

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 29, 2014
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, County Attorney Jeffrey J. Newton, Deputy Clerk
Katie Smith, Minutes Coordinator Kathy Heard

- CALL TO ORDER, 9:07 a.m.
- INVOCATION – Pastor Alexis Stephens, Faith Center International
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Resolution to Sara K. Van Arsdel
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Mary Wilson
- Sean Ashby
- Kenneth Roberts
- Victor Lardani
- Eva Lardani
- Kim Russell

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Mayor deferred action on County Attorney Item 1; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Mayor

1. Confirmation of Mayor's managerial appointments: Bryan Lucas as Manager, Fleet Management Division and Richard Steiger, Manager, Facilities Management Division.

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:
 - July 11, 2014, to July 17, 2014; total of \$12,449,297.65
 - July 18, 2014, to July 24, 2014; total of \$37,566,194.03.

(Finance/Accounting)

County Administrator

1. Reappointment to the Pine Hills Local Government Neighborhood Improvement District Advisory Council of Shabana Khublal in the Mayor's representative category, Carolyn Wilson in the District 6 representative category, and Luis A. Cordero in the Pine Hills Safe Neighborhood Partnership representative category with terms expiring June 30, 2017; and the appointment of Nicole Farquharson in the Mayor's representative category with a term expiring June 30, 2015. (Agenda Development Office)
2. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
3. Approval of Resolution 2014-M-40 of the Orange County Board of County Commissioners regarding VOXX International Corporation Qualified Target Industry Tax Refund Quick Action Closing Fund. (Office of Economic, Trade and Tourism Development)
4. Approval for the Orange County Sheriff's Office to spend \$164,000 from the Law Enforcement Trust Fund to purchase PredPol Software (\$103,000), and eligible contributions to the Harbor House (\$10,000), Orange County Sheriff Foundation, Inc. (\$10,000), Victim Service Center of Central Florida, Inc. (\$10,000), Orange County Police Athletic League (\$10,000), Children's Safety Village (\$10,000), YMCA of Central Florida, and the Youth Central Connection (\$1,000). (Office of Management and Budget)
5. Approval of budget amendment #14-44. (Office of Management and Budget)
6. Approval of budget transfers #14-1186 and #14-1195. (Office of Management and Budget)
7. Approval of payment of Intergovernmental claims of April 10, 2014, April 17, 2014, May 01, 2014, May 08, 2014, May 15, 2014, May 29, 2014, June 05, 2014, and June 19, 2014 totaling \$2,731,948. (Risk Management Division)

County Attorney

1. Approval of Resolution of the Orange County Board of County Commissioners regarding calling a referendum on a Proposal to Move Elections for All Charter Offices Elected Countywide to 2016 and Every Four Years Thereafter, to Abbreviate Any Term of Office Consistent with this Change, and to Change All Charter Office Elections From Nonpartisan to Partisan.

(This item was deferred.)

Administrative Services Department

1. Approval of Change Order No. 3, Contract No. Y14-726 RM, with Gibbs & Register, Inc., in the amount of \$176,790, for the Sheriff's Gun Range – Berm Repairs project. The revised lump sum contract amount is \$1,720,257.28. (Capital Projects Division)
2. Approval of Change Order No. 14, Contract Y11-778, with APM Construction Corporation in the amount of \$21,636.48, for the Coalition for the Homeless Men's Service Center project. The revised lump sum contract amount is \$6,179,788.35. (Capital Projects Division)
3. Approval to award Invitation for Bids Y14-1051-CH, Electronic Highway Safety Devices, to the low responsive and responsible bidder, Traffic Control Devices, Inc., in the estimated contract award amount of \$522,220 for a 1-year term. Further, authorized to exercise option years one and two. ([Public Works Department Traffic Engineering Division] Procurement Division)
4. Approval to award Invitation for Bids Y14-1057-JS, Road Tire Service and Replacement, to the low responsive and responsible bidder, 3D Tire Company, Inc., in the estimated contract award amount of \$216,562.50 for a 1-year term. Further, authorized the Procurement Division to renew the contracts for two additional 1-year periods. ([Administrative Services Department Fleet Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y14-784-RM, Cooperative Extension Carport Mounted Photovoltaic System, to the low responsive and responsible bidder, Café' Construction & Development, Inc., for the total contract award amount of \$128,500. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. Approval to award Invitation for Bids Y14-7003-SB, Orange County Courthouse Moisture Intrusion Project, to the low responsive and responsible bidder, General Caulking and Coatings Company, Inc., in the total contract award amount of \$468,908 which includes the additive bid item. ([Administrative Services Department Capital Projects Division] Procurement Division)

7. Approval of Amendment No. 2, Contract Y13-1058 A&B, Tree Trimming and Related Services – Roads and Drainage Division, with The Davey Tree Expert Company and Blades of Green, Inc. in the total amount of \$400,000 for a revised total contract amount of \$3,199,945.34. This increase will also be applicable to the option years. ([Public Works Department Roads and Drainage Division] Procurement Division)
8. Approval of Contract Y14-628-ZM, Box Area Run Card Builder (BARB) and Dispatch Validator (DiVa), with Deccan International Corporation in the contract award amount of \$108,456. ([Fire Rescue Department Planning and Technical Services Division] Procurement Division)
9. Approval of Contract Y14-814, Design Services for the Orange County Convention Center (OCCC) Phase IV Fire Alarm Replacement Project with Matern Professional Engineering, Inc., in the total contract amount of \$146,001.53. ([Convention Center Capital Planning Division] Procurement Division)
10. Approval of Purchase Order M-68974, Annual Software Maintenance and Support for the Land Development and Management System (LDMS) with CSDC Systems, Inc. in the amount of \$236,282. ([Community, Environmental and Development Services Department Fiscal and Operational Support Division] Procurement Division)
11. Selection of two firms to provide Continuing Professional Services for Annual Traffic Counts, Request for Proposals Y14-907-CH, from the following firms: GMB Engineers & Planners, Inc. and Luke Transportation Engineering Consultants, Inc. Further, the Board authorized execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The performance period of the contracts will be for one year with two 1-year renewals. ([Public Works Department Traffic Engineering Division] Procurement Division)
12. Approval and execution of Declaration of Restrictive Covenant between Orange County and Florida Department of Environmental Protection, authorization to disburse funds to pay recording fees and record instrument for Orange County Fleet Services Facility - Hydraulic Lifts. District 6. (Real Estate Management Division)
13. Approval and execution of Resolution and authorization to initiate condemnation proceedings for Holden Avenue (John Young Parkway to Orange Blossom Trail). District 6. (Real Estate Management Division)
14. Approval and execution of Agreement and Signalization Easement between Westwood Lakes Property Owners' Association, Inc., and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive (Westwood Boulevard to Westwood Boulevard). 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 Spencer Lamour and Dady Lamour Mistiva, approval and execution of County Deed from Orange County to Spencer Lamour and Dady Lamour Mistiva and authorization to perform all actions necessary and incidental to closing for NSP Resale 2412 Shortleaf Ct., Orlando, FL 32818 (NCST). District 6. (Real Estate Management Division)
16. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase and Addendum to Contract between Orange County and Maria Deisy Aponte, approval and execution of County Deed from Orange County to Maria Deisy Aponte and authorization to perform all actions necessary and incidental to closing for NSP Resale – 11308 Zodiac Dr., Orlando, FL 32837 (NCST). District 4. (Real Estate Management Division)
17. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Belkys Dahiana Morel and Luis Humberto Placido Frias, approval and execution of County Deed from Orange County to Belkys Dahiana Morel and Luis Humberto Placido Frias and authorization to perform all actions necessary and incidental to closing for NSP Resale – 11234 Worley Ave., Orlando, FL 32837 (NCST). District 4. (Real Estate Management Division)
18. Approval of Road Right-of-Way and Appurtenances Easement between the Dr. P. Phillips Foundation and Orange County and authorization to perform all actions necessary and incidental to closing for Wallace Road – YMCA Dr. Phillips (RAC). District 1. (Real Estate Management Division)
19. Approval of Special Warranty Deed from Rama H. Renegar to Orange County and authorization to perform all actions necessary and incidental to closing for Dwell at Lake Nona. District 4. (Real Estate Management Division)
20. Approval of Conservation and Access Easement between Toll FL Limited Partnership and Orange County and authorization to record instrument for Conservation Area Impact Permit #CAI-13-08-018 (Royal Cypress Preserve). District 1. (Real Estate Management Division)

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. All Districts. (Code Enforcement Division)

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|------------|------------|------------|------------|------------|
| LC 14-0644 | LC 13-1782 | LC 13-1822 | LC 13-1006 | LC 13-1174 |
| LC 14-0887 | LC 13-1787 | LC 13-1823 | LC 13-1019 | LC 13-1211 |

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|------------|------------|------------|------------|------------|
| LC 13-1511 | LC 13-1840 | LC 14-0710 | LC 13-1061 | LC 13-1277 |
| LC 13-1551 | LC 14-0043 | LC 14-0589 | LC 13-1070 | LC 13-1291 |
| LC 13-1556 | LC 14-0462 | LC 14-0591 | LC 13-1072 | LC 14-0725 |
| LC 13-1600 | LC 13-1679 | LC 13-0979 | LC 13-1152 | LC 14-0727 |
| LC 13-1726 | LC 13-1720 | LC 13-0989 | LC 13-1172 | LC 14-0735 |
| LC 13-1780 | LC 13-1812 | LC 13-0997 | LC 13-1173 | LC 14-0747 |

2. Approval of Interlocal Agreement Regarding Go Solar-Florida by and between Broward County and Orange County and authorization for the Community, Environmental and Development Services Department Deputy Director or designee to make non-substantial amendments to the Interlocal agreement. All Districts. (Environmental Protection Division)
3. Approval of Recommendation of the Environmental Protection Commission to Uphold the Environmental Protection Officer's Recommendation to Approve the After-the-Fact Request for Waiver from Orange County Code, Chapter 15, Article IX, Section 15-342 (b), terminal platform size for Dock Construction Permit BD-13-03-021; John and Faye Grabenau. District 2. (Environmental Protection Division)

Family Services Department

1. Approval of Orange County Family Services Department, Head Start Division Standard Operating Procedures for Program Performance Standards. (Head Start Division)
2. Approval of State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement by and between Early Learning Coalition of Orange County and Orange County, Florida; State of Florida Voluntary Prekindergarten Education Program Addendum to Statewide Provider Agreement by and between Early Learning Coalition of Orange County and Orange County, Florida; and Delegation of Signing Authority for the State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement related to the Orange County Head Start Program. (Head Start Division)
3. Receipt and filing of Head Start Policy Council Monthly Packet June 2014 for the official county record. (Head Start Division)
4. Approval of the 6001 Silver Star Partners, LLC grant for the Business Assistance for Neighborhood Corridors Program for June 2014 in the total amount of \$5,000. District 2. (Neighborhood Preservation and Revitalization Division)
5. Approval of July 2014 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Ridge Manor First Addition Subdivision (\$5,000), Conway Manor Neighborhood (\$5,000) and Summer Glen at Gatewood Neighborhood (\$5,000). Districts 2, 3, and 6. (Neighborhood Preservation and Revitalization Division)

6. Approval of the Southside Autos, Inc., grant for the Business Assistance for Neighborhood Corridors Program for June 2014 in the total amount of \$3,485. District 3. (Neighborhood Preservation and Revitalization Division)
7. Approval of the Fairlane Auto Sales grant for the Business Assistance for Neighborhood Corridors Program for June 2014 in the total amount of \$4,769.15. District 4. (Neighborhood Preservation and Revitalization Division)
8. Approval of the July 2014 Neighborhood Pride Mini-Grant as recommended by the Neighborhood Grants Advisory Board for Meadow Woods Village 1 & 2 Neighborhood Organization (\$1,500). District 4. (Neighborhood Preservation and Revitalization Division)
9. Approval of the July 2014 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Southchase Parcel 45 HOA (\$10,000). District 4. (Neighborhood Preservation and Revitalization Division)
10. Approval of July 2014 Neighborhood Pride Entranceway Grant as recommended by the Neighborhood Grants Advisory Board for Quail Hollow HOA (\$5,000). District 5. (Neighborhood Preservation and Revitalization Division)
11. Approval of July 2014 Neighborhood Pride Wall Repair Grant as recommended by the Neighborhood Grants Advisory Board for Oak Park HOA (\$5,500). District 6. (Neighborhood Preservation and Revitalization Division)
12. Approval of Contract between Orange County Youth and Family Services Division and Florida Network of Youth and Family Services, Inc. to provide services for Children In Need of Services and Families In Need of Services (CINS/FINS) in the amount of \$1,280,758.45 for the period of July 1, 2014 through June 30, 2015; and authorization for the County Mayor or designee to approve any increases, decreases or amendments to this contract. (Youth and Family Services Department)

Health Services Department

1. Approval of the Alternative Transportation Service License for Joyful Services of Orlando, FL to provide wheelchair/stretchers service. The term of this license is from July 31, 2014 through July 31, 2016. There is no cost to the County. (EMS Office of the Medical Director)

Public Works Department

1. Approval of Traffic Control Devices and "No Parking" sign installations in Signature Lakes Phase 3B-4, 3B-5, and 3B-7. District 1. (Traffic Engineering Division)

2. Approval of the installation of a traffic signal at the intersection of Universal Boulevard and West Perimeter Road. District 6. (Traffic Engineering Division)
3. Approval of Traffic Control Devices and "No Parking" sign installations in Signature Lakes Phase 3B-6. District 1. (Traffic Engineering Division)
4. Approval of a temporary voting days "No Parking" zone on both sides of Della Drive from Harlie Street to Dr. Phillips Boulevard. District 1. (Traffic Engineering Division)
5. Approval to construct speed humps on Nadia Avenue between Murdock Boulevard and Grayson Drive. District 4. (Traffic Engineering Division)
6. Approval of the installation of a traffic signal at the intersection of Dr. Phillips Boulevard and the center driveway entrance to The Market Place Shopping Center. District 1. (Traffic Engineering Division)
7. Authorization to record the plat of Project ABC PD Parcel 3B/Southmark Center PD. District 1. (Development Engineering Division)

Utilities Department

1. Approval of Escrow Agreement Toscana Lake Villas for utility work associated with Toscana Lake Villas by and among Orange County, Orange County Comptroller and Park Square Enterprises, LLC, in the amount of \$5,707.05. District 1. (Engineering Division)
2. Approval of Confirmation and Notice of Assignment of Utility Line Construction Reimbursement Agreement for Latham Park by and between VF Horizon Investments, LLC, and Ashton Orlando Residential, L.L.C. District 1. (Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Orlando Voluntary Annexation Request: ANX2014-00025-Cady Way. On Monday, July 28, 2014, the Orlando City Council will consider proposed Ordinance # 2014-25, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of Josephine St., east of Pinelli St., south of Beach Blvd., and west of Old Cheney Hwy., and comprised of 0.0995 acres, more or less; providing legislative findings and for the revision of the City's boundaries; providing for severability, correction of scrivener's errors, and an effective date.

A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Avenue, Orlando, Florida.

- b. City of Winter Garden Notice of Annexation Ordinance and Legal Description with Map, Ordinance 14-20, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 3.412 ± acres located at 17901 Marsh Road on the north side of Marsh Road at the western boundary of Orange County into the City of Winter Garden, Florida; redefining the City boundaries to give the City jurisdiction over said property; providing for severability; providing for an effective date.
- c. Minutes of the March 24, 2014, East Park Community Development District meeting.
- d. Town of Oakland, Voluntary Annexation – 17601 SR 438 (PID 30-22-27-0000-00-001), 17805 SR 438 (PID 30-22-27-0000-00-002), Vacant No Address (PID 30-22-27-0000-00-053), Vacant No Address (PID 30-22-27-0000-00-059), Ordinance No. 2014-06 with Exhibit A (Map), An Ordinance of the Town of Oakland, Florida, relating to voluntary annexation of approximately +/- 85.90 acres; making findings; annexing to and including within the corporate limits of the Town of Oakland, Florida, certain lands located in Section 19 and 30 Township 22S, Range 27E; redefining the corporate limits of the Town of Oakland, Florida; providing for the interim provision of land development regulations; providing that effective in accordance with the law, the lands to be annexed shall be assessed for payment of municipal ad valorem taxes; directing the Town Clerk to file certified copies of the ordinance with the County Comptroller and the Secretary of State of the State of Florida; and providing for codification, conflicts, severability, and effective date.
- e. Town of Oakland, Voluntary Annexation – 502 J W Jones Road (PID 19-22-27-0000-00-011), Ordinance No. 2014-08 with Exhibit A (Map), An Ordinance of the Town of Oakland, Florida, relating to voluntary annexation of approximately 22.76 +/- acres; making findings; annexing to and including within the corporate limits of the Town of Oakland, Florida, certain lands located in Section 19, Township 22S, Range 27E; redefining the corporate limits of the Town of Oakland, Florida; providing for the interim provision of land development regulations; providing that effective in accordance with the law, the lands to be annexed shall be assessed for payment of municipal ad valorem taxes; directing the Town Clerk to file certified copies of the ordinance with the County Comptroller and the Secretary of State of the State of Florida; and providing for codification, conflicts, severability, and effective date.
- f. City of Orlando, Ordinance No. 2014-19 with Exhibit A (Legal Description), Exhibit B (Map), Exhibit C (Future Land Use Map), Exhibit D (Zoning Map) and Orlando Sentinel Proof of Publication, An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of Vine St., east of Francis Ave., south of Hand Blvd., and west of S. Bumby Ave., and comprised of 0.46 acres, more or less; amending the City's adopted Growth Management Plan to designate the property as residential low intensity on the City's official future land use maps;

and designating the property as the R-3A/T district on the City's official zoning maps; providing for severability, correction of scrivener's errors, and an effective date.

- g. Orange County Industrial Development Authority (the OCIDA):
- Notice of Regular Monthly Meetings for period from August 2014 through July 2015.
 - Copy of Affidavit of Publication from the Orlando Sentinel regarding its publication of the Notice on July 2, 2014.

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

- COUNTY CONSENT AGENDA (DEFERRED)

County Attorney

1. Approval of Resolution of the Orange County Board of County Commissioners regarding calling a referendum on a Proposal to Move Elections for All Charter Offices Elected Countywide to 2016 and Every Four Years Thereafter, to Abbreviate Any Term of Office Consistent with this Change, and to Change All Charter Office Elections From Nonpartisan to Partisan.

Commissioner Edwards requested to discuss the ballot summary.

Board discussion ensued.

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 approved Resolution 2014-M-41 of the Orange County Board of County Commissioners regarding calling a referendum on a Proposal to Move Elections for All Charter Offices Elected Countywide to 2016 and Every Four Years Thereafter, to Abbreviate Any Term of Office Consistent with this Change, and to Change All Charter Office Elections From Nonpartisan to Partisan.

- COUNTY DISCUSSION AGENDA

County Administrator

1. Orange County United Way Campaign Update.

County staff updated the Board on the United Way Campaign. The presentation recognized Orange County as the fifth largest donor in the Heart of Florida United Way campaign ranking second in the municipal/governmental donation in the State of Florida along with the largest municipal/governmental donation in Central Florida. Orange

County raised \$457,602 in the 2013-2014 campaign, which is a \$30,000 increase from the prior campaign.

The following person addressed the Board: Bob Haight.

Action: None

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Clarke.

- COUNTY WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Towing Ordinance Update. All Districts. (CEDS Department Office)

County staff provided an update on issues related to trespass towing activity in Orange County. The presentation included competing objectives between property owners and tow companies as well as numerous complaints and examples from vehicle owners involving towing rules that are unclear and unnecessary and/or illegal towing. County staff highlighted changes to the ordinance which includes additions and clarifications to the prerequisites for towing; updated business tax receipt requirements for towing companies; requirements that agreements with property owners be filed with the Orange County Sheriff's Office about when a car can be towed and where the cars will be towed; additional notification and recordkeeping requirements; requirements for signage, insurance and storage facilities; requirements that towing companies receive authorization for each vehicle towed; requirements for accepting additional methods of payment; and additions and clarifications to penalties and enforcement provisions. A public hearing is tentatively scheduled for September 9, 2014.

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Clarke.

Board discussion ensued.

Action: None

2. Updates to Chapters 30 and 38, Orange County Code. All Districts. (Zoning Division)

(This item was deferred to the afternoon session.)

Health Services Department

1. Constitutional Amendment on Medical Marijuana. (Office for A Drug Free Community)

County staff presented information pertaining to the Compassionate Medical Cannabis Act, also known as "Charlotte's Web," and the constitutional amendment language on medical marijuana. The presentation included discussion of the staff workgroup, which focused on three issues: zoning, human resources, and public consumption. This workgroup consisted of staff from the County Attorney's Office, Zoning, Health Services, Human Resources, Risk Management and the Drug Free Office. The workgroup met with law enforcement, reviewed the County Zoning Regulations along with other local ordinances and the County's Pain Management Clinic Ordinance.

County staff presented information regarding the Proposed Zoning Ordinance outlining topics including the option of countywide applicability, proposed definitions, zoning districts and conditions such as for building use/permitting and separation distance.

County staff presented information regarding Human Resource issues and implications regarding the County's Drug and Alcohol Use Policy and testing procedures, the Federal Law and the Americans with Disabilities Act. The recommendation is to maintain the County's current drug-free workplace policy, inform worker's compensation doctors of the County's drug-free workplace policy and develop a communication plan for the Compassionate Use of Medical Marijuana Act & Constitutional Amendment (if passed).

Board discussion ensued.

Action: None

• NON-AGENDA ITEM

Commissioner Boyd issued a memorandum dated July 28, 2014, to request the Board discuss for repeal two charter proposals approved by the Board on May 6, 2014, specifically Ordinance 2014-08, which proposed term limits for County Constitutional Offices; and further, Ordinance 2014-09, which proposed non-partisan elections for County Constitutional Offices.

Commissioner Boyd requested that rather than bifurcate term limits and non-partisan elections, the Board combine the two issues into one ordinance as originally presented

to the Board and direct that an ordinance be prepared proposing to amend the Charter to impose term limits and non-partisan elections for County Constitutional Offices.

Board discussion ensued.

Motion/Second: County Mayor Jacobs/Commissioner Thompson

Action: The amendment to the main motion directing that an ordinance be prepared proposing to amend the Charter to abolish the Office of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, Comptroller and Clerk of the Circuit Court as County Constitutional Offices and to impose term limits and non-partisan elections on those offices was withdrawn.

Motion/Second: Commissioners Brummer/Boyd

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

NO (voice vote): Commissioner Moore Russell

Action: The Board directed that an ordinance be prepared proposing to amend the Charter to impose term limits and non-partisan elections for County Constitutional Offices; further that Ordinance 2014-08, adopted on May 6, 2014, which proposed term limits for County Constitutional Offices, be brought back for repeal; and further that Ordinance 2014-09, adopted on May 6, 2014, which proposed non-partisan elections for County Constitutional Offices, be brought back for repeal.

Motion/Second: County Mayor Jacobs/Commissioner Thompson

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

NO (voice vote): Commissioner Moore Russell

Action: The Board directed that, as an alternative, an ordinance be prepared proposing to amend the Charter to abolish the Offices of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, Comptroller and Clerk of the Circuit Court as County Constitutional Offices and to impose term limits and non-partisan elections on those offices.

- MEETING RECESSED, 11:40 a.m.

- MEETING RECONVENED, 2:09 p.m.

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

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk Katie Smith, Minutes Coordinator Kathy Heard

- COUNTY WORK SESSION AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Updates to Chapters 30 and 38, Orange County Code. All Districts. (Zoning Division)

- MEMBER JOINED: Commissioner Boyd

County Staff presented to the Board an update of the Land Development Code, Chapter 38 (Zoning). The changes are being requested to the following sections:

- Definitions
- Use Table
- Conditions for Uses
- General Site Standards

Board discussion ensued.

Action: None

- RECOMMENDATIONS

July 3, 2014 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Boyd/Clarke

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, 2014; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Ordinance

1. Amending Orange County Charter, Section 602, pertaining to Procedural Time-Frames for Charter and Ordinance Amendments by Initiative

Consideration: AN ORDINANCE PERTAINING TO THE ORANGE COUNTY CHARTER; AMENDING SECTION 602, PROCEDURE FOR INITIATIVE AND REFERENDUM, RELATED TO PROCEDURAL TIME-FRAMES FOR CHARTER AND ORDINANCE AMENDMENTS BY INITIATIVE; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; CONDITIONING THE

EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

County staff presented summaries of Charter Ordinances Sections 602 and 603.

Amendment to Section 602, Procedure for Initiative and Referendum is as follows:

- Supervisor of Elections verifies signature obtained on charter and ordinance initiative petition.
- Within 30 days of verification, Board is to call referendum on the proposed petition.
 - CURRENT: Referendum called at next election at least 45 days after adoption of board resolution
 - PROPOSED: Referendum called at next election at least 150 days after adoption of Board resolution

Amendment to Section 603, Limitation is as follows:

- Charter and Ordinance Petition Initiatives shall not extend to regulation of:
 - Employer wages, benefits or hours of work
 - Encumbrance or allocation of tax revenues
 - Not currently authorized
 - Conditioned on change in law
 - Abbreviation of term of office
- Board prohibited from:
 - Calling referendum on adoption of proposed initiative deemed violative of Charter limitations or Florida law
 - Declaring enacted any ordinance deemed violative of Charter limitations
- Previous referendum on initiative violating Charter limitations or Florida law is retroactively rescinded and rendered void

The following persons addressed the Board:

- Rick Namey
- Keith Morrison
- Theo Webster
- Jim Howe
- Nanette Parratto-Wagner
- Andrew Manor

- Denise Diaz
- Marcia Bentham
- Richard Hillwig
- Nancy Jacobson
- Terri Falbo
- Mike Ketchum
- Barbara Seidenberg
- Luis Rolfo
- Jim Callahan
- James Auffant
- Carlos Smith
- Patricia Parker
- Hillel Dalmat
- Todd Catella
- Doug Head
- Sarah Wissig
- Rae Capen
- Stephanie Porta
- Tim Murphy
- Chris van Wert
- Brook Hines
- Trevor Fraser
- Paul Heroux
- Barbara Seidenberg
- Susan Williams
- Emmett O'Dell
- Inetra Pickard
- Sophia Glover
- Fred Ditzian
- Michele Levy
- Glenn Rehn

The Board discussed revisions to Section 602, Sections A and B of the proposed ordinance as follows:

A. Charter. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one-hundred fifty (150) ~~forty-five (45)~~ days after the adoption of such resolution verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be

enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.

B. Ordinance. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one-hundred fifty (150) ~~forty-five (45)~~ days after the adoption of such resolution verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

The Board discussed the following revisions to the ballot title and ballot summary:

~~TITLE: COUNTY CHARTER AMENDMENT REGARDING PROCEDURE FOR INITIATIVE AND REFERENDUM CHARTER AMENDMENT REGARDING ELECTIONS ON CITIZEN PETITION INITIATIVES~~

For the purpose of allowing citizens more time to consider referendum elections on initiative petitions and to provide certainty regarding petition submittal requirements, shall the Orange County Charter be amended to require petitions initiatives to have sufficient signatures verified at least 150 days prior to the next ~~that the referendum election on an initiative petition occur~~ a primary, general or special election ~~occurring at least 150 days, rather than the current 45 days, after adoption of a resolution of the Board of County Commissioners calling for the referendum?~~

Board discussion ensued.

Motion/Second: Commissioners Brummer/Edwards

AYE (voice vote): Commissioners Brummer/Edwards

NO (voice vote): County Mayor Jacobs; Commissioners Boyd, Clarke, Thompson, Moore Russell

Action: The motion to adopt the ordinance amending Orange County Charter, Section 602, pertaining to Procedural Time-Frames for Charter and Ordinance Amendments by Initiative as originally presented and proposed in the agenda failed.

Motion/Second: Commissioners Boyd/Edwards

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

NO (voice vote): Commissioner Moore Russell

Action: The Board adopted Ordinance 2014-19, amending Orange County Charter, Section 602, pertaining to Procedural Time-Frames for Charter and Ordinance Amendments by Initiative with revisions to Sections A and B, and with revisions to the ballot title and ballot summary shown below:

A. Charter. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one-hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.

B. Ordinance. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one-hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

TITLE: CHARTER AMENDMENT REGARDING ELECTIONS ON CITIZEN PETITION INITIATIVES.

SUMMARY: For the purpose of allowing citizens more time to consider referendum elections on initiative petitions and to

provide certainty regarding petition submittal requirements, shall the Orange County Charter be amended to require petition initiatives to have sufficient signatures verified at least 150 days prior to the next primary, general or special election?

Ordinance

2. Amending Orange County Charter, Section 603, pertaining to Limitations on Certain Charter Amendments and Ordinances by Initiative

Consideration: AN ORDINANCE PERTAINING TO THE ORANGE COUNTY CHARTER; AMENDING SECTION 603, LIMITATION, TO PROVIDE FOR LIMITATIONS ON CERTAIN CHARTER AMENDMENTS AND ORDINANCES BY INITIATIVE; PROVIDING FOR PROHIBITIONS ON THE LEGISLATIVE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS RELATING TO PROPOSED CHARTER AMENDMENTS OR ORDINANCES BY INITIATIVE; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

The following persons addressed the Board:

- Theo Webster
- Rick Namey
- Emmett O'Dell
- Tim Murphy
- Paul Heroux
- Barbara Seidenberg
- Ida Eskamani
- Nancy Jacobson
- Denise Diaz
- Keith Morrison
- Jim Howe
- Marc Shiply
- Sarah Wissig
- Nanette Parratto-Wagner
- Richard Hillwig
- Terri Falbo
- Mike Ketchum
- Stephanie Porta
- Brook Hines

- Tia Nowak
- Ricardo McQueen
- Trevor Fraser
- Fred Ditzian
- Susan Williams
- Jim Callahan
- Todd Catella
- Carlos Smith
- Michele Levy
- Luis Rolfo
- Glenn Rehn
- Chris van Wert
- Sophia Glover
- Cathie Hettinger

Motion/Second: Commissioners Brummer/Edwards

AYE (voice vote): Commissioners Boyd, Brummer, Clarke, Thompson, Edwards

NO (voice vote): County Mayor Jacobs; Commissioner Moore Russell

Action: The Board adopted Ordinance 2014-20 amending Orange County Charter, Section 603, pertaining to Limitations on Certain Charter Amendments and Ordinances by Initiative with revisions to Sections B and C and with revisions to the ballot summary as shown below:

B. The power to amend this charter by initiative, or to enact, amend or repeal an ordinance by initiative, shall not extend to the regulation of employer wages, benefits or hours of work, the encumbrance or allocation of tax revenues for any purpose not then authorized by law, the encumbrance or allocation of tax revenues conditioned upon a prospective change in Florida law. ~~or the abbreviation of the term of an office during the term of that office, or within one year prior to the election for that office.~~

C. Notwithstanding any other provision of this charter, the board is prohibited from calling a referendum on the question of the adoption of any proposed charter amendment or ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law ~~and the calling of any referendum previously called on such a proposed charter amendment is hereby rescinded and rendered null, void, and of no force or effect.~~

COUNTY CHARTER AMENDMENT REGARDING
LIMITING THE POWER TO AMEND THE CHARTER

Shall the Orange County Charter be amended to limit the amendment of the Charter by initiative, and the enactment, amendment or repeal of ordinances by initiative, where the initiative concerns the regulation of employer wages, benefits, or hours of work; the encumbrance or allocation of tax revenues not authorized by law or conditioned upon a prospective change in law; or abbreviating terms of office; and to impose prohibitions on the Board of County Commissioners?

- ADJOURNMENT, 5:57 p.m.

ATTEST:




County Mayor Teresa Jacobs
Date: SEP 23 2014



ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk