

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 16, 2013
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred
Brummer, Pete Clarke, Jennifer Thompson, Ted Edwards, Tiffany
Moore Russell
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 9:06 a.m.
- INVOCATION - Reverend Omega Jenkins, Pastor, True Vine Baptist Church
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

No one addressed the Board for public comment.

- OFFICIALS RECOGNIZED: Orange County Supervisor of Elections Bill Cowles
Orange County Tax Collector Scott Randolph
Orange County Comptroller Martha O. Haynie

- BUDGET WORKSESSION
- CONSTITUTIONAL OFFICERS
- Orange County Tax Collector

Orange County Tax Collector Scott Randolph was present and available to answer Board questions.

- Orange County Supervisor of Elections

Orange County Supervisor of Elections Bill Cowles addressed the Board.

- Orange County Sheriff's Office

Ray Rivera, Orange County Sheriff's Office, addressed the Board.

- Orange County Comptroller

Orange County Comptroller Haynie was present and available to answer Board questions.

- OUTSIDE AGENCY

- Harbor House

The following person addressed the Board: Carol Wick, Chief Executive Officer, Harbor House.

County Administrator Lalchandani contributed to discussion.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): County Mayor Jacobs, Commissioners Boyd, Brummer, Clarke, Thompson, Moore Russell

NO (voice vote): Commissioner Edwards

Action: The Board allocated two hundred and seventy five thousand (\$275,000) to Harbor House, one hundred thousand (\$100,000) for operating expenses and one hundred and seventy five thousand (\$175,000) for advocacy conditioned upon receiving the report from the domestic violence commission.

- LYNX (Central Florida Regional Transportation Authority)

John Lewis, Chief Executive Officer, LYNX (Central Florida Regional Transportation Authority) presented an update and budget report. County Administrator Lalchandani contributed to the report.

Action: None

- OUTSIDE AGENCIES

- Seniors First

The following person addressed the Board: Marsha Lorenz, President/Chief Executive Officer, Seniors First.

County Administrator Lalchandani contributed to discussion.

Action: None

- Professional Opportunities Program for Students, Inc. (POPS)

The following person addressed the Board: Walter Hawkins, Board Chair, Board of Directors, Professional Opportunities Program for Students, Inc. (POPS). County Administrator Lalchandani contributed to discussion.

Action: None

- Oakland Nature Preserve

Commissioner Boyd presented to the Board his recommendation.

Action: None

- Lake Anderson Water Quality Improvements

Commissioner Clarke presented to the Board his recommendation. Lori Cunniff, Manager, Environmental Protection Division contributed to discussion.

Action: None

- Lone Sailor Memorial

Commissioner Edwards presented to the Board his recommendation.

The following person addressed the Board: Andy Mohler.

Action: None

- MEETING RECESSED, 11:28 p.m.
- MEETING RECONVENED, 2:03 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred Brummer, Pete Clarke, Jennifer Thompson, Ted Edwards; Commissioner Tiffany Moore Russell joined the meeting where indicated.

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, Senior Assistant County Attorney Bob Guthrie, Assistant County Attorney Vivien Monaco, Senior Minutes Coordinator Noelia Perez

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Doug Head
- Michael Cantone

- MEMBER JOINED: Commissioner Moore Russell
- PUBLIC COMMENT CONTINUED:

The following persons addressed the Board for public comment:

- Matthew Falconer
- Lawanna Gelzer
- Holly Winsman

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board approved the County Consent Agenda items as follows:

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - June 21, 2013, to June 27, 2013; total of \$30,126,910.41
 - June 28, 2013, to July 4, 2013; total of \$40,941,334.66
 - July 5, 2013, to July 11, 2013; total of \$46,745,632.18.

(Finance/Accounting)

2. Disposition of Tangible Personal Property (Property/Accounting)

Approval is requested of the following:

- a. Scrap asset.
- b. Dispose of assets abandoned at a leased building.
- c. Trade assets for a \$925,000 allowance towards purchase of new equipment.
- d. Transfer assets to Orlando Health Central via distribution of equipment agreement.

County Administrator

1. Receipt and filing of the minutes received by the Agenda Development Office of the official various advisory board meetings for the official Board record. (Agenda Development Office)
2. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments: (Agenda Development Office)

- A. Agricultural Advisory Board: Appointment of Russell L. Woodall to succeed Billy Butterfield in the lawn maintenance/landscaping representative category with a term expiring December 31, 2014.
 - B. Commission on Aging: Reappointment of Lewis E. Mattox in the transportation representative category, Robert W. Riley in the business representative category, and Dr. Esther Pichardo in the at large representative category with terms expiring June 30, 2015.
 - C. Community Development Advisory Board: Appointment of Edwin Martinez to succeed Jose Bosque in the District 3 representative category and Mary W. Hurley to succeed Maureen S. Kersmarki in the District 5 representative category with terms expiring June 30, 2015.
 - D. Development Advisory Board: Reappointment of Todd C. DeLong in the primary group representative category (certified urban planner), Angie M. Dos Santos in the primary group representative category (homeowners association/residential representative) and Donald M. Williams in the secondary group representative category (homeowners association/residential representative) and the appointment of Joshua L. Marinov to succeed Joseph P. Younes in the secondary group representative category (general contractor) with terms expiring June 30, 2015.
 - E. Disability Advisory Board: Reappointment of Reinaldo Vazquez and Sheryl Fleeton in the at large representative category with terms expiring June 30, 2015.
 - F. M/WBE Advisory Board: Reappointment of Michelle R. Stober in the at large representative category with a term expiring June 30, 2015.
 - G. Neighborhood Grants Advisory Board: Reappointment of Lyndon E. Carter in the District 2 representative category and Mike D. Houlihan in the District 6 representative category with terms expiring June 30, 2015.
3. Approval of Resolution 2013-B-07 of the Board of County Commissioners of Orange County, Florida approving for the purposes of section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance of not to exceed \$20,000,000 of Educational Facilities Revenue Bonds by the Florida Development Finance Corporation to finance the acquisition, construction and equipping of educational facilities and related costs, within Orange County; and providing an effective date on behalf of Renaissance Charter School, Inc. (Florida Development Finance Corporation)
 4. Approval for the Orange County Sheriff's Office to spend \$481,414 from the Law Enforcement Trust Fund to purchase a Spacesaver Activerack Mobile and Penco Z-line mobile shelving system (\$210,073), upgrade CID Interview Room with monitoring and recording systems (\$42,800), and purchase Carbine Rifles (\$228,541). (Office of Management and Budget)
 5. Approval of budget amendment #13-53. (Office of Management and Budget)

County Attorney

1. Approval of Settlement Agreement in the case of *Deborah Mitchell v. Orange County, Florida*, Case No. 2005-CA-10561-O.

Administrative Services Department

1. Approval to award Invitation for Bids Y13-180-ZM, Term Contract – CommVault Software Maintenance and Support, to the low responsive and responsible bidder, SoftChoice Corporation, in the estimated contract amount of \$215,981.60. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional 1-year terms. ([Office of Accountability Information Systems Services Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y13-1043-GJ, Term Contract – Mosquito Control Insecticides, to the low responsive and responsible bidder, Adapco, Inc., for Line Items 1, 2, 6, 8, 11, and 13, for a 1-year term contract in the total estimated contract award amount of \$147,286. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional one year periods. ([Health Services Department Mosquito Control Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y13-1044-GJ, Term Contract – Small Engine OEM Parts, to the low responsive and responsible bidder, Trail Saw & Mower Service, Inc., for Line Items 5, 6, 7, 10, 13, 15 and 21 for a 1-year term contract in the total estimated contract award amount of \$249,500. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional 1-year periods. ([Administrative Services Department Fleet Management Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y13-705-PH, Southwest Marriot Pump Station No. 3597 Rehabilitation, to the low responsive and responsible bidder, Wharton-Smith, Inc., in the total contract award amount of \$2,438,000. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y13-789-CH, Ponkan Road and Plymouth-Sorrento Road Intersection Improvements, to the low responsive and responsible bidder, Stage Door II, Inc., in the total estimated contract award amount of \$1,387,787.50. ([Public Works Department Engineering Division] Purchasing and Contracts Division)
6. Approval to award Invitation for Bids Y13-790-CH, Chuluota Road and Lake Pickett Road Intersection Improvements, to the low responsive and responsible bidder, Ranger Construction Industries, Inc., in the total estimated contract award amount of \$951,288. ([Public Works Department Engineering Division] Purchasing and Contracts Division)

7. Approval to award Invitation for Bids Y13-796-PH, Eastern Water Reclamation Facility Clarifiers 1 through 4 Improvements, to the low responsive and responsible bidder, Garney Companies, Inc., in the total contract award amount of \$1,130,000. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
8. Approval to award Invitation for Bids Y13-7018-SB, Orange County Convention Center West Building Restroom Upgrade Level III, Halls A & B, to the low responsive and responsible bidder, Axios Construction Services, LLC in the total contract award amount of \$984,000. ([Convention Center Capital Planning Division] Purchasing and Contracts Division)
9. Approval of Purchase Order M-63615, Annual Software Maintenance and Support for Community, Environmental and Development Services' Land Development and Management System (LDMS) Phases 1 and 2, with CSDC Systems Inc. in the amount of \$221,135. ([Community, Environmental and Development Services Department Fiscal and Operational Support Division] Purchasing and Contracts Division)
10. Approval to award Invitation for Bids Y13-7023-SB, Orange County Convention Center West Building Phase 1 Electrical Power Upgrades, to the sole responsive and responsible bidder, Comelco, Inc., in the total contract award amount of \$408,395. ([Convention Center Capital Planning Division] Purchasing and Contracts Division)
11. Approval to award Invitation for Bids Y13-7009-SB, Orange County Convention Center West Building, Hall E, Office and Restroom Renovation, to the low responsive and responsible bidder, Air Ideal, Inc., in the total contract award amount of \$1,099,000. ([Convention Center Capital Planning Division] Purchasing and Contracts Division)
12. Approval and execution of Twelve-Month Lease Agreement between the District Board of Trustees of the Tallahassee Community College and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, for office space for TCC-Capitol Center Lease 300 West Pensacola Street, Suite R Tallahassee, Florida 32301. (Real Estate Management Division)
13. Approval and execution of Partial Release of Sublease between the State of Florida, Department of Environmental Protection, Division of Recreation and Parks, successor in interest to Office of Greenways and Trails and Orange County for West Orange Trail and Clarcona-Ocoee Road (Ocoee-Apopka Road to Hiawassee Road). District 2. (Real Estate Management Division)
14. Approval and execution of Termination of Easement by Orange County, approval of Utility Easement between PR III/Epoch Sea Isle Apartments, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from

Regions Bank and authorization to record instruments for Westwood Apartments – Utilities File #70306. District 1. (Real Estate Management Division)

15. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Angela V. Zakers, approval and execution of County Deed from Orange County to Angela V. Zakers and authorization to perform all actions necessary and incidental to closing for NSP Resale – 4444 Malvern Hill Drive, Orlando, FL 32818. District 2. (Real Estate Management Division)
16. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract and Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Vyacheslav Kharkovets, approval and execution of County Deed from Orange County to Vyacheslav Kharkovets and Tatyana Kharkovets and authorization to perform all actions necessary and incidental to closing for NSP Resale – 13426 Meadow Pointe Ct, Orlando, FL 32824 (NCST). District 4. (Real Estate Management Division)
17. Approval of Utility Easement between Summerlake Community Association, Inc. and Orange County, Utility Easement between Isles of Lake Hancock Homeowners Association, Inc. and Orange County, Utility and Retaining Wall Maintenance Easement between Carida Ski Lakes, Inc. and Orange County and authorization to record instruments for Petition to Vacate #08-15 (Porter Road). District 1. (Real Estate Management Division)
18. Approval of Agreement and Temporary Construction Easement between Millenium Orlando, L.L.C. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Pump Station #3194. (Treehouse). District 6. (Real Estate Management Division)
19. Approval of Donation Agreement and General Warranty Deed from Orlando Auto Land, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Chickasaw Trail (N. of SR 50) Sutherlin Nissan Parcel. District 3. (Real Estate Management Division)
20. Approval of Utility Easement between Maguire Roberson, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from BankUnited, NA and authorization to record instruments for Casa Mirella @ Belmere – Utility File #60625. District 1. (Real Estate Management Division)

Corrections Department

1. Approval of State of Florida Office of Criminal Justice Grants Florida Department of Law Enforcement Certification of Acceptance of Subgrant Award for Award Number 2013-RSAT-ORAN-1-E3-001 grant in the amount of \$53,346 for the Residential Substance Abuse Treatment (RSAT). (Corrections Administration)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 1, 2, 3, 5, and 6. (Code Enforcement Division)

LC 13-0738	LC 13-0575	LC 13-0576	LC 13-0589	LC 13-0595
LC 13-0602	LC 13-0603	LC 13-0622	LC 13-0650	LC 13-0671
LC 12-1617	LC 13-0546	LC 13-0627	LC 13-0551	LC 13-0623
LC 13-0624	LC 12-1483	LC 13-0084	LC 13-0102	LC 13-0200
LC 13-0245	LC 13-0323	LC 13-0332	LC 13-0389	LC 13-0391
LC 13-0641	LC 13-0642	LC 13-0645	LC 13-0653	LC 13-0654
LC 13-0655	LC 13-0660	LC 13-0666	LC 13-0667	LC 13-0668
LC 13-0670	LC 13-0681	LC 13-0699	LC 13-0701	LC 13-0742

2. Approval of Resolution 2013-M-21 of the Orange County Board of County Commissioners regarding Amending Resolution that established a Municipal Service Benefit Unit for the Operation and Maintenance of an Aeration System, General Lake Cleaning Maintenance, and Aquatic Plant Control for Lake Anderson to Establish the Lake Anderson Advisory Board; approval to terminate the Agreement Lake Anderson; and authorization to issue the Notice of Termination. District 3. (Environmental Protection Division)
3. Approval of recommendation of the Environmental Protection Commission to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-345(a) for the Pioneers, Inc. Dock Permit BD-13-01-005 with the condition that this approval does not convey additional mooring or watercraft entitlements other than what was approved in Future Land Use Amendment 2010-2-A-4-3 approved by the Board of County Commissioners on October 19, 2010. District 4. (Environmental Protection Division)
4. Approval of School Concurrency Mitigation Agreement OC-13-018 Project Name: Sand Lake Groves/Altis at Sand Lake The Northern 13.52-Acre Portion of Parcel ID#: 11-24-28-0000-00-024 entered into by the School Board of Orange County, Florida, Orange County Florida, and Palm Parkway Development Company, LLC. District 1. (Fiscal and Operational Support Division)
5. Approval of 2013-2014 Public Housing Agency Annual Plan, PHA Certifications of Compliance with PHA Plans and Related Regulations, and Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan for the Housing Choice Voucher Program. All Districts. (Housing and Community Development Division)

Family Services Department

1. Approval of Meal Service Agreements between Orange County Florida and School Board of Orange County, Florida regarding School Food Service for Aloma, Englewood, Grand Avenue, Lake Weston, Maxey and Tangelo Park Head Start Centers. (Head Start Division)
2. Approval of the Thornhill Homeowners Association for July 2013 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board, not to exceed the budgeted amount of \$9,206. District 1. (Neighborhood Preservation and Revitalization Division)
3. Approval of July 2013 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for: Sawmill HOA (\$5,000); Spring Hollow HOA (\$5,000); Wekiva Village HOA (\$5,000); Conway Groves HOA (\$5,000); Ashbury Park HOA (\$5,000); Devonwood Community Association (\$5,000); Chateaux du Lac Condominium Association (\$5,000); Cypress Woods HOA (\$5,000); and Rose Hill Groves HOA (\$3,842). Districts 2, 3, 5, and 6. (Neighborhood Preservation and Revitalization Division)
4. Approval of July 2013 Neighborhood Pride Wall Repair Grants as recommended by the Neighborhood Grants Advisory Board for: Willows on the Lake at Lake Jahio (\$16,500) and Westover Hills Homeowners Association (\$14,100). Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)
5. Approval of the Accounting Center for Small Business LLC Business Assistance for Neighborhood Corridors Program grant for July 2013 in the total amount of \$1,248. District 3. (Neighborhood Preservation and Revitalization Division)
6. Approval of the July 2013 Neighborhood Pride Landscaping Grants as recommended by the Neighborhood Grants Advisory Board for: Richwood HOA (\$795); and Royal Manor Villas HOA (\$1,810). District 3. (Neighborhood Preservation and Revitalization Division)
7. Approval of the July 2013 Neighborhood Pride Mini Grants as recommended by the Neighborhood Grants Advisory Board for: Conway Lakes Neighborhood (\$1,500) and Windgrove HOA (\$1,500). Districts 3 and 5. (Neighborhood Preservation and Revitalization Division)
8. Approval of July 2013 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for: North Lake Mann Neighborhood Association (\$1,436) and Laurel Hills Neighborhood (\$3,915). District 6. (Neighborhood Preservation and Revitalization Division)

9. Approval of the Nodorah Training Institute Business Assistance for Neighborhood Corridors Program grant for July 2013 in the total amount of \$8,514. District 6. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval of the renewal Alternative Transportation Service License for Mears Destination Services, Inc to provide wheelchair service. The term of this License is from July 31, 2013 through July 31, 2015. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval of the renewal Certificate of Public Convenience and Necessity for Rural Metro Ambulance of Florida to provide Advanced Life Support and Basic Life Support Transport Services. The term of this certificate is from July 31, 2013 through July 31, 2015. There is no cost to the County. (EMS Office of the Medical Director)

Public Works Department

1. Approval of Proportionate Share Agreement for Waterford Oaks PD Phase 1 Woodbury Road: From Waterford Lakes Parkway to Colonial Drive by and among Lincoln B. Taylor, individually, Robert A. and June Senay, as husband and wife, and Lucinda Idarolla, individually and Orange County, Florida regarding a proportionate share payment in the amount of \$20,193. District 4. (Transportation Planning Division)
 2. Approval of Proportionate Share Agreement for Peachtree Estates Reams Road: From Cast Drive to Old Reams Road by and between Ashton Woods Orlando Limited Partnership and Orange County, Florida regarding a proportionate share payment in the amount of \$99,114.82. District 1. (Transportation Planning Division)
 3. Approval to construct speed humps on W. Ella J Gilmore Street between Marden Road and S. Hawthorne Avenue. District 2. (Traffic Engineering Division)
 4. Approval to construct speed humps on Ambassador Drive between N. Hiawassee Road and Villano Avenue. District 6. (Traffic Engineering Division)
 5. Approval of "Stop" sign installations in Wyndham Lakes Estates Unit 6 (aka Wyndham Lakes Estates Phase 3A Tract 7). District 4. (Traffic Engineering Division)
 6. Approval of a "Stop" sign installation in Atli Estates (aka Del Morrow). District 4. (Traffic Engineering Division)
- INFORMATIONAL ITEMS FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE*

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Orlando Ordinance 2013-25, An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City of Orlando, Florida, certain real property generally located north of Boggy Creek Rd., south of Clapp Simms Duda Rd., and west of Narcoosee Rd., comprised of 2.5 acres, more or less; amending the city's adopted Growth Management Plan to designate the property as neighborhood activity center, on the city's official Future Land Use Map; and designating the property as neighborhood activity center with aircraft noise overlay district on the city's official Zoning Map; providing for severability, correction of scrivener's errors, and an effective date.
 - b. Boggy Creek Improvement District Proposed FY 2014 Budget, FY 2013-2014 Debt Service Budget Series 2013 Special Assessment Bonds and FY 2013-2014 Capital Projects Budget.
 - c. Greenway Improvement District Proposed FY 2014 Budget, FY 2013-2014 Debt Service Budget Series 2013 Special Assessment Bonds and FY 2013-2014 Capital Projects Budget.
 - d. Myrtle Creek Improvement District Proposed FY 2014 Budget, Proposed Debt Service Fund Budget Series 2006A Special Assessment Bonds FY 2013-2014 and FY 2013-2014 Capital Projects Budget.
 - e. City of Winter Park Notice of Annexation, Proposed Ordinance No. 2920-13: An ordinance of the City of Winter Park, Florida, amending within the Charter Laws of the City of Winter Park, Section 1.02, "Corporate Limits Described" so as to annex the right-of-way of Aloma Avenue from 2015 Aloma Avenue east to the city limits and the right-of-way of Balfour Drive from Amsden Road south to the city limits, more particularly described herein. Notice is hereby given that public hearings will be held by the Winter Park City Commission on Monday, July 8, 2013 at 3:30 p.m. and on Monday, July 22, 2013 at 3:30 pm in the Winter Park City Hall, Commission Chambers at 401 S. Park Avenue, Winter Park, Florida.
 - f. Audit Report No. 430 - Attestation of the Orange County Comptroller's Office Use of the Florida DHSMV's Dave Database.
 - g. Audit Report No. 431 - Attestation of the Orange County Property Appraiser's Office Use of the Florida DHSMV's Dave Database.

*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 ITEM 1

Selection of one consultant and two ranked alternates to provide Continuing General Consulting Services for Solid Waste Projects, RFP Y13-902-J2, from the following firms listed alphabetically:

- Brown & Caldwell

- S2L, Incorporated
- SCS/HSA Golden, Joint Venture

Further recommend the Board authorize negotiation and execution of the final contract by the Purchasing and Contracts Division to establish hourly rates for future requirements. The contract's performance period will be for three years with 2 one-year renewals. ([Utilities Department Solid Waste Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Clarke, Thompson, Edwards, Moore Russell

NO (voice vote): Commissioner Brummer

Action: The Board selected one consultant SCS/HSA Golden, Joint Venture, and two ranked alternates, #1 Brown & Caldwell, and #2 S2L, Incorporated, to provide Continuing General Consulting Services for Solid Waste Projects; and further, authorized negotiation and execution of the final contract by the Purchasing and Contracts Division to establish hourly rates for future requirements. The contract's performance period will be for three years with 2 one-year renewals, RFP Y13-902-J2.

- PUBLIC WORKS DEPARTMENT WORKSESSION AGENDA ITEM 1

Approval of a Hearing Officer process and establishment of administrative fees. (Traffic Engineering)

Motion/Second: County Mayor Jacobs/Commissioner Boyd

AYE (voice vote): All members

Action: The Board authorized Staff to hire a Hearing Officer; and further, established a Hearing Fee of \$125.

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, JULY 3, 2013

Motion/Second: Commissioners Edwards/Russell

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of July 3, 2013, with the exception of and authorizing public hearings be scheduled for those listed below; subject to the usual right of appeal by any aggrieved party:

- Case ZM-13-07-054, Robin G. Drage, Esq.
- Case VA-13-08-055, Wallack Holding, LLC

- PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Village F Master PD / Horizon West Village F Latham Park North Preliminary Subdivision Plan, Case # PSP-12-09-204, submitted in

accordance with Article II, Section 34-27; This request is proposing to construct 203 single-family residential dwelling units on 87.18 acres.
Location: District 1; property generally located North & South of Seidel Road / East of S.R. 429; Parcel IDs 04-24-27-0000-00-006; 04-24-27-0000-00-005; 03-24-27-0000-00-003; Orange County, Florida (legal property description on file in Development Engineering Division)

County staff noted Condition #10 as listed in the staff report will be deleted.

- MEMBER EXITED: Commissioner Thompson

The following persons addressed the Board:

- Lance Bennett
- R.P. Mohnacky

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved Village F Master PD / Horizon West Village F Latham Park North Preliminary Subdivision Plan (PSP), Case # PSP-12-09-204 on the described property; and further, deleted Condition #10, subject to the following conditions:

1. Development shall conform to the Village F Master Planned Development; Orange County Board of County Commissioners (BCC) approvals; Horizon West Village F Latham Park North Preliminary Subdivision Plan dated "Received April 11, 2013," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received April 11, 2013," 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. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation of the adjacent wetlands, if none exists, shall be submitted to the Development Engineering Division for review and approval.
4. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
5. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer. Street lights shall also be installed along the re-aligned segment of Seidel Road in accordance with the Road Network Agreement.
7. Prior to issuance of the Certificate of Completion for this project, the offsite roadway, drainage and utility improvements as shown on the Preliminary Subdivision Plan must be substantially complete.
8. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The

CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:

- a. The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades (unless explicitly waived by the BCC).
 - b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.
 - c. At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
 - d. Flat roofs shall be prohibited.
 - e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - f. The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
 - g. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
9. A road agreement is required to be in place for the conveyance of right-of-way needed for Seidel Road / Lake Hancock Road.
- ~~10. A roadway network agreement must be approved by the Board of County Commissioners prior to or concurrent with this PSP.~~
11. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement

Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or construction plans, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
13. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
14. The covenants, conditions, and restrictions (CC&Rs) shall contain notification of the Bay Lake Construction and Demolition Debris landfill site to the south.
15. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
16. Prior to construction plan submittal, submit a Master Utility Plan (MUP) for the PSP with supporting calculations showing that the PSP is consistent with the approved MUP for Village F. This MUP must be approved prior to construction plan approval.
17. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
18. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting.
19. Recreation area development plan shall be submitted, approved and constructed prior to certificate of completion.

20. The CCR's shall reflect that the HOA shall maintain the 30-foot utility tract between lots 61 & 62.

- CONSERVATION AREA IMPACT PUBLIC HEARING

- MEMBER JOINED: Commissioner Thompson

Applicant: VF Horizons Investments, LLC

Consideration: Request for a Conservation Area Impact Permit for a Class I Wetlands to impact 2.56 acres of Class I wetlands in order to construct portions of a single-family development

Location: District 1; property generally located north and south of Seidel Road, east of State Road 429, and south of Lake Huckleberry; Parcel IDs 03-24-27-0000-00-003, 04-24-27-0000-00-005, and 04-24-27-0000-00-006; Orange County, Florida (legal property description on file)

County staff noted Conditions 11, 12, and 13 are to be renumbered to Conditions 10, 11, and 12; and further identified this permit as (CAI-12-10-022).

The following person addressed the Board: John Miklos.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board approved the request by VF Horizon Investment, LLC, Conservation Area Impact Permit (CAI-12-10-022) to impact 2.56 acres of Class I wetlands in order to construct portions of a single-family development, on the described property; and further, accepted staff corrections for renumbering Conditions 11, 12, and 13 to read as Conditions 10, 11, and 12, subject to the following conditions:

Specific Conditions:

1. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
2. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. The wetland impacts must be completed in accordance with Exhibit 1 of the plans prepared by Poulos & Bennett, as dated as received by the Environmental Protection Division (EPD) on March 5, 2013. Construction shall be completed within five (5) years from issuance of this permit unless extended in writing.

Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.

4. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
5. The mitigation plan must be implemented in accordance with Exhibit 1 as dated as received by EPD on March 5, 2013. The preservation area must total at least 21.51 acres in size. A balance of 208.03 acres of forested wetlands as mitigation credit is available for future projects.
6. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Exhibit 1, dated as received by the Environmental Protection Division (EPD) on March 5, 2013. The signs must be located as shown on Exhibit 1, dated as received by EPD on March 5, 2013. The signs must be installed prior the certificate of completion.
7. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
8. Properties must have an environmental berm and swale installed prior to the certificate of completion for any of the subject lots (as approved in the Preliminary Subdivision Plan). The berm and swale must be maintained throughout construction. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
9. Prior to initiating any construction within the wetlands, surface waters or upland buffers that require mitigation, this permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners. The conservation easement shall be at least 21.51 acres and include restrictions on the real property pursuant to the requirements set forth below:

- (a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
- (b) Within thirty (30) days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
- (c) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.
- (d) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (e) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be

recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.

- (f) Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
- (g) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
- (h) At least forty-five (45) days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.
- (i) If during the review of the submitted evidence of title, the Orange County Real Estate Management Division finds any encumbrances or irregularities that will render the proposed mitigation as not adequately offsetting the impact(s); the applicant must submit a revised mitigation plan for staff review and approval. The approval may also require Board of County Commissioner's approval.

~~41.10.~~In the event that the permittee does not successfully record the proposed mitigation, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.

~~42.11.~~The mitigation enhancement and monitoring must be conducted in accordance with the narrative received by EPD on October 15, 2012.

~~43.12.~~Successful establishment of the wetland mitigation will have occurred when:

- a. At least ninety (90) percent of the planted individuals within each stratum have survived throughout the monitoring period and showing signs of normal growth based upon standard growth parameters such as height and base diameter or canopy circumference, and
- b. At least eighty-five (85) percent cover by appropriate wetland herbaceous species has been obtained, and

- c. Hydrologic conditions generally conform to those specified in the mitigation plan, and
 - d. The mitigation area comprises less than ten (10) percent nuisance vegetation and less than five (5) percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2011 List of Invasive Species Category I and II, and
 - e. The above criteria have been met at the end of a five (5) year monitoring period to EPD's satisfaction.
- 13 A baseline monitoring report that clearly shows site conditions prior to the first monitoring activity must be submitted to EPD prior to initiation of any mitigation activities. This report needs to include, at a minimum the following information: site location, field sampling design, sampling methodology, GPS location of fixed transects, photographic documentation, fish and wildlife observations, hydrology, results and discussion.
- 14 The Permittee is required to submit semi-annual monitoring reports that contains the following information: site location, GPS location of fixed transect, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion. If at the end of the five (5) year monitoring period, the mitigation area is not meeting the monitoring success criteria, the Permittee is required to provide a restoration plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.
- 15 Dock permits, pursuant to Chapter 15, Article IX, of the Orange County Code, shall be required for the construction of a dock on any lot and/or tract. This permit does not authorize the construction of any dock. Permits will also be required from the Orange County Building Department.
- 16 No community ramps or docks are permitted on Lake Huckleberry.

General Conditions:

- 17 **Effective Date.** If no objections have been filed with the Environmental Protection Officer, this permit shall be final and effective as of the date of issuance. If a written objection has been received, this permit shall become final and effective upon expiration of the fifteen (15) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
- 18 Subject to the terms and conditions herein, 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 EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in

accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

- 19 At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
- 20 Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
- 21 The permittee shall 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 shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
- 22 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 sixty 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 revocation.
- 23 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 shall comply with the most stringent conditions.
- 24 Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
- 25 EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
- 26 Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.

- 27 The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
- 28 The permittee shall notify EPD, in writing, within thirty days prior to any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
- 29 EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
- 30 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.
- 31 All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
- 32 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.
- 33 Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 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.
- 34 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.
- 35 All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
- 36 Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact to the satisfaction of EPD.

37 For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Juli S. James, Shutts & Bowen, LLP, Lake Reams Neighborhood Planned Development (PD) Land Use Plan (LUP), (Case #CDR-13-04-091)

Consideration: Substantial change request to approve a substantial change to the PD to grant a wavier from Orange County Code Section 38-1386(a)(1) to allow accessory dwelling units to not be counted towards required density calculations in PD Parcel 5 only; and to grant a waiver from Orange County Code Section 38-1385.5(b)(2) to allow a minimum average lot size of 6,500 square feet in lieu of a minimum average lot size of 7,200 square feet in PD Parcel 18 only; and to grant a waiver from Orange County Code Section 38-1382(g)(2) to allow the use of a cul-de-sac as an acceptable method of street termination in PD Parcel 18 only; pursuant to Orange County Code, Chapter 30, and Section 38-1207.

Location: District 1; property generally located north of Reams Road and south/southwest of Winter Garden Vineland Road; Parcel IDs PD Parcel 5: 01-24-27-0000-00-001, PD Parcel 18: 35-23-27-5432-00-001; S/T/R: 35/23/27 & 01/24/27; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Juli James
- R.P. Mohnacky

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Juli S. James, Shutts & Bowen, LLP, Lake Reams Neighborhood Planned Development (PD) Land Use Plan (LUP), (Case #CDR-13-04-091), to approve a substantial change to the PD to grant a wavier from Orange County Code Section 38-1386(a)(1) to allow accessory dwelling units to not be counted towards required density calculations in PD Parcel 5 only; further, granted a waiver from Orange County Code Section 38-1385.5(b)(2) to allow a minimum average lot size of 6,500 square feet in lieu of a minimum average lot size of 7,200 square feet in PD Parcel 18 only; and further, granted a waiver from Orange County Code Section 38-1382(g)(2) to allow the use of a cul-de-sac as an acceptable method of street termination in PD Parcel 18 only; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Lake Reams Neighborhood PD Land Use Plan dated "Received May 15, 2013," 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 Land Use Plan, 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, ordinance 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 land use plan dated "Received May 14, 2013," the condition of approval shall control to the extent of such conflict or inconsistency.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. A waiver from Orange County Code Section 38-1386(a)(1) is granted to allow accessory dwelling units within PD Parcel 5 only to not be counted towards required density calculations.

4. The following waivers from Orange County Code are granted and applicable for PD Parcel 18 only:
 - a. A waiver from Orange County Code Section 38-1385.5(b)(2) to allow a minimum average lot size of 6,500 square feet, in lieu of a minimum average lot size of 7,200 square feet; and
 - b. A waiver from Orange County Code Section 38-1382(g)(2) to allow the use of a cul-de-sac as an acceptable method of street termination.

5. All previous applicable BCC Conditions of approval, dated March 13, 2013, shall apply:

- a. 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.
 - b. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - c. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - d. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
 - e. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP).
 - f. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - g. An updated Master Utility Plan (MUP) shall be approved by Orange County Utilities prior to construction plan approval.
6. All previous applicable BCC Conditions of Approval, dated August 7, 2012, shall apply:
- a. A road agreement for the conveyance of the right-of-way required for Reams Road and Ficquette Road, pursuant to the Reams Road Alignment Study

dated July 2005, is required to be in place prior to PSP approval for any parcels in which such right-of-way is located.

- b. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, Mass Grading Plan approval or earthwork, no conservation area or buffer encroachments shall be permitted.
- c. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village ((Specific Area Plan) SAP).
- d. The following four (4) waivers are granted for Parcel 5 (Village Home District) for twenty (20) Percent of the detached lots within Parcel 5 (maximum number of 163 lots):
 - 1) From Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for lots less than 40' wide;
 - 2) From Section 38-1386(b)(4) to decrease the minimum lot width from 40' to 32' for single family detached dwellings;
 - 3) From Section 1386(b)(8)(a) to reduce the minimum front porch setback from 10' to 7' within lots less than 40' wide; and
 - 4) From Section 1386(b)(8)(b) to decrease the minimum side building setback from 5' to 4' within lots less than 40'.
- e. Billboards, pole signs, and outdoor storage are prohibited.
- f. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the play, shall include a provision incorporating, verbatim, the following requirements:
 - 1) The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more

than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.

- 3) At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - 6) The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
 - 7) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
- g. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
7. All previous applicable BCC Conditions of Approval dated January 10, 2012, shall apply:
- a. Applicable to Parcel 2 only, the following waivers from the original version of the Horizon West Village Code are granted:
 - 1) A waiver from Sections 38-1384(g)(3)(d) and 38-1387(b)(10) to allow the first floor elevations to be twelve (12) inches above the finished grade of the sidewalk in lieu of eighteen (18) inches above the finished grade of the sidewalk;
 - 2) A waiver from Section 38-1387(a)(3)(c) to allow parking on New Reams Road and the New Connector Road. Parking may be provided on the sides of the buildings provided the stalls are screened with 36" knee walls with caps and landscaping;

- 3) A waiver from Section 38-1387(b)(5) to allow an increase in the maximum building height to three (3) stories and forty five (45) feet in lieu of forty (40) feet, and
 - 4) A waiver from Sections 38-1387(b)(11) and 38-1384(e) to modify the porch requirements as follows: Front porches (i.e., covered entrances at the breezeways) will only be required for each building fronting a public right of-way (southern connector road and Lake Village Road).
- b. The following waivers for Multi-Family residential are granted:
- 1) A waiver from Sections 38-1258(a), 38-1258(b), and 38-1258(c) to allow three (3) story multi-family buildings to be located within eighty (80) feet of single-family zoned property, and
 - 2) A waiver from Section 38-1258(j) to allow for a minimum building separation of twenty (20) feet for two-story and three-story buildings, in lieu of thirty (30) feet and forty (40) feet, respectively.
- c. A waiver from Section 38-1254 is granted to allow for a minimum front setback from twenty-five (25) and thirty-five (35) feet to fifteen (15) feet.
- d. A waiver from Sections 38-1476(a) and 38-1477 to allow for a maximum of twenty-five (25) on-street parking spaces to be located on the same side of the property line in lieu of being located on the same lot or within three hundred (300) feet from the principal entrance. These twenty-five (25) spaces may be used to meet the minimum parking requirement for this development.
8. All previous applicable Conditions of Approval dated October 4, 2011, shall apply, including:
- a. At the time Parcel 1 or any portion of Parcel 1 is platted or a development plan is submitted, the adequate public facilities parkway and road right-of-way which is comprised of 1 segment (4 lanes as more fully described below), as generally depicted on the amended Land Use Plan (LUP) shall be conveyed to Orange County for road right-of-way purposes. However, notwithstanding how the subject road right-of-way is generally depicted on the amended LUP, the actual alignment of the segment of the newly constructed portion of Reams Road lying between the Frye Property north of the property line of the Lake Reams (Planned Development) PD and the roundabout shall be shown on the exhibits, that are concurrently introduced.
 - b. The developer shall construct or have constructed the segment of the road (the first 2 lanes) from the roundabout to C.R. 535 upon issuance of the first Certificate of Completion of subdivision improvements the effect of which is to

allow development of Parcel 2, or any portion thereof (the segment is described as a connection point to the realigned Reams Road extending southwest from C.R. 535 to the roundabout on the newly constructed portion of Reams Road).

- c. The developer shall construct or have constructed the segment of the road (the first 2 lanes) at the occurrence of any of the following events, whichever happens first: The developer shall construct or have constructed the segment of the road (the first 2 lanes) at the occurrence of any of the following events, whichever happens first:
 - 1) Issuance of the first Certificate of Completion of subdivision improvements allowing development on Parcel 1 or 2 of the Lake Reams PD; or
 - 2) When the following events occur:
 - i. Issuance of the First Certificate of Completion of subdivision improvements allowing development of residential units (single-family or multi-family) in Parcel 1 or 2; and
 - ii. Opening of the middle school in Lakeside Village; or
 - iii. Opening of the elementary school on Parcel 11 of the Lake Reams PD Property.
 - 3) Prior to the issuance of the first Certificate of Completion for any commercial development on Parcel 1, the second 2 lanes of segment 1 from the roundabout to C.R. 535 shall be constructed.
9. All previous applicable Conditions of Approval dated August 23, 2011, March 15, 2005 and August 25, 1998 shall apply, including:
- a. Liquor stores and video arcades are prohibited in the neighborhood commercial portion.
 - b. Section 38-1384C.1 of Ordinance 97-09 shall be waived concerning block length. The block length for lots less than 60 feet shall be up to 540 feet in length where the lots at the end of the block are perpendicular to the intersecting street.
 - c. Block length shall be measured from the street crossing, public open space, or alley intersection. Variation in the block length shall be permitted where the variation will create a public open space or when it will allow continuation of an adjacent public open space.

- d. TDRs (Transfer of Development Rights) are approved with this plan subject to compatibility criteria as specified on the Land Use Plan.

Note: The double-underlined Condition #2 above was inserted after the April 24, 2013 DRC Meeting, as required by the Orange County Attorney's Office.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Broc Althafer, D. R. Horton, Bella Isles Limpus Road Preliminary Subdivision Plan - Substantial Change - Case # CDR-13-02-031

Consideration: Substantial change request to convert a 6 lot public subdivision into a private gated community on a total of 8.45 acres; pursuant to Orange County Code, Article II, and Section 34-27.

Location: District 1; property generally located South of Charles E. Limpus Road / West of South Apopka Vineland Road; Parcel IDs 09-24-28-5844-00-590, 09-24-28-5844-00-591, 09-24-28-5844-00-592, 09-24-28-5844-00-593, 09-24-28-5844-00-600, 09-24-28-5844-00-601; Orange County, Florida (legal property description on file in Development Engineering Division)

The County Mayor noted the applicant present and in concurrence with the recommendation for continuance.

The following persons addressed the Board:

- Ash Hassan
- Rosemary Hartmann
- Chris Anouge
- Hurchell Williamson

The following exhibit was received by the Clerk prior to the close of the public hearing: Exhibit 1, from Rosemary Hartmann.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board continued the public hearing until August 6, 2013, at 2 p.m.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Granada PD / Northeast Parcel C - Dellagio Phase III Preliminary Subdivision Plan, Case # PSP-13-03-049, submitted in accordance with Article II, Section 34-27; This request is proposing to construct a gated community of 83 single-family residential dwelling units on 14.24 acres.

Location: District 1; property generally located North of Sand Lake Road / West of Della Drive; Parcel ID 27-23-28-0000-00-001; Orange County,

Florida (legal property description on file in Development Engineering Division)

The following person addressed the Board: Kevin Walsh.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Clarke, Thompson, Edwards, Moore Russell

NO (voice vote): Commissioner Brummer

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Granada PD / Northeast Parcel C - Dellagio Phase III Preliminary Subdivision Plan (PSP), Case # PSP-13-03-049, on the described property, subject to the following conditions:

1. Development shall conform to the Granada Planned Development; Orange County Board of County Commissioners (BCC) approvals; Northeast Parcel C - Dellagio Phase III Preliminary Subdivision Plan dated "Received May 23, 2013," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received May 23, 2013," 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 site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or construction plans, a letter of

credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.

4. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
5. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved Master Utility Plan for this PD.
6. A valid copy of the vested rights certificate will be required at time of building permits or the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
7. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
8. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into the master drainage system.
10. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.

• BOARD OF ZONING ADJUSTMENT APPEAL

Appellant/

Applicant:

Kevin P. Donaghy, Agent for Chantel Preston

Case:

Board of Zoning Adjustment #SE-13-06-025; June 6, 2013

Consideration:

Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for Special Exception in R-1A zone to allow a child daycare facility for up to 50 children inside two modular buildings (Note: Each modular building is 24 ft. x 44 ft.)

Location:

District 2; property generally located North side of E. Cleveland St., east of Clarcona Rd. and west of Old Apopka Rd.; Parcel ID 15-21-28-

0760-00-140; S-T-R: 15-21-28; Orange County, Florida (legal property description on file)

The following person addressed the Board: Kevin Donaghy.

Motion/Second: Commissioners Brummer/Boyd

AYE (voice vote): All members

Action: The Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Kevin P. Donaghy, Agent for Chantel Preston, Board of Zoning Adjustment #SE-13-06-025, for Special Exception in R-1A zone to allow a child daycare facility for up to 50 children inside two modular buildings (Note: Each modular building is 24 ft. x 44 ft.), on the described property.

- DEVELOPMENT REVIEW COMMITTEE APPEAL, CONTINUED FROM JULY 2, 2013

Appellant: BSW Investors, LLC

Applicant: Jay Jackson, Kimley-Horn and Associates, Orangewood Neighborhood 2 PD, Parcel 6 - Master Sign Plan

Consideration: Appeal of the decision by the Orange County Development Review Committee, dated May 8, 2013, to deny a request to modify the Master Sign Plan to add a 30 square foot off-site ground sign in out parcel 4 for Wawa on I-Drive.

Location: District 1; property generally located West of I-Drive and South of Central Florida Parkway; Parcel ID 13-24-28-6283-00-061 & 063; Orange County, Florida (legal property description on file in Development Engineering Division)

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until August 20, 2013, at 2 p.m.

- BOARD OF ZONING ADJUSTMENT APPEAL

Appellant/

Applicant: Thomas B. Luka, Agent for Ronald Cartas

Case: Board of Zoning Adjustment #ZM-13-07040; June 6, 2013

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for appeal of the Zoning Manager's Determination that the non-conforming status of the existing junkyard has been abandoned.

Location: District 5; property generally located North side of Madison Ave., between N. 6th St. and 9th St.; north of E. Colonial Dr.; Parcel ID 15-22-32-2336-01-360; S-T-R: 15-22-32; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Thomas Luka
- Ronald Cartas
- Patricia Fischer
- William Acevedo
- Bill Mendenhall
- Linda Butler
- Samantha Fischer
- Yolanda Mamlouk
- Louis Cartas
- Khaldoun Mamlouk
- James Grissom
- Xenia Grillo
- Rollan Webb
- Harvey Clark
- Evelyn Cherry

The following exhibits were received by the Clerk prior to the close of the public hearing:

- Exhibit 1, from Linda Butler
- Exhibit 2, from Samantha Fischer
- Exhibit 3, from Khaldoun Mamlouk
- Exhibit 4, from Thomas Luka

Motion/Second: Commissioners Edwards/Brummer

AYE (voice vote): All members

Action: The Board upheld the decision of the Orange County Board of Zoning Adjustment #ZM-13-07040 and denied the request by Thomas B. Luka, Agent for Ronald Cartas for appeal of the Zoning Manager's Determination that the non-conforming status of the existing junkyard has been abandoned; further, dismissed the following as legal non conforming uses:

- Keeping and selling of animals: 40 cows; 6 horses; 125 pigs; chickens and fowl; and dogs
- Buying, selling and repair of tractors, autos and other machinery
- Keeping of feed, equipment, fence posts, and wire tools
- Saddle and harness repair and wagon manufacturing
- Doctoring of dogs
- Selling of vegetables and mullet
- Salvage yard

and further, the property reverts back to RT-2 zoning districts and the uses permitted therein, on the described property.

• ADJOURNMENT, 4:18 P.M.

ATTEST:




County Mayor Teresa Jacobs

Date: AUG 27 2013

ATTEST SIGNATURE:

Martha O. Haynie

County Comptroller as Clerk



Senior Minutes Coordinator

