ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 31, 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 Administrator Ajit Lalchandani, County Attorney Tom Drage, Deputy Clerk Rosilyn Stapleton

• CALL TO ORDER, 9:10 a.m.

- Invocation-David Delk, President, Man in the Mirror Ministry
- Pledge of Allegiance
- Presentation of Tree City USA Award
- Presentation of proclamation designating the week of August 5 through August 11, 2007, as National Health Center Week

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Fernandez/Moore
AYEs-voice vote: All members
Action: The Board deleted Administrative Services Department Item 7; and further, approved the balance of the County Consent Agenda items as follows, including Community and Environmental Services Department Addendum 1:

County Comptroller

1. Approval of the minutes of the June 26, 2007, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

2. Approval for the Disposition of Real Property and Tangible Personal Property:

   a. Demolish buildings.
   b. In lieu of selling at fair market value, donate assets with an approximate value of $85 to the Kissimmee Family Mission.
   c. In lieu of selling at fair market value, donate assets with an approximate value of $30 to the Florida Department of Corrections.

(Property Accounting Department)
3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:

- July 13, 2007, to July 19, 2007; total of $29,556,103.31
- July 20, 2007, to July 26, 2007; total of $20,503,416.10

(Finance and Accounting Department).

County Administrator

1. Approval of budget amendments #07-59, #07-60, #07-61, #07-62, #07-63, and #07-64 (Office of Management and Budget).

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

2. Approval of budget transfer #07-1495 (Office of Management and Budget).

(Budget transfer is on file in the Comptroller Finance and Accounting Department.)

3. Approval of adjusted proposed FY 2007-2008 millage worksheet (Office of Management and Budget).

4. Payment of retroactive pay increase and 1% bonus recommended by the Special Magistrate Kenneth Starr for members of the International Association of Firefighters (IAFF), Local 2057, bargaining unit hired during Fiscal Year 2005-2006 and promoted to Battalion Chief after September 15, 2005 (Human Resources Division).

5. Approval to award Invitation for Bids Y7-635-JS, Asphalt Milling Machine, to the low responsive and responsible bidder, Ring Power Corporation. The total contract award amount is $314,990 (Roads and Drainage Division Purchasing and Contracts Division).

6. Approval to award Invitation for Bids Y7-639-PD, Fuel Service Truck, to the low responsive and responsible bidder, Maudlin International Trucks, Inc. The estimated contract award amount is $406,730 for two trucks at $203,365 each (Solid Waste Division Purchasing and Contracts Division).

7. Approval to award Invitation for Bids Y7-637-NW, Chiller and Air Handling Unit for the Juvenile Justice Center, Supply Only, to the sole responsive and responsible bidder, American Standard, Inc., d.b.a. Trane Co. The total contract award amount is $195,260 (Capital Projects Division Purchasing and Contracts Division).
8. Approval to award Invitation for Bids Y7-774-CD, Juvenile Justice Center, Chiller and Air Handling Unit Replacement, to the low responsive and responsible bidder, Air Mechanical & Service Corporation. The total contract award amount is $572,415 ([Capital Projects Division] Purchasing and Contracts Division).

9. Approval to award Invitation for Bids Y7-775-J2, 18th Street Drainage Well Replacement and Abandonment, to the low responsive and responsible bidder, Conpilog International Company. The total contract award amount is $205,180.40 for the alternate bid option ([Roads and Drainage Division] Purchasing and Contracts Division).

10. Approval to award Invitation for Bids Y7-777-EZ, Orange County Convention Center West Concourse Security Bollard Installation, to the low responsive and responsible bidder, Tony's Construction Company, Inc. The total contract award amount is $299,500 ([Capital Planning Division] Purchasing and Contracts Division).

11. Approval to award Invitation for Bids Y7-1049-DG, Liquid Chlorine, to the low responsive and responsible bidder, Brenntag Mid-South. The estimated contract award amount is $400,960 for a 1-year term ([Water Division] Purchasing and Contracts Division).


15. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).

County Attorney

1. Approval and execution of the Settlement Agreement between Boardtalk Worldwide, LLC, and Orange County, Florida, in Case No. 05-CA-5836.
County Sheriff

1. Approval and execution of five Florida Department of Law Enforcement Subgrants as follows:

   - Issue #2 Sustainment-Specialty Teams for $7,980 for the period from January 1, 2007, through September 30, 2007
   - Issue #22 Enforcement-Specialty Teams for $61,684 for the period from January 1, 2007, through September 30, 2007
   - Issue #28 Sustain Florida Law Enforcement Exchange (FLEX) for $250,000 for the period from January 1, 2007, through January 31, 2008
   - Issue #41 Complete Florida Law Enforcement Exchange (FLEX) for $250,000 for the period from January 1, 2007, through January 31, 2008
   - Issue #44 Regional Metadata Managers for $100,000 for the period from January 1, 2007, through January 31, 2008

Administrative Services Department

1. Approval and execution by the County Mayor of Lease and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Central Florida Regional Transportation Authority (d/b/a LYNX) and Orange County for office space for Clerk of Circuit Courts Technical Services Division (TSD), LYNX Central Station located at 455 North Garland Avenue, Second Floor, Orlando, Florida, 32801; District 3 (Real Estate Management Division).

2. Approval and execution by the County Mayor of License and Indemnity Agreement, between Pinar Associates SC Company, Ltd., and Orange County for Clerk of Courts Remote Service Center located at 684 South Goldenrod Road, Store/Bay #684, Orlando, Florida, District 3 (Real Estate Management Division).

3. Approval and execution by the County Mayor of First Amendment to Lease Agreement for Office Facilities and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Church Street Investment Properties, Inc., and Orange County for office space for Magnolia Place Consolidation located at 109 East Church Street, Orlando, Florida, District 3 (Real Estate Management Division).

4. Approval and execution by the County Mayor of Amendment to Covenant and Lease Agreement related to Recreational Use between Tangerine Progressive Organization for Youth, Inc., and Orange County for park land for Tangerine Neighborhood Park located at 6061 Terrell Road, Tangerine, Florida, District 2 (Real Estate Management Division).
5. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Clarcona-Ocoee Road (Ocoee-Apopka Road to Hiawassee Road), Districts 1 and 2 (Real Estate Management Division).

6. Approval and execution by the County Mayor of Resolution 2007-M-26 and County Deed between Orange County and Falcon Moss Apartments, LLC; and authorization to disburse funds to pay all recording fees and record instrument for Falcon Park Apts. Lift Station Overflow/Emergency Response, District 4 (Real Estate Management Division).

7. Approval and execution by the County Mayor of Quitclaim Deed and Easement Agreement between Orlando-Orange County Expressway Authority and Orange County; and approval and execution of Public Purpose Quitclaim Deed and Easement Agreement between State of Florida, by and through the State of Florida Department of Transportation and Orange County; and approval and execution of Drainage Easement between Orange County and Orlando-Orange County Expressway Authority; and approval and execution of Drainage Easement between Orange County and State of Florida, by and through the State of Florida Department of Transportation and Orange County and authorization to disburse funds to pay recording fees and record instruments for Lake Underhill Road/Goldenrod Road Intersection, District 3 (Real Estate Management Division).

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

8. Approval and execution by the County Mayor of Right of Entry between Lockheed Martin Corporation and Orange County for Woodland Lakes Property Donation, District 4 (Real Estate Management Division).

9. Approval and execution by the County Mayor of Distribution Easement between Orange County and Progress Energy Florida, Inc., and authorization to record instrument for Dr. Phillips Park, District 1 (Real Estate Management Division).

10. Approval and execution by the County Mayor of Distribution Easement between Orange County and Progress Energy Florida, Inc., and authorization to record instrument for Moss Park PD Parcel J (FS #77), District 4 (Real Estate Management Division).

11. Approval of Utility Easement between Grande Lakes Storage, LLC, and Orange County; and approval of Subordination of Encumbrances to Property Rights between Keybank National Association and Orange County; and authorization to record instruments for My Neighborhood Storage Center @ Grande Lakes Utility File #39628 (a/k/a Grande Lakes Storage), District 4 (Real Estate Management Division).
12. Approval of Access Easement between Hubbard Construction Company and Orange County, approval of Access Easement between Alta Westgate, LLC, and Orange County, approval of Subordination of Encumbrances to Property Rights between Citibank, N.A., and Orange County, and approval of Subordination of Encumbrances to Property Rights between U.S. Bank National Association and Orange County, and authorization to record instruments for Petition to Vacate #06-24, District 6 (Real Estate Management Division).

13. Approval of Conservation Easement between Rialto Investors, L.P., and Orange County and authorization to record instrument for Rialto, LLC (Impact permit 06-017), District 1 (Real Estate Management Division).

14. Approval of Contract for Sale and Purchase and Warranty Deed between Robert W. Hewitt, Trustee, Texas Avenue Land Trust and Orange County; authorization to disburse funds to pay purchase price and closing costs, and perform all actions necessary and incidental to closing for Texas Avenue Roadway Conceptual Analysis (Oak Ridge Rd. to Holden Ave.), District 6 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval of the May 2007 ReNEW Wall Repair Grant Recipients as recommended by the Neighborhood Grants Advisory Board in the total amount of $48,318 as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Organization/Applicant</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bibis Khan</td>
<td>Repair damaged wall</td>
<td>$ 14,500</td>
</tr>
<tr>
<td>2</td>
<td>Deer Lake Run</td>
<td>Repair leaning wall</td>
<td>14,203</td>
</tr>
<tr>
<td>2</td>
<td>Savannah Oaks</td>
<td>Repair damaged wall</td>
<td>17,845</td>
</tr>
<tr>
<td>5</td>
<td>Erika Avery</td>
<td>Repair damaged wall</td>
<td>1,770</td>
</tr>
</tbody>
</table>

Districts 1, 2, and 5 (Neighborhood Services Division).

2. Uphold the recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer’s recommendation of denial for the variance and waiver requests for Private Boat Dock Permit #06-139 for Don Lake, District 1 (Environmental Protection Division).

3. Approval of Resolution 2007-M-27 creating the South Lake Fairview Advisory Board to advise the Board of County Commissioners in the administration and operation of the Municipal Service Taxing Unit for South Lake Fairview, District 2 (Environmental Protection Division).
Community and Environmental Services Department Addendum 1

4. Approval of amended Parks and Recreation rules and regulations.

Convention Center

1. Approval of the 2007-2008 Fiscal Year Funding Agreement between the International Drive Master Transit and Improvement District and Orange County for funding for the District for Fiscal Year 2007-2008.

Growth Management Department

1. Approval of Resolution 2007-M-28 amending the International Drive Community Redevelopment Area Advisory Committee, Districts 1 and 6 (Growth Management Department Office).

2. Approval of the 2007-2008 Annual Action Plan, all required certifications, and applications for federal assistance, all districts (Housing and Community Development Division).

3. Approval of an Amendment to Wildwood Area Road Network Agreement between Wildwood Area Improvement Company, LLC, and Orange County to change the amount of Road Impact Fee Credits provided for construction, District 1 (Road Agreement Committee).

Health and Family Services Department

1. Approval of the Federally-Funded Subgrant Agreement, Contract Number 08SB-6I-12-00-01-022, between the State of Florida Department of Community Affairs and Orange County, Florida, in the amount of $801,569 for Community Services Block Grant (CSBG) funding. The term of this Agreement is from October 1, 2007, through September 30, 2008. There will be no additional cost to the County (Community Action Division).

2. Approval of the renewal Certificate of Public Convenience and Necessity for American Ambulance of Central Florida to provide Interfacility Advanced Life Support Transport Services. The term of this certificate is from August 30, 2007, through August 30, 2009. There is no cost to the County (Office of Emergency Medical Services Medical Director).

Public Safety

1. Approval of the State-Funded Sub-Grant Agreement, CSFA Number 52.023, between the State of Florida Department of Community Affairs and Orange County to Award Funds in the amount of $22,233 to update the Hazard Analysis Data for Fiscal Year 2007-2008 (Office of Emergency Management).
Public Works Department

1. Approval of the Termination of Developer’s Agreement for Private Improvements and Consent to the Amended and Restated Covenants, Conditions, Restrictions, Reservations, and Easements for Grand Cypress Resort, Phase I, Orange County, Florida; District 1 (Public Works Department).

2. Approval to issue Excavation Permit #07-E2-312, District 2 (Development Engineering Division).

3. Approval of "Stop" sign installation in Lake Sawyer South Phase I Subdivision, District 1 (Traffic Engineering Division).

4. Approval of "Stop" sign installations in Beauclaire Estates of Mount Dora Phase II, District 2 (Traffic Engineering Division).

5. Approval of "Stop" sign installations in Robinson Hills Unit 7, District 2 (Traffic Engineering Division).

6. Approval of "Stop" sign installations in Avalon Park Village 4A and 4B Subdivision, District 4 (Traffic Engineering Division).


Utilities Department

1. Approval to issue Change Order No. 1 - Final to Contract No. Y7-710-PH, McLeod Road Transfer Station Rehabilitation of Structural Elements to CornerStone Construction Services, Inc., in the amount of $177,527.90, District 2 (Construction Division).

2. Approval of the Department Director’s Determination and Order on Rosen Hotels environmental surcharge billing and sampling issue, Districts 1 and 6 (Administration).

• INFORMATIONAL ITEMS*

1. Receipt of the following file for the record documents:

   a. Boggy Creek Improvement District Resolution 2007-07, changing the location and time of the public hearing to consider adoption of the proposed fiscal year 2007-2008 budget for Boggy Creek Improvement District.
b. Greeneway Improvement District Resolution 2007-05, changing the location and time of the public hearing to consider adoption of the proposed fiscal year 2007-2008 budget for Greeneway Improvement District.

c. Myrtle Creek Improvement District Resolution 2007-09, changing the location and time of the public hearing to consider adoption of the proposed fiscal year 2007-2008 budget for Myrtle Creek Improvement District.

d. Orange County Health Facilities Authority Oaths of Office for Elese Sanford, Mario L. Neal, and William A. Forness, Jr.

e. Orange County Educational Facilities Authority Oaths of Office for Derek Brett, Carmen Lamboy, and Sylvia Seaton Dunlap.


g. City of Apopka Ordinance 1922, Romeo and Herminia Flaquer, annexing ±6.76 acres located north of Kelly Park Road and west of Mt. Plymouth Road.

h. City of Apopka Ordinance 1923, Horacio and Anita Servin, annexing ±10.54 acres located south of Kelly Park Road and east of Plymouth-Sorrento Road.

i. City of Apopka Ordinance 1924, Ray D. Meeks and Marlene A. Bailey Meeks, annexing ±4.50 acres located south of Ponkan Road and east of Plymouth-Sorrento Road.

j. City of Apopka Ordinance 1925, James R. Loomis, Jr., annexing ±1 acre located south of Ponkan Road and east of Plymouth-Sorrento Road.

k. City of Apopka Ordinance 1926, James R. Loomis, Jr., and Steven P. Loomis, annexing ±3.89 acres located south of Ponkan Road and east of Plymouth-Sorrento Road.

l. City of Apopka Ordinance 1927, Franklin A. Smith, annexing ±5.51 acres located south of Ponkan Road and east of Plymouth-Sorrento Road.

m. City of Apopka Ordinance 1928, Harvest Inspiration Ministries, Inc., annexing ±2.26 acres located south of Ponkan Road and east of Plymouth-Sorrento Road.

n. City of Apopka Ordinance 1929, LIP JAC, LLC, annexing ±2.97 acres located south of Ponkan Road and east of Plymouth-Sorrento Road.

o. City of Apopka Ordinance 1930, Christopher Crosby Johnson, annexing ±10 acres located south of Kelly Park Road and east of Golden Gem Road.

p. City of Apopka Ordinance 1931, Terry Lyn Dale, annexing ±10 acres located south of Kelly Park Road and east of Golden Gem Road.

q. City of Apopka Ordinance 1932, Florence Matcovich Life Estate, annexing ±0.5 acre located north of Yothers Road and east of Plymouth-Sorrento Road.

r. City of Apopka Ordinance 1933, Pamela R. Garn, annexing ±0.5 acre located north of Yothers Road and west of Plymouth-Sorrento Road.

s. City of Apopka Ordinance 1934, William D. Long and Frank D. Scott, annexing ±1.25 acres located north of U.S. Highway 441 and east of Wilkens Road.

t. City of Apopka Ordinance 1935, Mu Ching Chu, annexing ±10.34 acres located south of Marshall Lake road and west of Bradshaw Road.
u. City of Apopka Ordinance 1937, David F. and Michelle P. Leon, annexing ±17.85 acres located at the intersection of Keene Road and Ocoee-Apopka Road.

v. City of Apopka Ordinance 1939, Teresita Robb, annexing ±0.65 acre located south of U.S. Highway 441 and east of Sheeler Road.

w. Received notice on July 3, 2007, for City of Orlando annexing ±0.109 acre generally located west of 5923 Detroit Avenue.

x. Received notice on July 3, 2007, for City of Orlando annexing ±9.7196 acres generally located north of the Beach Line Expressway (S.R. 528), south of Lee Vista Boulevard, west of the Central Florida Greeneway (S.R. 417), and addressed as 7629 Narcoossee Road.

y. Received notice on July 3, 2007, for City of Orlando annexing ±2.09 acres generally located east of North John Young Parkway, west of North Orange Blossom Trail, and addressed at 4308 North Orange Blossom Trail.

(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.

• COUNTY ATTORNEY DICUSSION AGENDA


Linda Chapin, former Orange County Mayor and chair of the Task Force on Ethics and Campaign Finance Reform, presented a report; Board discussion ensued.

Action: None

• COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide Recruitment Advertising, Request for Proposals Y7-1036-JS ([Human Resources Division] Purchasing and Contracts Division), from the following three firms, listed alphabetically:

- Bayard Advertising Agency, Inc.
- Greystone Group Advertising
- NAS Recruitment Communications

Staff presented a report; Board discussion ensued.

Motion/Second: Commissioners Segal/Fernandez
AYEs-voice vote: All members
Action: The Board approved the short list ranked as follows:
#1 Bayard Advertising Agency, Inc.
#2 NAS Recruitment Communications
#3 Greystone Group Advertising

and further, authorized staff to enter into contract negotiations to provide Recruitment Advertising, Request for Proposals Y7-1036-JS.

Member exited-Commissioner Jacobs

Nonagenda-Environmental Protection Manager Lori Cunniff announced she will be attending the Florida Local Environmental Resource Agencies on August 1, 2007, and that Commissioner Stewart will receive an award for environmental leadership.

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT ADDENDUM 2

DISCUSSION AGENDA

1. Approval to move forward with the Venetian Canal Maintenance Dredging Project contingent upon obtaining the Right-of-Entry Authorizations; and approval of the 37 individual Hold Harmless Agreements and Interlocal Agreement with the City of Belle Isle, District 4 (Environmental Protection Division).

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

Motion/Second: Commissioners Stewart/Segal
Member absent: Commissioner Jacobs
AYEs-voice vote: All present members
Action: The Board approved moving forward with the Venetian Canal Maintenance Dredging Project contingent upon obtaining the Right-of-Entry Authorizations; and further, approved the Interlocal Agreement with the City of Belle Isle and the 37 individual Hold Harmless Agreements between Orange County and the parties as follows:

- Ana Teresa Agosto
- Scott and Virginia Anderson
- Dallas and Lori Armstrong
- Phillip and Erika Braunschweig
- Tony and Wendy Carugno
- Linda and Mauro Cassanelli
- Brian and Linda Christensen
- George Allen and Barbara Clark
- Chris Degree
- Mark H. and Theresa D. Dew
- Brandon Fies
- Ray and Christy Genthner
- Robert Graves
Nonagenda-County Mayor Crotty announced that there will be a luncheon presented by the Farm Bureau during the recess.

- MEETING ADJOURNED, 10:10 a.m.

- MEETING RECONVENE, 2:05 p.m.

Members Present: County Mayor Richard T. Crotty; Commissioners Teresa Jacobs, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, Tiffany Moore

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Deputy Clerk Rosilyn Stapleton

Nonagenda-Presentation of resolution acknowledging the retirement of Parks and Recreation Division Manager Bill Potter.

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

• PETITION TO VACATE PUBLIC HEARING

Applicant: Mark J. Spinicelli for Spinicelli Holding Corporation
Consideration: Resolution granting Petition to Vacate 07-05 vacating portions of 2 unnamed rights-of-way, 1 of which is now known as Taft-Vineland Road, both lying north of Taft-Vineland Road and west of South Orange Blossom Trail
Location: District 4; property located at 9484 American Eagle Way; Parcel ID 03-24-29-6209-00-060 (multiple parcels); Section 03, 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 and noted the applicant present and in concurrence with the recommendation.

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

Motion/Second: Commissioners Stewart/Fernandez
AYEs-voice vote: All members
Action: The Board adopted a resolution granting Petition to Vacate 07-05 vacating portions of 2 unnamed rights-of-way, 1 of which is now known as Taft-Vineland Road, both lying north of Taft-Vineland Road and west of South Orange Blossom Trail, on the described property.

• PETITION TO VACATE PUBLIC HEARING

Applicant: Debra McMurchie
Consideration: Resolution granting Petition to Vacate 07-12 vacating a portion of a drainage easement lying south of Whisper Lakes Boulevard and east of South John Young Parkway
Location: District 4; property located at 2719 Parsley Drive; Parcel ID 21-24-29-6844-05-180; Section 21, 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 and noted the applicant present and in concurrence with the recommendation.

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

For the record, Commissioner Stewart stated that she would like a record to be kept of contractors who build structures into or onto County easements so that action may be taken by the County if it is found to be occurring by the same contractor(s).
July 31, 2007

Motion/Second: Commissioners Stewart/Fernandez
AYE(s)-voice vote: All members
Action: The Board adopted a resolution granting Petition to Vacate 07-12 vacating a portion of a drainage easement lying south of Whisper Lakes Boulevard and east of South John Young Parkway, on the described property.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Dan R. Hallauer for Dean Hallauer Property Planned Development (fka Dean Road Property Planned Development)
Consideration: Request to rezone from A-2 (Farmland Rural District) (1968) to PD (Planned Development District)
Location: District 3; property located at 1200 South Dean Road or generally described as the west side of Dean Road and east of Central Florida Greeneway (S.R. 417); Parcel ID 32-22-31-0000-00-018; Section 32, Township 22, Range 31; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments and noted the applicant present and in concurrence with the recommendation. The following person addressed the Board: R.P. Mohnacky.

Staff recommended that Condition 5 be revised to read as follows: The First Amendment to the Road Impact Fee Agreement for the Hallauer Property shall be approved.

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

Motion/Second: Commissioners Fernandez/Brummer
AYE(s)-voice vote: All members
Action: The Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Dan R. Hallauer for Dean Hallauer Property Planned Development (PD) (fka Dean Road Property PD) to rezone from A-2 (Farmland Rural District) (1968) to PD District, on the described property; subject to the following conditions:

1. The development shall conform to the Dean Hallauer Property PD/Land Use Plan (LUP), dated "Received November 10, 2006," 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 November 10, 2006," 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 developer shall comply with all provisions of the Public Education Agreement (PEA) (Capacity Enhancement Agreement #06-002) entered into with the Orange County School Board as of September 27, 2006 (executed September 26, 2006).

- Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the 11 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- The developer, or its successor or assign under the PEA, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.

- Orange County shall be held harmless by the developer and its assigns under the PEA, in any dispute between the developer and OCPS over any interpretation or provision of the PEA.
- At the time of platting, documentation shall be provided from OCPS that this project is in compliance with the Capacity Enhancement Agreement.

4. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.

5. The First Amendment to the Road Impact Fee Agreement for the Hallauer Property shall be approved.

6. The developer shall comply with all concurrency requirements implemented or approved by the County.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Rebecca Hammock for Tupperware Heights Planned Development
Consideration: Request to rezone from I-1/I-5 (Industrial District-Light) (2002) to PD (Planned Development District)
Location: District 4; property located at 14901 South Orange Blossom Trail or generally described as the east and west side of Orange Avenue and north of the Orange/Osceola County Line; Parcel IDs 34-24-29-0000-00-004 and 35-24-29-0000-00-002; Sections 34 and 35, 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: Rebecca Hammock, the applicant.

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

Motion/Second: Commissioners Stewart/Segal
AYEs-voice vote: All members
Action: The Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Rebecca Hammock for Tupperware Heights Planned Development (PD) to rezone from I-1/I-5 (Industrial District-Light) (2002) to PD District, on the described property; subject to the following conditions:

1. The development shall conform to the Tupperware Heights PD/Land Use Plan (LUP), dated "Received January 8, 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 January 8, 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 (BCC) 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. Billboard and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.

4. Outdoor storage and display shall be prohibited.

5. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.

6. Master water, wastewater, stormwater, and reclaimed water plans including preliminary calculations shall be required to be submitted for review and approval prior to submittal of construction plans.

7. Because the project includes approval for elderly housing, prior to Development Plan/Preliminary Subdivision Plan approval, the developer shall submit to the Development Review Committee for review and approval conditions, covenants, and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Federal Fair Housing Act. Such CC&Rs shall be recorded in the public records of Orange County and shall run with the land. Any proposed future conversion of the elderly housing to unrestricted housing shall constitute a substantial change that must be approved by the BCC at a public hearing. If the substantial change is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity regulations in effect at that time.
8. In order to provide additional office square footage, a waiver from Section 38-1272 (5) is granted to allow a maximum building height of 85 feet in lieu of 50 feet for commercial structures.

9. In order to provide 35 percent open space, not counting conservation areas, a waiver from Section 38-1258(d) is granted to allow a maximum building height of 85 feet in lieu of 40 feet for multi-family structures.

10. The Developer's Agreement for the dedication of right-of-way on Orange Blossom Trail shall be approved.

Nonagenda-County Mayor Crotty announced that yesterday, July 30, 2007, Osceola County approved the Commuter Rail Transit System; and today, July 31, 2007, Volusia County approved it.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Momtaz Barq for Windermere Gardens Planned Development
Consideration: Request to rezone from R-CE-C (Country Estate District-Cluster) (1990) to PD (Planned Development District)
Location: District 1; property located at 7100 Winter Garden-Vineland Road or generally described as the southwest corner of Chase Road and Winter Garden-Vineland Road; Parcel ID 25-23-27-0000-00-015; Section 25, Township 23, Range 27; Orange County, Florida (legal property description on file)

Staff presented a report and announced the applicant has requested a continuance to address school capacity issues. The County Mayor opened the public hearing for comments; no one addressed the Board regarding the request.

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

Motion/Second: Commissioners Jacobs/Brummer
AYEs-voice vote: All members
Action: The Board continued the public hearing until September 11, 2007, at 2:30 p.m., to consider the request by Momtaz Barq for Windermere Gardens Planned Development (PD) to rezone from R-CE-C (Country Estate District-Cluster) (1990) to PD District, on the described property.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Alan Goldberg for Sandpiper Road Planned Development
Case: Planning and Zoning Commission Case RZ-05-10-121, May 17, 2007
Consideration: Request to rezone from A-1 (Citrus Rural District) (1957) and A-2 (Farmland Rural District) (1957) to PD (Planned Development District)
Location: District 2; property located at 510, 610, 626, 628, 650, 700, 800, 1000, and 1004 East Sandpiper Road or generally described as the southeast corner of Sandpiper Road and Ustler Road and west of Thompson Road; Parcel ID (multiple parcels); Sections 02 and 03, Township 21, Range 28; Orange County, Florida (legal property description on file)

Staff presented a report and announced the applicant has requested a continuance to hold another community meeting; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- Alan Goldberg, the applicant
- Ken Mealey, area resident

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

Motion/Second: Commissioners Brummer/Fernandez
AYEs-voice vote: All members
Action: The Board continued the public hearing until September 11, 2007, at 2:30 p.m., to consider the request by Alan Goldberg for Sandpiper Road Planned Development (PD) to rezone from A-1 (Citrus Rural District) (1957) and A-2 (Farmland Rural District) (1957) to PD District, on the described property.

Member exited-Commissioner Moore

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 20 FOR MOTION.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: John Thomas, Trammell Crow Company, Waterford Chase East Planned Development/Land Use Plan
Consideration: Substantial change request to amend the plan to grant 2 waivers to reduce building setbacks; 1) From Chapter 38-1272(a)(3)(b) to reduce the building setback from 40 feet to 15 feet along Avalon Park Boulevard and, 2) From Chapter 38-1272(a)(3)(a) to reduce the building setback from 30 feet to 20 feet along Waterford Chase Parkway. Both will be necessary in order to comply with the Avalon Park Boulevard Design Guidelines.

Location: District 4; property generally located on the southwest corner of Avalon Park Boulevard and Waterford Chase Parkway; Parcel ID 25-22-31-0000-00-054; Section 25, Township 22, Range 31; Orange County, Florida (legal property description on file)

and
• DEVELOPMENT REVIEW COMMITTEE APPEAL

Appellant/ Applicant: Robin G. Drage, Shutts & Bowen, LLP, for ExxonMobil Corporation; Waterford Chase East Planned Development-Phase 1-Parcel C-1/ExxonMobil Development Plan

Consideration: Appeal of the decision by the Orange County Development Review Committee, dated January 24, 2007, on a request for approval of the Waterford Chase East Planned Development-Phase 1-Parcel C-1/ExxonMobil Development Plan

Location: District 4; property generally located south of Avalon Park Boulevard and east of Waterford Chase Parkway; Parcel ID 25-22-31-0000-00-054; Section 25, Township 22, Range 31; Orange County, Florida (legal property description on file)

Staff presented a report and announced the applicants have requested a continuance; the County Mayor opened the public hearings for comments. No one addressed the Board regarding the requests.

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

Motion/Second: Commissioners Stewart/Fernandez
Member absent: Commissioner Moore
AYEs-voice vote: All present members
Action: The Board continued the public hearings until August 21, 2007, at 2 p.m., to consider the following:

- A substantial change request by John Thom, Trammell Crow Company, Waterford Chase East Planned Development (PD)/Land Use Plan; to amend the plan to grant 2 waivers to reduce building setbacks; 1) From Chapter 38-1272(a)(3)(b) to reduce the building setback from 40 feet to 15 feet along Avalon Park Boulevard and, 2) From Chapter 38-1272(a)(3)(a) to reduce the building setback from 30 feet to 20 feet along Waterford Chase Parkway (Both will be necessary in order to comply with the Avalon Park Boulevard Design Guidelines); on the described property.

- An appeal by Robin G. Drage, Shutts & Bowen, LLP, for ExxonMobil Corporation; Waterford Chase East PD-Phase 1-Parcel C-1/ExxonMobil Development Plan; regarding the Development Review Committee’s decision of denial of the Waterford Chase East PD-Phase 1-Parcel C-1/ExxonMobil Development Plan, on the described property.
• SHORELINE ALTERATION/DREDGE FILL PUBLIC HEARING

Applicants: John and Terri Von Achen
Consideration: After-the-fact Shoreline Alteration/Dredge and Fill permit to reconstruct a block seawall, pursuant to Orange County Code, Chapter 15, Article VI
Location: District 5; on property located on a canal connected to Lake Irma, located at 3343 TCU Boulevard; Parcel ID 12-22-30-3376-00-550; Section 12, Township 22, Range 30; 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: John Von Achen, an applicant.

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

Member re-entered-Commissioner Moore

Motion/Second: Commissioners Segal/Fernandez
AYEsv-voice vote: All members
Action: The Board approved the request by John and Terri Von Achen for an after-the-fact permit to reconstruct a block seawall, on the described property, subject to the following conditions:

Specific Conditions

1. Construction activities shall be completed in accordance with the plans submitted, dated as received on June 11, 2007, by the Environmental Protection Division (EPD). The construction of the structure shall include the new seawall tied back into the neighboring seawalls, although not depicted on the plans.

2. No filling can be performed except in the actual construction of the seawall. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the property to the open water.

3. 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 the project has not commenced within 6 months or completed within a year, this permit is void.

General Conditions

4. 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 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.

5. 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.

6. Prior to construction, the permittee must clearly designate the limits of construction onsite. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

7. 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.

8. 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.

9. 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.

10. 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.

11. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.

12. The permittee shall immediately notify the EPD, in writing, of any previously submitted information that is later discovered to be inaccurate.
13. 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.

14. The EPD staff, with proper identification, shall have permission to enter, inspect, sample, and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.

15. 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.

16. No failure or successive failures, on the part of the EPD to enforce any portion of this permit shall impair the right of the EPD to enforce the same in the event of subsequent breach.

17. 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. The Environmental Protection Officer shall make this determination.

18. 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.

19. 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.

20. The existing ambient water quality within Outstanding Florida Waters 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.

21. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the project area and/or surface waters immediately.

22. 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.
23. A copy of this permit, along with EPD stamped, approved drawings should be taken to the Zoning Division for approval in order to obtain a building permit.

24. A certified site plan will be required to obtain a building permit. For further information, please contact the Zoning Division at (407) 836-5525 or the Division of Building Safety at (407) 836-5550.

25. This permit will expire 1 year from issuance date.

26. Operation of the facility shall not become effective until the permittee has complied with the requirements of this permit.

27. The material used as 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.

28. Prior to any filling within the 100-year flood zone, a Flood Plain Permit must be obtained from the Orange County Stormwater Management Division authorizing the fill.

NOTE: THE FOLLOWING 3 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 25 AND 26 FOR MOTIONS.

• DEVELOPMENT REVIEW COMMITTEE APPEAL

Appellant: Lake Eola Condos, LLC, Paramount Lake Eola, LP
Applicant: Janet Courtney; Lowndes, Drosdick, Doster, Kantor & Reed; The Paramount Lake Eola
Consideration: Appeal of the decision by the Orange County Development Review Committee, dated November 1, 2006, on a request for Alternative School Impact Fees
Location: District 3; property generally located east of East Central Boulevard, north of Lake Avenue; Parcel ID 25-22-29-6643-01-000; Section 25, Township 22, Range 29; Orange County, Florida (legal property description on file)

and

• DEVELOPMENT REVIEW COMMITTEE APPEAL

Appellant: GDC Properties, Inc.
Applicant: Janet Courtney; Lowndes, Drosdick, Doster, Kantor & Reed; The Ivanhoe
Consideration: Appeal of the decision by the Orange County Development Review Committee, dated November 1, 2006, on a request for Alternative School Impact Fees
Location: District 5; property generally located east of East Marks Street, north of North Orange Avenue; Parcel ID 23-22-29-3918-01-000; Section 23, Township 22, Range 29; Orange County, Florida (legal property description on file)

and

• DEVELOPMENT REVIEW COMMITTEE APPEAL

Appellant: Euro 55 West, Inc.
Applicant: Janet Courtney; Lowndes, Drosdick, Doster, Kantor & Reed; 55 West
Consideration: Appeal of the decision by the Orange County Development Review Committee, dated November 1, 2006, on a request for Alternative School Impact Fees

Location: District 6; property generally located west of West Church Street, south of South Orange Avenue; Parcel IDs 26-22-29-1335-00-020 and 26-22-29-0027-00-010; Section 26, Township 22, Range 29; Orange County, Florida (legal property description on file)

Court Reporter: Pam Scott, Zacco & Associates Reporting Services

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

- Hal Kantor for the appellants
- Kirk Sorenson for the appellants
- Greg Stewart for Orange County School Board
- Dr. Stanley Geberer for Orange County School Board

The County Mayor accepted the following exhibits from Hal Kantor:

- Clerk’s Exhibit 1, Transcript of the November 1, 2006, Development Review Committee meeting
- Clerk’s Exhibit 2, Curriculum Vitae, Kirk Sorenson

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

Motion/Second: Commissioners Fernandez/Stewart
AYEs-voice vote: All members
Action: The Board upheld the decision of the Development Review Committee and denied the request by Janet Courtney; Lowndes, Drosdick, Doster, Kantor & Reed; The Paramount Lake Eola; for Alternative School Impact Fees, on the described property, based on the input from the Orange County School Board.
Motion/Second: Commissioners Fernandez/Brummer
AYEs-voice vote: All members
Action: The Board upheld the decision of the Development Review Committee and denied the request by Janet Courtney; Lowndes, Drosdick, Doster, Kantor & Reed; The Ivanhoe; for Alternative School Impact Fees, on the described property, based on the input from the Orange County School Board.

Motion/Second: Commissioners Moore/Segal
AYEs-voice vote: All members
Action: The Board upheld the decision of the Development Review Committee and denied the request by Janet Courtney; Lowndes, Drosdick, Doster, Kantor & Reed; 55 West; for Alternative School Impact Fees, on the described property, based on the input from the Orange County School Board.

• MEETING ADJOURNED, 5:20 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

__________________
Senior Minutes Coordinator