



INTEROFFICE MEMORANDUM

Minutes Roadway Agreement Committee Public Works Main Conference Room & Virtual Component via Webex April 21, 2021

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair) (virtual)
Diana Almodovar – Development Engineering Division (Vice-Chair) (in-person)
Renzo Nastasi – Transportation Planning Division (in-person)
Brian Sanders – Transportation Planning Division (virtual and in-person)
Raymond Williams – Public Work Engineering Division (in-person)
Humberto Castellero – Traffic Engineering Division (in-person)
Mindy Cummings – Real Estate Management Division (virtual)
Eric Raasch – Planning Division (virtual)

County Staff Present: Roberta Alfonso – County Attorney’s Office (virtual)
Joy Carmichael – County Attorney’s Office (virtual)
Stephanie Stone – County Attorney’s Office (virtual)
Susan Martin – Risk Management Division (virtual)
Gina Segui – Risk Management Division (virtual)
Jennifer Cummings – Public Works Engineering Division (virtual)
Yahaira Gines-Rios – Public Works Engineering Division (virtual)
Jeff Dunn – Planning, Environmental & Development Services Department (virtual)
Nannette Chiesa – Transportation Planning Division (virtual)
Tammilea Chami – Transportation Planning Division (virtual)
Heather Brownlie – Transportation Planning Division (virtual)

Mr. Weiss called the meeting to order at 9:01 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 March 17, 2021 Roadway Agreement Committee (RAC) Meeting.

Ms. M. Cummings made a motion, with a second by Ms. Almodovar, to approve the March 17, 2021 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed items pending on the Activity Summary.

RAC CONSENT AGENDA ITEM:

- None

RAC NON-CONSENT PROPORTIONATE SHARE ITEM:

- None

RAC AGENDA ITEM:

First Amendment to Town Center West (Silverleaf) Road Network Agreement

Road Affected: Avalon Road/C.R. 545 & New Independence Parkway

Present: Jim Willard (virtual), Dennis Seliga (virtual), Denver Marlow (virtual)

Previous RAC: 1/6, 3/3

County Staff Present: Dale Mudrak, Blanche Hardy

Mr. Willard gave an overview of the three RAC items and how they tie-in to one another.

Request for additional non-constructing owner trips reduce from 600 to 300 and conditioned trip release on completion of PDS Study.

The Committee commenced their review of the First Amendment to Town Center West (Silverleaf) Road Network Agreement Page-by-Page:

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- Line 50 Ms. Alfonso asked to state “deleting and replacing” in place of the word “amending”
- Line 61 Mr. Willard pointed out that language was added to state that OCPS would not pay a fair share.

OCPS counsel specifically requested this language since an elementary/middle school is proposed in Silverleaf.

Ms. Barq stated OCPS is exempt from concurrency except for operational analysis if a turn lane is required.

Ms. Alfonso stated it would be cleaner without the OCPS reference.

Ms. Willard to revise the sentence included and add a sentence stating OCPS exempt from concurrency.

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- State “deleting and replacing” rather than “amending” anywhere the replacement language is needed.
- Mr. Willard to add language to section 4.2

Discussion of total number of trips vs. initial trip outlay 900 trips equals roughly 22% of the total number of trips for the entire project which is consistent with other Villages particularly Village I.

Ms. Almodovar stated a temporary traffic signal will be needed if development out paces infrastructure.

Mr. Nastasi stated there are issues with the traffic study in that there was no intersection analysis performed for the existing-interim-ultimate.

Mr. Willard to add as a requirement in Section 8.1.2 to install a temporary traffic signal at New Independence Parkway and C.R. 545. Mr. Marlow confirmed a signal is planned at the school entrance at Street A and C.R. 545. General discussion by the Committee of traffic signals at all intersections.

No transportation impact fee credits for temporary traffic signal only for ultimate signal.

Ms. Almodovar questioned the reference to “Agreement” in line 90

Ms. Alfonso questioned the reference to “This First Amendment” in line 101.

Discussion of transferring funds from the Hamlin West Escrow account so any reference to “additional funds” refers to the Escrowed Funds being moved into this agreement.

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- Paragraph 24 should now be reference as Paragraph 23 since there is no 23 in the original agreement.

Section 7 relates to timing issues with New Independence Parkway and extension of the roadway into Lake County. PDS for New Independence Parkway extension being negotiated now and VHB requesting an Alignment and Grade Study to avoid Scale Requirements within the PDS.

Mr. Nastasi stated a separate conversation will be held with VHB regarding the right-of-way needed.

Mr. Willard stated the legals and sketches will be developed as the Option agreement is followed up on.

Ms. Alfonso asked to change the title and header but Mr. Willard wanted to rename the entire agreement and not reflect the original title.

[Mr. Sanders replaced Mr. Nastasi at 10: 28 a.m.]

No action taken at this time.

Pending review of additional two agenda items.

Amended and Restated Escrow Agreement for Silverleaf Road Network Agreement

Road Affected: Avalon Road/C.R. 545 and New Independence Parkway
Present: Jim Willard (virtual), Dennis Seliga (virtual), Denver Marlow (virtual)
Previous RAC: None
County Staff Present: Dale Mudrak, Blanche Hardy

Mr. Willard stated the purpose of the Amended and Restated Escrow Agreement is to add a second Constructing Owner.

The Committee commenced their review of the Amended and Restated Escrow Agreement for Silverleaf Road Network Agreement Page-by-Page:

Page 2

- Add header

Ms. Cumming asked to attach the Hamlin West Escrow Agreement as an exhibit since the agreement is not a recorded document. Reference to that document is on file with Transportation Planning.

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- Signature block for Denver Marlow needs to be adjusted to include title in the acknowledgement

Correct pagination at bottom of each page.

No action taken pending discussion of next agenda item.

First Amendment to Escrow Agreement for Hamlin West Road Network Agreement

Road Affected: Avalon Road/C.R. 545 and New Independence Parkway
Present: Jim Willard (virtual), Dennis Seliga (virtual), Deenver Marlow (virtual)
Previous RAC: None
County Staff Present: Dale Mudrak, Blanche Hardy

Mr. Willard stated the purpose behind this amendment is to change the funding “out” provision. Mr. Weiss stated there is a provision in Hamlin West Road Network Agreement that only allows the transfer of funds to the County in Section 4.1.

The Committee commenced their review of the First Amendment to Escrow Agreement for Hamlin West Road Network Agreement Page-by-Page:

Mr. Willard stated the language in Section 4.1 is replicated in the Hamlin West Road Network Agreement therefore there is no need to amend the Hamlin West Road Network Agreement itself only the escrow agreement since that is the document which directs the funds.

Ms. Alfonso stated a recorded agreement should be amended especially if the escrow agreement is unrecorded. Discussion of parties needed to amend the road agreement and escrow agreement. Ms. Alfonso asked to provide a Supplement instead of an amendment since it is not feasible to get all parties to sign.

Ms. Alfonso stated that without amending the Hamlin agreement also then the County would need to request payment of funds to County and then re-deposit into the Silverleaf agreement.

Mr. Willard ran through the parties to the Hamlin West Road Network Agreement and one owner may be a challenge.

Ms. Alfonso stated if other owners are not impacted then a Supplemental agreement could be an option. Mr. Willard will draft a Supplemental and/or Amendment.

Mr. Weiss suggested deferring action for the First Amendment to Escrow Agreement for Hamlin West until such time as the Hamlin Amendment or Supplemental is brought forth for the Committee’s consideration.

Ms. Almodovar informed Mr. Willard that “Escrow” is misspelled on line 39.

Committee decided to take action on the first two RAC items.

Ms. Almodovar made a motion, with a second by Ms. M. Cummings, to approve the First Amendment to Town Center West (Silverleaf) Road Network Agreement with changes discussed, subject to final review of exhibits by County Survey, subject to final review by the Committee. Motion carried unanimously.

Ms. M. Cummings made a motion, with a second by Ms. Almodovar, to approve the First Amendment to Escrow Agreement for Town Center (Silverleaf) West Road Network Agreement with changes discussed, subject to final review of exhibits by County Survey, subject to final review by the Committee. Motion carried unanimously.

COMMITTEE DISCUSSION:

In attendance: Andres Salcedo, Lindy Wolfe, Mark Ikeler

Ms. Barq provided an overview of the issue at hand. A CEL application (CEL-21-02-016) was submitted for an Orange County Utility Operation Center East (UOC-East) that consist of a 58,787 SF Office and 46,014 SF Warehouse, and there was a failing roadway (peak hour trips) when she conducted her 1-mile radius analysis.

Ms. Alfonso would need to look into any possible exemptions or perhaps the code needs to be changed to provide for an exemption.

Orange County Fire Stations and Parks are categorized as having a DeMinimus impact since they do not generate an excessive amount of trips.

Ms. Barq inquired if the Orange County Utility Operation Center would be charged impact fees. Mr. Dunn confirmed that impact fees would be charged.

Discussion of Vested Rights – no exemption for utilities.

Ms. Alfonso stated OCPS is the only facilities exempt from the concurrency management requirement but needs to consult with the Concurrency Attorney (Ms. Whitney Evers) and will speak offline with Orange County Utilities representatives.

Mr. Salcedo stated that the project is 95% completed for design but needs to know the next steps. Ms. Barq will conduct an in-house study and will meet with Mr. Salcedo and Ms. Wolfe.

In the insistence where concurrency is required then transportation impacts will need to be reviewed. If there is a deficient roadway then a Proportionate Share Agreement must be entered into with Orange County Utilities. Thereafter, a Proportionate Share Payment will need to be made to the Orange County Board of County Commissioners, and will be applied as a Transportation Impact Fee Credit to the transportation impact fee assessed on the associated building permit.

Mr. Weiss adjourned the meeting at 11:19 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.