streetlighting
- Amending Cypress Springs Parkway and South Cypress Springs Parkway MSBU, annual cost of \$37 per lot for streetlighting
- Establishing Lake Cypress Cove and Lake Davis Reserve MSBU, annual cost of \$60.90 per lot for maintenance of retention pond(s) and \$160 per lot for streetlighting
- Establishing Villas at Cypress Springs MSBU, annual cost of \$60.90 per lot for maintenance of retention pond(s) and \$62 per lot for streetlighting

Motion/Second: Commissioners Brummer/Moore

Member absent: Commissioner Stewart

AYEs-voice vote: All present members

Action: The Board adopted Resolution 2007-M-16 establishing Special Assessments for 1-time-only lot cleaning assessments; and further, continued the public hearing to consider establishment by resolution for Special Assessment for 1-time-only lot cleaning assessment LC-06-085, until June 12, 2007, at 2 p.m.

• PETITION TO VACATE PUBLIC HEARING, CONTINUED FROM MARCH 27, 2007

Applicant: Charles K. Barrus for Alta Westgate, LLC

Consideration: Resolution granting Petition to Vacate 06-24 vacating an access easement lying south of Silver Star Road and east of North Hiawasse Road

Location: District 6; property located at 2411 North Hiawasse Road; Parcel ID 13-22-28-0000-00-005; Section 13, Township 22, Range 28; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. No one addressed the Board.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Motion/Second: Commissioners Moore/Fernandez

Member absent: Commissioner Stewart

AYEs-voice vote: All present members

Action: The Board continued the public hearing until June 5, 2007, at 2 p.m., to consider the request by Charles K. Barrus for Alta Westgate, LLC, to request a resolution granting Petition to Vacate 06-24 vacating an access easement lying south of Silver Star Road and east of North Hiawasse Road.

Member exited-Commissioner Brummer

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Michael Burkhead, TBCOM Properties, LLC, Peppermill West Planned Development/Land Use Plan

Consideration: Substantial change request to allow a 140-foot camouflaged flagpole communications tower to be located on Parcel G; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located on west side of John Young Parkway, opposite Peppermill Boulevard; Parcel ID 20-24-29-0000-00-010; Section 20, Township 24, Range 29; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following person addressed the Board: Michael Burkhead, the applicant.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Motion/Second: Commissioners Jacobs/Fernandez

Members absent: Commissioners Brummer and Stewart

AYEs-voice vote: All present members

Action: The Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the substantial change request by Michael Burkhead, TBCOM Properties, LLC, Peppermill West Planned Development/Land Use Plan (PD/LUP), to allow a 140-foot camouflaged flagpole communications tower to be located on Parcel G; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. The development shall conform to the Peppermill West PD/LUP, dated "Received March 2, 2007," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the

conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, dated "Received March 2, 2007," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. The cell tower shall comply with Cell Tower Ordinance 97-11.
4. All previous Conditions of Approval shall apply.

Member re-entered-Commissioner Brummer

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Lakeside Village Center, LLC, Frye Center Planned Development/Land Use Plan

Consideration: Substantial change to amend Condition of Approval Number 9 from the Board of County Commissioners' meeting of November 14, 2006. The condition reads as follows: "This rezoning decision shall become effective only if a developer's agreement regarding the middle school site is approved by the applicant, the developer of North of Albert, the developer of Black Amber, and Orange County by January 23, 2007. Before the developer's agreement is approved, Orange County Public Schools shall have the opportunity to review it and provide comments to Orange County. Upon approval of the developer's agreement on or before January 23, 2007, the rezoning shall then become effective. If the developer's agreement is not approved by January 23, 2007, and

this rezoning decision does not become effective as a result, another public hearing for the Frye Center Planned Development zoning shall be held by the Board of County Commissioners (BCC)." The request is to change all the date references in the condition from January 23, 2007, to June 19, 2007; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located east and west side of Winter Garden-Vineland Road, north of Reams Road, south of Chase Road; Parcel IDs 25-23-27-0000-00-011, 25-23-27-0000-00-022, 36-23-27-0000-00-008, and 25-23-27-0000-00-023; Sections 25 and 36, Township 23, Range 27; Orange County, Florida (legal property description on file)

Staff announced that this public hearing has been cancelled.

- DEVELOPMENT REVIEW COMMITTEE APPEAL, CONTINUED FROM MARCH 6, 2007

Appellant: Norman Shabel, International Crossing LLP Property

Applicant: Paul H. Chipok

Consideration: Appeal of the decision by the Orange County Development Review Committee, dated October 18, 2006, on a request to proceed with the Lake Avenue Right-of-Way Corridor Agreement

Location: District 1; Parcel ID (multiple parcels on file); Sections 24 and 25, Township 24, Range 28; Orange County, Florida (legal property description on file)

Staff announced that this public hearing has been continued indefinitely.

- SHORELINE ALTERATION/DREDGE FILL PUBLIC HEARING

Applicant: Lewis Nixon

Consideration: Permit to construct a seawall on Fischer Canal (Lake Down), pursuant to Orange County Code, Chapter 15, Article IV

Location: District 1; on property located adjacent to Lake Down, located at 71 North Main Street, Windermere; Parcel ID 08-23-28-1948-01-010; Section 08, Township 23, Range 28; Orange County, Florida (legal property description on file)

Staff presented a report and corrected proposed Condition 22, deleting Lake Conway Water and Navigation Control District and replacing with Windermere Water and Navigation Control District.

Staff recommended the following language be added to proposed Condition 22: In addition this does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the boat basin to the lake.

No one addressed the Board.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Motion/Second: Commissioners Jacobs/Fernandez

Member absent: Commissioner Stewart

AYEs-voice vote: All present members

Action: The Board approved the request by Lewis Nixon for a permit to construct a seawall on Fischer Canal (Lake Down) on the described property, subject to the following conditions:

1. The permittee is hereby authorized to perform or cause to be performed the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
2. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
3. Prior to construction, the permittee must clearly designate the limits of construction on site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
4. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
5. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove

the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.

6. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
7. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
8. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
9. The permittee shall immediately notify the EPD in writing of any previously submitted information that is later discovered to be inaccurate.
10. The permittee shall notify the EPD in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
11. The EPD staff with proper identification shall have permission to enter, inspect, sample, and test the system to insure conformity with the plans and specifications approved by the permit at any reasonable time.
12. The permittee shall hold and save the County harmless from any and all damages, claims, or liabilities, which may arise by reason of the activities authorized by the permit.
13. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
14. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
15. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative

Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual* shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

16. The existing ambient water quality within the lake shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
17. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the project area and/or surface waters upon completion of the project.
18. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within 30 days of completion of the project. The restoration will be done to the satisfaction of the EPD.

Specific Conditions

19. Construction shall be in accordance with the stamped, approved documents received by the EPD on June 7, 2006, and February 8, 2007.
20. There shall be no filling below the normal high-water elevation except for the vinyl wall.
21. The material used as back-fill shall be clean material and shall not be contaminated with vegetation, hazardous toxic waste, or other materials that are not suitable within waters of the state.
22. The permittee shall be solely responsible for maintenance of the boat basins. Neither Orange County nor the Windermere Water and Navigation Control District shall be responsible for sedimentation that may occur within the boat basins due to sediment transport from upland areas or the Fischer Canal. In addition, this does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the boat basin to the lake.
23. The permitted work must be commenced within 6 months and completed within 1 year from the date of issuance of the permit. In the event that work is not commenced or completed within this period the permit has become void.

- MEETING ADJOURNED, 3:40 p.m.

There being no further business, the County Mayor adjourned the meeting.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator