



## INTEROFFICE MEMORANDUM

### Minutes Roadway Agreement Committee Public Works Main Conference Room & Virtual Component via Webex July 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)  
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)  
Yahaira Gines-Rios – Public Works Engineering Division (virtual)  
Hazem El-Assar – Traffic Engineering Division (virtual)  
Tamara Pelc – Real Estate Management Division (virtual)  
Heather Brownlie – Transportation Planning Division (virtual)  
Tammilea Chami – Transportation Planning Division (virtual)  
Nannette Chiesa – Transportation Planning Division (virtual)  
Brian Sanders – Transportation Planning Division (virtual)  
Blanche Hardy – Transportation Planning Division (virtual)

Mr. Weiss called the meeting to order at 9:04 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 June 16, 2021 Roadway Agreement Committee (RAC) Meeting.

Page 1

- Line 24 replace “Ms. Almodovar” with “Mr. Weiss”

Page 2

- Line 90 replace “added” with “add”

*Ms. M. Cummings made a motion, with a second by Mr. Nastasi, to approve the June 16, 2021 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.*

#### **Activity Summary**

Mr. Weiss reviewed the upcoming BCC items.

Discussion on Trip Allocations for Village H and other projects.

#### **RAC CONSENT AGENDA ITEM:**

##### **Colonial Storage Proportionate Share Agreement**

Road Affected: East Colonial Drive

Present: Jonathan Dorman (virtual)

Previous RAC: None

County Staff Present: None

- Change all instances of “Colonial Drive (E)” to “East Colonial Drive”

**Wawa at SEC Apopka Vineland Road & Clarcona Ocoee Road Proportionate Share Agreement**

Road Affected: Clarke Road  
Present: Mohammed Abdallah  
Previous RAC: None  
County Staff Present: None

- No changes requested

**3825 Forsyth Redevelopment Proportionate Share Agreement**

Road Affected: Aloma Avenue, Hall Road and Semoran Boulevard  
Present: Mohammed Abdallah, Londa Brady, and Brad Alexander  
Previous RAC: None  
County Staff Present: None

- Replace the existing location map in Exhibit A with a clearer map

*Mr. Nastasi made a motion, with a second by Mr. Castellero, to approve the Proportionate Share Agreements for Colonial Storage, Wawa at SEC Apopka Vineland Road & Clarcona Ocoee Road, and 3825 Forsyth Redevelopment with changes discussed. Motion carried unanimously.*

**RAC NON-CONSENT PROPORTIONATE SHARE ITEM:**

- None

**RAC AGENDA ITEM:**

**First Amendment to Traffic Signal Funding Agreement for Alta Avalon at Core Academy PD/UNP**

Road Affected: Avalon Road/C.R. 545  
Present: Leigh Ann Buzyniski (virtual),  
Previous RAC: None  
County Staff Present: None

Review of administrative change needed in Section 2(d) to remove the accounting line from the original agreement.

Mr. Castellero stated that the Comptroller's Office has deposited the check and will apply the funds to the appropriate accounting line.

*Mr. Nastasi made a motion, with a second by Mr. Castellero, to approve the First Amendment to Traffic Signal Funding Agreement for Alta Avalon at Core Academy PD/UNP with changes discussed. Motion carried unanimously.*

**COMMITTEE DISCUSSIONS:**

1. Future Procedures for Traffic Signals:

Mr. Castellero explained that Fiscal has provided new procedures for funding traffic signals.

- Revenue Funds to be applied to signal design and construction.
- C.R. 535 Winter-Garden Vineland Road traffic signal as an example where additional revenue to be obtained from Developer. Flamingo Crossings Boulevard is another example of Developers paying funds.
- County needs to look at traffic signal improvement requirements in advance so that developers are aware of need from the outset.
- Future Agreements need to identify traffic signal requirements.

Mr. Weiss distinguished between safe and adequate access traffic signals required by development versus traffic signals along corridors pursuant to a road network agreement.

Mr. Nastasi highlighted the traffic signals added to Village H as an example of circumstances for requiring traffic signal installation.

2. Village H Trip Methodology:

Mr. Nastasi informed the Committee that Village H has exceeded their Trip Allocation for the entire Village, and relayed the current situation. Waterleigh has a new project (Kiddie Academy Daycare) and does not have adequate trips to develop the project. Kiddie Academy is located on a standalone outparcel, within the Village H boundaries. Unicorp has increased their density which also requires additional trips. No trips remaining as all are allocated.

Discussion of procedural remedies commenced.

- Process: Obtain a letter from the Village Escrow Agent confirming that they are no remaining trips. A traffic study must be conducted to determine how many trips would be needed. A proportionate share agreement is needed for delta of trips not acquired through the Village.

Discussion of whether the retail rate can be applied. Further Discussions are required.

Review of the Village H Road Network Agreement commenced.

- Section 10.1 language states if a rate is not listed it will be derived from the Institute of Transportation Engineers (ITE) Manual, 8<sup>th</sup> Edition.

Mr. Weiss referenced the agreement stating that “a methodology for determining such trip rates to be agreed upon by the County”. Mr. Weiss stated that this would be the path to pursue and asked Mr. Nastasi to work with the applicant.

Mr. Weiss asked Ms. Alfonso to review the provision and applicability of the Town Center Road Network Agreement.

Transportation concurrency determination for the additional trips along CR 545 would be for intersection/traffic signal/turn lanes and not for 6-lane widening.

Mr. Nastasi pointed out the distinction between proportionate share revenue and impact fee revenue.

3. RAC Submittal Requirements for Title Information:

Mr. Nastasi wanted the Committee to weigh in on an email dated June 30, 2021 regarding Real Estate Management’s submittal requirements for Proportionate Share Agreements.

Ms. M. Cummings stated that without title documentation there is a chance that a Joinder and Consent will not be identified.

Discussion of whether title documentation is needed for proportionate share agreement submittals.

- If ownership does not match then title documentation may still be requested.
- If the legal description attached to the deed is inconsistent to the legal description on the agreement then title documentation may be required.

Ms. Alfonso stated this is a policy decision for the Committee.

Ms. M. Cummings stated that she is putting everything in writing in order to be consistent.

Joinder and Consent – if included it will be reviewed but if no title then cannot determine if joinder is needed.

Ms. Alfonso stated only cash payment proportionate share agreements will not require a joinder.

Joinder and Consent is part of the template materials so it may need to be provided separately to be used if applicable.

Discussion on whether removing the Joinder and Consent from the proportionate share agreement boilerplate and making it a stand-alone document to be included within submittal handbook.

Strike subsection (h) from Ms. M. Cummings email (referenced below):

h. Joinder and Consent (if included) – will be reviewed to determine that the referenced documents are correct and that the document has been executed properly. REM will not do any additional searches to determine if additional joinders are needed. Because these agreements do not involve a conveyance of property, it is REM’s opinion that the joinder and consent is only needed if the applicant intends to convey the property prior to approval by BCC.

***Committee Motion: Title documentation and Joinders will not be required on Proportionate Share Agreement unless ownership is inconsistent on the deed and agreement, and if the legal description attached to the deed is inconsistent with the legal description on the agreement. Motion carried unanimously.***

Mr. Weiss adjourned the meeting at 10:34 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.