



INTEROFFICE MEMORANDUM

Minutes

Roadway Agreement Committee

Public Works Main Conference Room

August 7, 2019

Members Present: Jon Weiss – Planning, Environmental & Development Services Dept. (Chair)
Luis Alvan – Development Engineering Division
Ghulam Qadir – Engineering Division
Renzo Nastasi – Transportation Planning Division
Christine Lofye – Traffic Engineering Division
Paul Sladek – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Susan Martin – Risk Management Division
Damian Czapka – Public Works Engineering Division
Heather Coons – Planning, Environmental & Development Services Dept.
Heather Brownlie – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:05 a.m.

Public Comment

Mr. Weiss inquired as to Public Comment - no members of the public wished to speak.

Approval of Minutes

The Committee reviewed the minutes from the July 17, 2019 Roadway Agreement Committee (RAC) Meeting.

- Page 1, line 50 delete “t” in the word “not” and delete the second instance of the word “not”
- Page 2, line 75 change “Ms. Lofye” to “Traffic Engineering”
- Page 3, line 146 rephrase to “Streetlighting for C.R. 545 should not be subject to an MSBU as it is inappropriate to assess homeowners for an arterial roadway”
- Page 3, line 147 replace “is” with “as” and add “whether” after “and”
- Page 5, line 210 change “claim” to “clause”
- Page 5, line 235 change “requires” to “requests”

Mr. Sladek made a motion, with a second by Mr. Qadir, to approve the July 17, 2019 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

The Committee reviewed the minutes for Town Center West from the July 11, 2019 Special Roadway Agreement Committee (RAC) Meeting.

- Page 1 include a section titled “Others Present:” underneath “Staff Present” and include Jim Willard Shutts & Bowen LLP, Richard Jermain – Sunterra Communities, and Denver Marlow – Sunterra Communities

Mr. Nastasi made a motion, with a second by Mr. Weiss, to approve the July 11, 2019 Special Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

The Committee reviewed the minutes for Village I from the July 17, 2019 Special Roadway Agreement Committee (RAC) Meeting.

- Page 1, line 44 add “because all right-of-way is controlled” after “Flemings”
- Page 1, line 45 delete

Mr. Nastasi made a motion, with a second by Mr. Sladek, to approve the July 17, 2019 Special Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

Activity Summary

Mr. Weiss inquired if the Fourth Amendment to Village H has submitted an updated agreement addressing the Committee’s final review comments. Ms. Brownlie informed the Committee that comments were forwarded to the applicant approximately a week ago, but an updated draft has not been returned for review.

Ms. Brownlie advised the Committee of additional trips granted to Town Center East, and how some projects will have trips, and others have elected to submit for prop-share under the County’s Concurrency Management Process.

RAC CONSENT AGENDA ITEMS:

- Caliber Collision Proportionate Share Agreement (S.R. 50/Colonial Drive) – Present: N/A

Mr. Sladek made a motion, with a second by Mr. Qadir, to approve the Proportionate Share Agreement for the Caliber Collision as presented. Motion carried unanimously.

- Kadmar Plaza Proportionate Share Agreement (C.R. 545/Winter Garden-Vineland Road) – Present: N/A
 - One additional change requested by REM to add one word to the Legal Description; change was made prior to meeting

Mr. Sladek made a motion, with a second by Mr. Qadir, to approve the Proportionate Share Agreement for Kadmar Plaza as amended. Motion carried unanimously.

RAC AGENDA ITEMS:

Third Amendment to Amended and Restated Road Impact Fee Agreement Vineland Pointe PD

Road Affected: Vineland Avenue

Present: Greg Lee, Abdul Alkadry, Mohammed Abdallah, Courtney Bodor, and Samantha Franchim

Previous RAC: Feb 6, 2019, Feb 20, 2019, April 3, 2019, April 17, 2019

County Staff Present: Greg Scott and Ken Leeming

Mr. Lee provided an overview of the many issues surrounding this project including drainage:

- Drainage issues are still being worked on and new ideas are being investigated
- Daryl Carter Interchange issues are still being worked on
- O’Connor needs to change entitlements between Phase 2 and Phase 3 and obtain impact fee credits for the PDS work completed and then review the true-up provision for the future

Mr. Sladek provided an update with the requested title work, informing the Committee that Pride Homes title work has been reviewed and approved by REM, however, Vineland Pointe’s title work has not been submitted.

The Committee commenced their review of the blackline version of the Third Amendment to Amended and Restated Road Impact Fee Agreement Vineland Pointe PD Page-by Page along with a Blackline of Section 9 which was prepared by Mr. Sladek against the original Amended and Restated Agreement and the First Amendment to the Amended and Restated Agreement.

Page 2

- Line 49 Change “Home” to “Homes”
- Line 49 reference the definitions in the original agreement
- Line 52 change “Exhibit A” to “Exhibit B” and add “attached hereto”
- Line 55 add “of the PD” after the word “development”

Page 3

- Mr. Raasch will verify agreement values from Development Plan.
- Line 70 insert missing exhibit label
- Line 73 change the phrase “changes in the design scope” to “previously anticipated right-of-way needs”
- Line 81 change “modifications to” to “scope for”
- Lines 77-80 add back in “for several reasons” language previously deleted

Page 4

- Line 86 add “modified PDS” in place of “Design”
- Line 91 change “up to” to “of” and change “fifty five thousand” to “fifty-two thousand five-hundred”
- Line 92 change “55,000” to “52,500”

Page 5

- Line 110 delete the word “any”

The Committee reviewed the 4-page blackline of Section 9 which was prepared by Mr. Sladek Page-by Page:

Page 1

- Line 1 change “and, as a result” to “pursuant to which”
- Line 9 change reference to “9(d)” to “9(e)”
- Line 13 add “as described in subsection 9(d) below” after “Parcel”
- Line 20 start sentence with “Although some of the following assumptions may no longer be valid”
- Line 21 change “is” to “was” and restore “as an “E” project” language
- Line 22 restore “as described in Section 6.4 of this agreement” language
- Lines 23-25 place a period after “Parcels” and delete the rest of the sentence

Page 2

- Line 44 reword “materially greater” to better define as “greater than \$5 million”
- Line 45 delete “will require the County to exercise its right of eminent domain” with “County chooses to make reasonable efforts”
- Line 46 replace “shall further” to “may meet to”
- Verify rentable square feet values in subsection (d)

Page 3

- Add reference to exhibit in subsection (d)
- Section 9(e) add “of Constructing Owners” after the word “failure”
- Line 68 retain original language
- Line 70 change “its right” to “this option”
- Line 76 delete the word “applicable”, strike “transportation impact fee fund” with “determined account”
- Line 77 restore the word “estimated”, strike “contract value of Constructing Owner’s bonded construction contract for the Improvements”, and replace with “cost to construct the Improvements”
- Subsection (e)(iii) include release of hold on Certificates of Occupancy and refund of funds in escrow

Page 4

- Line 79 change “20.1%” to “79.9%”
- Line 81 delete “transportation impact fee fund”
- Line 84 restore “Projects” and end the sentence with “any combination of the above.”
- Lines 85-92 restore language

Committee continued of the revised draft agreement starting on page 9:

Page 9

- Line 214 change “Section 5.” to “Section 4.”

Page 14

- Remove comma in “OCP Vineland, LLC”

Page 15

- Mr. Sladek provided Pride Homes Signature Page and Joinder and Consent revisions to Mr. Lee

Mr. Sladek made a motion, with a second by Ms. Lofye, to approve the Third Amendment to Amended and Restated Road Impact Fee Agreement Vineland Pointe PD with changes requested, subject to review of legal & sketches by County Survey, subject to Real Estate Management’s review of VPO title work, and subject to final review and approval by the RAC Committee before scheduling to BCC.

[BREAK 11:04A.M. – 11:11A.M.]

**Third Amendment to Transportation Impact Fee Credit Agreement Roadway Conceptual Analysis
Tupperware Heights PD**

Road Affected: Orange Avenue

Present: Abdul Alkadry, Courtney Bodor

Previous RAC: None

County Staff Present: Blanche Hardy, Ken Leeming

Mr. Alkadry summarized the purpose behind the third amendment is to extend the timeframe to complete the PDS, and to request additional fees for reimbursable expenses.

Page 1

- Line 22 end quotes needs to be double quotes
- Lines 23-24 three instances of extra spaces

Page 2

- Line 8 remove quotation marks around “First Amendment”
- Lines 10-11 strike whereas language and replace with “Owner remains the sole owner of fee simple title to the Property, as defined in the Agreement;”
- Add an additional whereas clause explaining why additional time is needed and why expenses have increased, or add “due to delays in the RCA Study alternatives evaluation” to Section 2

Page 3, Section 3 add “for increased newsletter and advertising costs encountered.” after “Exhibit A – Additional Service Request”

Page 4, line 20 add “Third” after “this”

Page 6, line 1 add “Third” after “this”

Global Comment: remove all references to “Exhibit A” since this amendment will have no exhibits.

Mr. Sladek made a motion, with a second by Mr. Alvan, to approve the Third Amendment to Transportation Impact Fee Credit Agreement Roadway Conceptual Analysis Tupperware Heights PD with changes requested, subject to review of legal & sketches by County Survey, and subject to final review and approval by the RAC Committee before scheduling to BCC.

Mr. Weiss adjourned the meeting at 11:28 a.m.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5631.

Para mayor información en español, por favor llame al (407) 836-3111.