

OCT 14 2014 KH/BS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, August 19, 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, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 9:08 a.m.
- REASSUMED CHAIR
County Mayor Jacobs reassumed the Chair from Vice-Mayor Clarke.
- INVOCATION - Roger Clark, Pastor, Kingdom Family Church Inc.
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Resolution to Dr. Roger Clark
- PRESENTATION
A check from Wayne Densch Charities
- RELINQUISHED CHAIR
County Mayor Jacobs relinquished the Chair to Vice-Mayor Clarke.
- PUBLIC COMMENT

The following person addressed the Board for public comment: Hal Kantor.

- REASSUMED CHAIR
County Mayor Jacobs reassumed the Chair from Vice-Mayor Clarke.
- NONAGENDA
Discussion ensued among the Board regarding Transportation Impact Fees. This issue was originally discussed on August 5, 2014. It was the consensus of the Board to advertise for a public hearing to be held September 23, 2014 regarding the Transportation Impact Fee Ordinance focusing on the fee implementation date and phasing process.

- PUBLIC COMMENT CONTINUED:

The following person addressed the Board for public comment: Mary Wilson.

- COUNTY CONSENT AGENDA

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 Mayor

- Deferred action on Administrative Services Department Item 13
- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Avalon Woods I Planned Development
- Deferred action on Community, Environmental and Development Services Department Item 3 for consideration with public hearing for Seidel Road Investments Planned Development
- Deferred action on Community, Environmental and Development Services Department Item 4 for consideration with public hearing for World Gateway Planned Development/Land Use Plan
- Deferred action on Public Works Department Item 7

and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the June 3, 2014, June 10, 2014, and June 24, 2014 meetings of the Board of County Commissioners. (Clerk's Office)
2. 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:
 - August 1, 2014, to August 7, 2014; total of \$35,529,080.72
 - August 8, 2014, to August 14, 2014; total of \$15,260,064.56.

(Finance/Accounting)

County Tax Collector

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for 2013 (DR-502) and corresponding certification of Errors, Double Assessments, Discounts and Insolvencies.

2. Approval of the extension of the tax roll prior to the completion of the 2014 Value Adjustment Board hearings.

County Administrator

1. Approval of Resolution 2014-M-43 of the Orange County Board of County Commissioners regarding the Resolution of the Orange County School Board directing the Orange County Board of County Commissioners to call an election for a referendum to be placed on the ballot of the November 4, 2014 General Election. All Districts.
2. Authorization to expend up to \$190,000 to assist the Tymber Skan Home Owners Association with infrastructure, legal, and board-up services.
3. Confirmation of Commissioner Clarke's appointment of Chad E. Wilkins to the Lake Mary MSTU Advisory Board with a term expiring December 31, 2015. (Agenda Development Office)
4. 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)
5. Approval of Resolution 2014-M-44 of the Orange County Board of County Commissioners regarding John Bean Technologies Corporation Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
6. Approval to spend \$131,423.96 from the Law Enforcement Impact Fee fund to purchase four vehicles with equipment and installation. (Office of Management and Budget)
7. Approval to disburse \$150,000 to the Orange Blossom Trail Development Board by October 8, 2014 for administration in order to maintain normal operations for the first quarter of FY 2014-15. (Office of Management and Budget)
8. Approval for staff to reimburse expenditures throughout FY 2014-15 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2014-15 budget. (Office of Management and Budget)
9. Approval of budget amendments #14-45, #14-46, and #14-47. (Office of Management and Budget)

Administrative Services Department

1. Approval to award Invitation for Bids Y14-1066-J2, Guardrail and Handrail Installation and Repair, to the low responsive and responsible bidder, DBI Services, LLC, in the

estimated annual contract award amount of \$440,445. Further, authorized the Procurement Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)

2. Approval to award Invitation for Bids Y14-1075-J2, Stormwater Pipe Video, Cleaning, Sealing and Related Services, to the low responsive and responsible bidder, Envirowaste Services Group, Inc., in the estimated annual contract award amount of \$1,384,045.50. Further, authorized the Procurement Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. Approval to award Invitation for Bids Y14-1080-DG, Right-of-Way Mowing – John Young Area, Section I, to the low responsive and responsible bidder, AmeriScapes Landscape Management Services, in the estimated annual contract award amount of \$174,420. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
4. Approval to award Invitation for Bids Y14-1081-DG, Right-of-Way Mowing – John Young Area, Section II, to the low responsive and responsible bidder, AmeriScapes Landscape Management Services, in the estimated annual contract award amount of \$183,325. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
5. Approval to award Invitation for Bids Y14-1084-JS, Automotive Batteries, to the low responsive and responsible bidder, Battery USA, Inc., in the estimated annual contract award amount of \$100,835. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Fleet Management Division] Procurement Division)
6. Approval to award Invitation for Bids Y14-1087-DG, Right-of-Way Mowing – Goldenrod Area, Section I, to the low responsive and responsible bidder, Carol King Landscape Maintenance, in the estimated annual contract award amount of \$136,726. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
7. Approval to award Invitation for Bids Y14-1089-PD, Recycling of Residential Yard Waste, to the low responsive and responsible bidder, Hubbard Construction Company, for a 1-year term in the estimated contract award amount of \$625,000. Further, authorized the Procurement Division to renew the contract for four additional 1-year terms. ([Utilities Department Solid Waste Division] Procurement Division)
8. Approval to award Invitation for Bids Y14-768-CH, Fort Christmas Road and Wheeler Road Intersection Improvements, to the low responsive and responsible bidder, Allstate Paving, Inc., in the estimated contract award amount of \$879,940. This project

will be funded by the Florida Department of Transportation (FDOT). FDOT has assigned FPN #429611-1-58-01 FAN #4043-132-C to this project. ([Public Works Department Engineering Division] Procurement Division)

9. Approval to award Invitation for Bids Y14-7005-RM, Orange County Courthouse Booster Pump Project, to the low responsive and responsible bidder, S.I. Goldman Company, Inc., in the total contract award amount is \$216,250. ([Administrative Services Department Capital Projects Division] Procurement Division)
 10. Approval of Purchase Order M69009, One (1) CUES Video Inspection Vehicle from Elxsi Corporation in the amount of \$300,000. ([Utilities Department Field Services Division] Procurement Division)
 11. Approval of Amendment No. 4, Contract Y10-645-GC, Upgrade of Utilities Customer Information and Billing Solution, with Pricewaterhouse Coopers (PwC) in the estimated amount of \$628,840 for a revised total estimated contract award amount of \$12,734,430. This amendment will provide for Annual Post-Notice-of-Final-System-Acceptance Support. Further, authorized the Procurement Division to renew Annual Post-Notice-of-Final-System-Acceptance Support for two additional 1-year terms. ([Utilities Department Customer Service Division] Procurement Division)
 12. Approval of Amendment No. 1, Contract Y14-138-PD, Cisco Hardware, Maintenance and Ownership Administration Services, with Adcap Network Systems to increase the estimated contract amount by \$650,000 from \$3,200,000 to \$3,850,000. ([Office of Accountability Information Systems and Services Division] Procurement Division)
 13. Approval of Contract Y14-2027, Healthy Foods, with Hebni Nutrition Consultants, Inc, for the estimated contract award amount of \$146,413. ([Family Services Department Citizens Commission for Children Division] Procurement Division)
- (This item was deferred.)
14. Approval and execution of Resolution 2014-M-45 and County Deed from Orange County to Town of Oakland and authorization to disburse funds to pay recording fees and record instrument for Briley Avenue Retention Pond a/k/a Vick Rd Retention. District 1. (Real Estate Management Division)
 15. Approval and execution of Access Easement Agreement between Allison Environmental Resources, Inc. and Orange County, approval of Conservation Easement between Allison Environmental Resources, Inc. and Orange County and authorization to record instruments for Robinson Hills CAIP #99-087. Lake County. (Real Estate Management Division)
 16. Approval of Easement Agreement between Orange County and City of Altamonte Springs, approval and execution of Resolution 2014-M-46, Utility Easement and Temporary Construction Easement from Orange County to City of Altamonte

Springs and authorization to record instruments for Altamonte Springs to Apopka Reclaimed Water Main. District 2. (Real Estate Management Division)

17. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Michael Jimenez, approval and execution of County Deed from Orange County to Michael Jimenez and authorization to perform all actions necessary and incidental to closing for NSP Resale – 438 Fieldstream North Blvd., Orlando, FL 32825 (NCST). District 4. (Real Estate Management Division)
18. Approval of As Is Residential Contract for Sale and Purchase with Addendums to Contract between Orange County and Marie G. Valcourt, approval and execution of County Deed from Orange County to Marie G. Valcourt and Othny Valcourt and authorization to perform all actions necessary and incidental to closing for NSP Resale – 7409 High Lake Dr., Orlando, FL 32818 (NCST). District 2. (Real Estate Management Division)
19. Approval and execution of Corrective County Deed from Orange County to Rene A. Gomez and authorization to record instrument for NSP Resale – 1947 Excalibur Dr., Orlando, FL 32822 (NCST). District 3. (Real Estate Management Division)
20. Approval of Utility Easement between the Homeowners Association of Eagle Creek, Inc. and Orange County and authorization to record instrument for Eagle Creek Village L Phase 2 OCU File #73645. District 4. (Real Estate Management Division)
21. Approval of Utility Easement and Access and Utility Easement between D. R. Horton, Inc. and Orange County and City of Orlando and authorization to record instruments for Waterleigh PD Ph 1 OCU File #:74249 (Conserv II). District 1. (Real Estate Management Division)
22. Approval of Temporary Utility Easement between Taylor Morrison of Florida, Inc. and Orange County and authorization to record instrument for Woodland Park Phase 1A OCU File #73665. District 4. (Real Estate Management Division)
23. Approval of Conservation and Access Easement between Toll FL XII Limited Partnership and Orange County and authorization to record instrument for Conservation Area Impact Permit # CAI-14-01-002 (Seidel East). District 1. (Real Estate Management Division)
24. Approval and execution of Seventh Amendment to Lease Agreement between F6OSTC, LLC and Orange County, for office space for SunTrust Center, 200 South Orange Avenue, Suites 1500, 1520, 1540, 1600, and 1700, Orlando, Florida. District 5. (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. Districts 1, 2, 3, 4, 5, and 6. (Code Enforcement Division)

LC 14-0647	LC 14-0485	LC 14-0929	LC 13-1367	LC 13-1799
LC 14-0702	LC 14-0494	LC 14-0931	LC 13-1388	LC 13-1802
LC 14-0794	LC 14-0629	LC 14-0938	LC 13-1508	LC 13-1820
LC 14-0837	LC 14-0641	LC 14-0992	LC 13-1567	LC 13-1835
LC 13-1562	LC 14-0646	LC 14-0912	LC 13-1605	LC 13-1836
LC 14-0468	LC 14-0654	LC 14-0956	LC 13-1638	LC 14-0004
LC 14-0469	LC 14-0699	LC 14-0975	LC 13-1673	LC 14-0117
LC 14-0471	LC 13-1258	LC 14-0913	LC 13-1684	LC 14-0122

2. Approval of Adequate Public Facilities Agreement for Avalon Woods I PD by and between Susan D. Shaw, David H. Daniels, SD New Independence Holdings, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

3. Approval of Adequate Public Facilities Agreement by and between Seidel Road Investments, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

4. Approval of Seventh Amended and Restated Development Order for World Gateway (Formerly Called the Greene Property) PD Development of Regional Impact. District 1. (Development Review Committee)

(This item was deferred.)

5. Approval of Agreement to offer Donation of Real Property by and between Orange County, Florida, and Orange County Environmental, LLC, in accordance with Solid Waste Management Facility Permit No. 04-F13-1560 for the West Orange Environmental Resources - Construction and Demolition Debris Disposal Facility. District 1. (Environmental Protection Division)

6. Approval of HOME Investment Partnership Program Agreement between Orange County, Florida and Housing and Neighborhood Development Services of Central Florida, Inc., authorizing a commitment of \$633,540 for improvements to the Green Gables Apartments that will be occupied by low-income families. District 6. (Housing and Community Development Division)

7. Approval of First Amendment to the Agreement between Orange County, Florida and Heart of Florida United Way, Inc., regarding the Emergency Solutions Grant Funding to provide an additional \$36,087.63 for the delivery of homeless prevention and rapid rehousing services, and extend the duration of the agreement until December 31, 2014. All Districts. (Housing and Community Development Division)
8. Approval of Restated Interlocal Cooperation Agreement between Orange County, Florida and the City of Winter Park for Community Development Programs under the Urban County Program. District 5. (Housing and Community Development Division)

Family Services Department

1. Approval of Florida Department of Health, Child Care Food Program Budget for the Sponsor of Affiliated Child Care Centers; Supplemental Budget for Special Cost Items; Management Plan; 2014 CCFP Annual Training Certification; Building for the Future; and Delegation of Signing Authority for the Child Care Food Program to accept Child Care Food Program reimbursement to Orange County up to an estimated amount of \$1,729,260 for nutritional meals served to eligible children enrolled in the Head Start Program for FY 2014-15. (Head Start Division)
2. Approval of Florida Department of Children and Families Application for a License to operate a Child Care Facility at South Orlando YMCA Head Start. This application is only executed by Orange County. (Head Start Division)

Health Services Department

1. Approval of the renewal Paratransit Services License for Promotion Transportation Services, Inc. to provide wheelchair/stretchers service. The term of this License is from September 1, 2014 through September 1, 2016. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval of the Paratransit Services License for C L Transportation, LLC to provide wheelchair/stretchers service. The term of this license is from August 31, 2014 through August 31, 2016. There is no cost to the County. (EMS Office of the Medical Director)

Office of Regional Mobility

1. Approval of Amendment to the Interlocal Agreement creating the Orlando Urban Area Metropolitan Planning Organization D/B/A Metroplan Orlando. All Districts.
2. Approval of Service Funding Agreement by and between Orange County, Florida and LYNX for FY 2013-14. All Districts

Public Works Department

1. Approval of Settlement Agreement Regarding Pemberton Drive by and between Seminole County, Orange County, CANDH Investments, LLC, Dataline Systems, Inc., Natural Living, Inc., and NHR Management, LLC. District 2. (Public Works Department)
2. Approval of State of Florida Department of Transportation Memorandum of Agreement by and between Orange County, a Political Subdivision and the State of Florida, Department of Transportation for the Ultimate I-4 Project Amendment Number 1. All Districts. (Transportation Planning Division)
3. Approval of Traffic Control Device installations in Royal Estates PD Parcel 2 Phase 1 (aka Royal Legacy Estates). District 1. (Traffic Engineering Division)
4. Approval of Traffic Control Devices and "No Parking" sign installations in Yates PD Parcel 2 (aka Reserve at Sawgrass –Phase 2) Phase 1A-2. District 4. (Traffic Engineering Division)
5. Approval to install a "No Parking" zone on Patel Drive including county right of way from 3122 Patel Drive to 3128 Patel Drive. District 5. (Traffic Engineering Division)
6. Approval to install a "No Parking" zone on Bear Bryant Drive from South John Young Parkway to Chancellor Drive. District 6. (Traffic Engineering Division)
7. Approval of Transportation Impact Fee Agreement regarding an Alternative Impact Fee Calculation for Windermere Cay Phase 1B by and between Timberlock Partners, LP and Orange County, Florida. District 1. (Traffic Engineering Division)

(This item was deferred.)
8. Approval of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for installation of a new full width concrete surface crossing at CSX Crossing #622 332M on Dividend Drive with authorization to pay \$274,785 to CSX Transportation, Inc. for construction of these improvements. District 6. (Roads and Drainage Division)
9. Approval of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for installation of a new full width concrete surface crossing at CSX Crossing #643 870C on Chancellor Drive with authorization to pay \$274,404 to CSX Transportation, Inc. for construction of these improvements. District 4. (Roads and Drainage Division)
10. Approval of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for installation of a new full width concrete surface crossing at CSX Crossing #622 322G on Orange Avenue with authorization

to pay \$435,705 to CSX Transportation, Inc. for construction of these improvements. District 4. (Roads and Drainage Division)

11. Approval of State of Florida Department of Transportation Local Agency Program Supplemental Agreement, FPN: 429611-1-58/68-01 between the State of Florida Department of Transportation and Orange County, in the amount of \$879,940, reflecting a lower construction bid response. District 5. (Transportation Planning Division) Page 597-601

Utilities Department

1. Approval of City of Orlando Florida, and Orange County, Florida and Orange County FFA Alumni, Inc. Water Conserv II Lease Agreement to allow Orange County FFA Alumni, Inc. to use approximately 80 acres of Water Conserv II property for hay production. District 1. (Water Reclamation Division)
2. Approval of Resolution 2014-M-47 of the Orange County Board of County Commissioners regarding Lease of Portion of Water Conserv II Land at Private Sale. District 1. (Water Reclamation Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Minutes of the June 30, 2014 Meeting in the Sunshine. County Mayor Jacobs, and Commissioners Brummer and Moore Russell attended the Inaugural Pine Hills Leadership Meeting with local business owners and leaders of the Pine Hills community.
 - b. Citizens Right to Know Act Pretrial Release Program (PTR) Report, January 2013 to December 2013, Offenders Issued a Warrant for Failing to Appear, Offenders Arrested for any Offense while on Release through PTR.
 - c. Orange County Tax Collector, Errors and Insolvencies by Taxing Authority.
 - d. Orange County Tax Collector Prior Year Adjustments, Tax Year 2013 – All Tax Authorities.
 - e. Jurisdictional Boundary Map Update in reference to Ordinance No. 2014-19, 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 Vine St. east of Francis Av, south of Hand Bv and west of S Bumby Av and comprised of 0.46 acres, more or less; amending the City's adopted growth management plan to designate the property as residential low density 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.

*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 (CONTINUED)

Administrative Services Department (Deferred)

13. Approval of Contract Y14-2027, Healthy Foods, with Hebni Nutrition Consultants, Inc, for the estimated contract award amount of \$146,413. ([Family Services Department Citizens Commission for Children Division] Procurement Division)

Motion/Second: Commissioners Moore Russell/Boyd

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

NO (voice vote): Commissioners Brummer, Edwards

Action: The Board approved Contract Y14-2027, Healthy Foods, with Hebni Nutrition Consultants, Inc, for the estimated contract award amount of \$146,413.

Public Works Department (Deferred)

7. Approval of Transportation Impact Fee Agreement regarding an Alternative Impact Fee Calculation for Windermere Cay Phase 1B by and between Timberlock Partners, LP and Orange County, Florida. District 1. (Traffic Engineering Division)

Commissioner Edwards announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of Timberlock Partners, LP; this is a client of my law firm, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

- I. CONSENT AGENDA

- I. PUBLIC WORKS DEPARTMENT

7. Approval of Transportation Impact Fee Agreement regarding an Alternative Impact Fee Calculation for Windermere Cay Phase 1B by and between Timberlock Partners, LP and Orange County, Florida. District 1. (Traffic Engineering Division) Page 563-575

This is a client of my law firm."

Motion/Second: Commissioners Brummer/Moore Russell

Abstain: Commissioner Edwards

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

Action: The Board approved the Transportation Impact Fee Agreement regarding an Alternative Impact Fee Calculation for Windermere Cay Phase 1B by and between Timberlock Partners, LP and Orange County, Florida.

• COUNTY DISCUSSION AGENDA

Administrative Services Department

1. Selection of one firm and an alternate, to provide an Adult Drug Court Substance Abuse Treatment and Case Management Program, Request for Proposals Y14-1064-LC, from the following firms listed alphabetically:

- ASPIRE
- Health Partners and Specialized Treatment, Education and Prevention Services (STEPS), Inc.

([Ninth Judicial Circuit Drug Court Division] Procurement Division)

Request authority for Procurement Division to negotiate and execute a 1-year contract within a budget amount of \$540,660. Further request authority for the Procurement Division to renew the contract for two additional 1-year periods.

Motion/Second: Commissioners Moore Russell/Edwards

AYE (voice vote): All members

Action: The Board selected one firm, ASPIRE, and an alternate, Health Partners and Specialized Treatment, Education and Prevention Services (STEPS), Inc., to provide an Adult Drug Court Substance Abuse Treatment and Case Management Program; further, authorized the Procurement Division to negotiate and execute a 1-year contract within a budget amount of \$540,660; and further, authorized for the Procurement Division to renew the contract for two additional 1-year periods, Request for Proposals Y14-1064-LC.

2. Selection of one firm and two ranked alternates to provide Engineering Services for the South Service Area/East Service Area 36-inch Potable Water Main and 20-inch Reclaimed Water Main Project (Landstar Blvd to Moss Park Road), Request for Proposals Y14-806-PH, from the following firms listed alphabetically:

- Barnes, Ferland and Associates, Inc.
- CMTS, LLC
- CPH, Inc.
- Dewberry Engineers, Inc. dba Dewberry Boyer-Singleton
- Reiss Engineering, Inc.
- Woolpert, Inc.

([Utilities Department Engineering Division] Procurement Division)

Further request the Board authorize execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$2,362,500.

Motion/Second: Commissioners Moore Russell/Boyd

AYE (voice vote): All members

Action: The Board selected one firm CPH, Inc., and two ranked alternates, #1 Barnes, Ferland and Associates, Inc., and #2 Reiss Engineering, Inc., to provide Engineering Services for the South Service Area/East Service Area 36-inch Potable Water Main and 20-inch Reclaimed Water Main Project (Landstar Blvd to Moss Park Road); and further, authorized execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$2,362,500, Request for Proposals Y14-806-PH.

Community, Environmental and Development Services Department

1. Orange County MultiModal Corridor Plan. All Districts. (Transportation Planning Division)

Staff presented to the Board its findings on the first phase of the Orange County MultiModal Corridor Plan. The presentation addressed policy, design, technical, and financial issues associated with developing and implementing a multimodal Corridor Plan.

- RELINQUISHED CHAIR

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

Board discussion ensued.

- REASSUMED CHAIR

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

Action: None

By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Pine Hills Local Government Neighborhood Improvement District Board of Directors.

Family Services Department

1. Acceptance of the Pine Hills NID Annual Report and recommendations. (Neighborhood Preservation and Revitalization Division)

Staff presented to the Board an overview of the Pine Hills Neighborhood Improvement District Annual Report which included the 2013-2014 Annual Activities and 2014-2015 Work Plan. Jerry Presley, Executive Director of the Pine Hills Improvement District, presented to the Board the following the recommendations of the advisory council:

- Make Pine Hills a legislative priority
- Create a Land Acquisition Fund for Pine Hills

- Update Land Development Regulations to accommodate infill redevelopment
- Create a marketing fund for Pine Hills
- Develop a concrete plan for transportation in Pine Hills

Motion/Second: Commissioners Moore Russell/Brummer

AYE (voice vote): All members

Action: The Board accepted the Pine Hills Neighborhood Improvement District Annual Report and recommendations.

- MEETING RECESSED, 10:40 a.m.

- MEETING RECONVENED, 2:09 p.m.

By consensus, the Board adjourned as the Pine Hills Local Government Neighborhood Improvement District Board of Directors and reconvened as the Orange County Board of County Commissioners.

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

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- RECOMMENDATIONS

August 7, 2014 Board of Zoning Adjustment Recommendations

- MEMBER JOINED: Commissioner Edwards

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of August 7, 2014, with the exception of and authorizing a public hearing be scheduled for Case VA-14-09-045, Joshua Wallack, on October 14, 2014 (appeal field); subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Board of Zoning Adjustment Appeal

1. Timothy W. Schutz, P.E.; Case # SE-14-01-003, March 6, 2014; District 1
(Continued from May 6, 2014)

Appellant:
Applicant: Timothy W. Schutz, P.E.
Case: Board of Zoning Adjustment Case # SE-14-01-003; March 6, 2014
Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for Special Exception and Variance in R-CE zone as follows:
1) Special Exception: To construct a 13,000 sq. ft. religious use facility
2) Variance: To allow unpaved drive aisles and parking spaces in lieu of paved
Location: District 1; property generally located North side of Palm Lake Dr., approximately 200 ft. east of S. Apopka Vineland Rd. Orange County, Florida (legal property description on file in Zoning Division)
Court Reporter: Lisa Workman, Orange Legal

The following persons addressed the Board:

- Paul H. Chipok
- Kendall Keith
- Joe Roviario (phonetic)
- Brent Spain
- Laura Dedenbach
- Moazzam Raja
- Mustafizur Rahman
- Mohammed Tabakhi
- Aroldo Andrade
- Joseph Sikora
- Qudrat Ali
- Syed Haider
- Atif Fareed
- Kietta Mayweather Gamble
- Hatem Abou-Senna
- Iqbal Gagan
- Cynthia Blackburn
- Mary Sikora
- Ahmad Saleem
- Sami Leka
- Robert Wolgemuth
- Betsy Story
- Yazen Abdin
- John Kaiser
- Brad Smith
- Basil Meecham
- Basel Alkowni
- Mohammed Saifulhuda
- Doug McCullough
- Paul McGarigal

- Jerry Cummings
- Dr. Shakeed Ahmed Khan
- Robert Renard
- Alan Kornman
- Tom Ticknor
- Mitch Burke
- Keith Morrison
- Jack Summers
- Sandra Stallings
- Bennie Bedenbaugh
- Tim Schutz

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

- Exhibit 1, from Paul Chipok
- Exhibit 2, from Paul Chipok
- Exhibit 3, from Paul Chipok
- Exhibit 4, from Kendall Keith
- Exhibit 5, from Brent Spain
- Exhibit 6, from Aroldo Andrade
- Exhibit 7, from Robert Wolgemuth
- Exhibit 8, from Sandra Stallings
- Exhibit 9, from Bennie Bedenbaugh
- Exhibit 10, from Paul Chipok
- Exhibit 11, from Joe Roviario (phonetic)
- Exhibit 12, from Kendall Keith
- Exhibit 13, from Tim Schutz

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Timothy W. Schutz, P.E. for Special Exception and Variance in R-CE zone, on the described property, as follows:

- 1) Special Exception: To construct a 13,000 sq. ft. religious use facility
- 2) Variance: To allow unpaved drive aisles and parking spaces in lieu of paved.

Preliminary Subdivision Plan

2. Scott Stearns, Dewberry/Bowyer-Singleton, Village F Master PD/Magnolia Estates Preliminary Subdivision Case # PSP-13-09-241, District 1

Applicant: Scott Stearns, Dewberry / Bowyer-Singleton

Consideration: Village F Master PD / Magnolia Estates Preliminary Subdivision Plan, Case # PSP-13-09-241, submitted in accordance with Sections 34-69

and 30-89, Orange County Code; This request is proposing to construct 356 single-family residential dwelling units on 159.04 acres.
Location: District 1; property generally located North of Seidel Road / West of Lake Hancock Road; Orange County, Florida (legal property description on file in Planning Division)

County staff modified the following conditions to read as follows:

- Condition 17: Where public gravity sewer service is proposed within mews, parks, or open space tracts, there shall be a minimum thirty-eight foot (38') wide clearance between vertical structures, with a stabilized access road over manholes and a utility easement over the gravity sewer main.
- Condition 18: Wastewater gravity systems extending into the alleys shall have no more than one manhole (the terminal manhole) in the alley upstream of a right-of-way manhole, a minimum thirty-eight foot (38') clear zone between permanent vertical structures, and a minimum twenty-six foot (26') clear zone between fences. The gravity mains located in alleys shall be eight inch (8") diameter, upgraded to SDR-26 PVC pipe, and shall have a maximum of five feet (5') of cover.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Village F Master PD / Magnolia Estates Preliminary Subdivision Plan Case # PSP 13-09-241 on the described property, subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Magnolia Estates Preliminary Subdivision Plan dated "Received May 15, 2014," and to the conditions of approval listed below. 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, or 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 preliminary subdivision plan dated "Received May 15, 2014," 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. 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.
4. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
5. 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 in lieu of designing for the 100-year/24-hour storm event, 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.
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 Department 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 section. 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.

7. The project contains 357 unvested units that are subject to the County's school capacity policy (a/k/a the Martinez Doctrine.) The developer purchased school rights/credits established under the Capacity Enhancement Agreement CEA #06-011-01.

The Developer shall comply with all provisions of the Capacity Enhancement Agreement. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any unvested units. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement.

The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement shall indemnify and hold the County harmless from any third party claims, suits or actions arising as a result of the cessation of the County's issuance of residential building permits resulting from such notification from OCPS. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that is shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of Developer's rights.

Orange County shall be held harmless by the Developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the Developer and OCPS over any interpretation or provision of the Capacity Enhancement Agreement.

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.

8. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village F Road Network Agreement recorded at O.R., Book 10591, Page 5123, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of development.
9. No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through FDEP and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any

excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

10. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
11. 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 seventy percent (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, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
12. Prior to commencement of any 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 by the developer.
13. Unless a Conservation Area Impact Permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas," prior to Construction Plan approval, no conservation area encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
14. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP is consistent with the approved MUP for Village F, or shall include an update to the Village F MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
15. Prior to 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 simultaneously with 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 façades.
- b. House front façades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of any house shall not exceed forty (40) feet in length, except for wings or "L's" which are set back from the façade. In no case shall more than fifty percent (50 %) of the front façade of any house consist of an unobstructed block wall or garage door.
- c. At least fifty percent (50%) 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 feet, six inches (3'6") and limited to decorative wrought iron or wood picket style.
- f. The provisions of the CC&Rs 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 homeowners' association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.

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.

- 16. There shall be no certificate of completion for any phase within this PSP until Park Tract P-1 is built.
- 17. Where public gravity sewer service is proposed within mews, parks, or open space tracts, there shall be a minimum thirty-eight foot (38') wide clearance between vertical structures, with a stabilized access road over manholes and a utility easement over the gravity sewer main.
- 18. Wastewater gravity systems extending into the alleys shall have no more than one manhole (the terminal manhole) in the alley upstream of a right-of-way manhole, a minimum thirty-eight foot (38') clear zone between permanent vertical structures,

and a minimum twenty-six foot (26') clear zone between fences. The gravity mains located in alleys shall be eight inch (8") diameter, upgraded to SDR-26 PVC pipe, and shall have a maximum of five feet (5') of cover.

3. Scott Stearns, Dewberry/Bowyer-Singleton, Savona PD/Savona Preliminary Subdivision Case # PSP-14-02-026, District 1

Applicant: Scott Stearns, Dewberry / Bowyer-Singleton

Consideration: Savona PD / Savona Preliminary Subdivision Plan, Case # PSP-14-02-026, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to construct 87 single-family detached residential dwelling units on 56.56 acres.

Location: District 1; property generally located East of South Apopka Vineland Road / North of Conroy Windermere Road; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER EXITED: Commissioner Edwards

County staff added the following condition: The development shall be required to join the Apopka Vineland Road Master HOA landscape MSTU.

The following person addressed the Board: Chris Roper.

Motion/Second: Commissioners Boyd/Brummer

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Savona PD / Savona Preliminary Subdivision Plan Case # PSP-14-02-026, on the described property, subject to the following conditions:

1. Development shall conform to the Savona Planned Development; Orange County Board of County Commissioners (BCC) approvals; Savona Preliminary Subdivision Plan dated "Received June 24, 2014" 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 June 24, 2014" 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. 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.
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 in lieu of designing for the 100-year/24-hour storm event, 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. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
6. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision 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. Prior to commencement of any earth work or construction, an incidental take or relocation permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission (FWC), with a copy provided to the Orange County Environmental Protection Division to the attention of the DRC Representative, by the developer.

8. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP is consistent with the approved MUP for the PD, or shall include an update to the PD MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
9. The CC&Rs shall reflect the presence of a water and reclaimed water storage and pumping facility adjacent to Lots 1 - 7.
10. 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.
11. The prior PSP is voided with the approval of this PSP.
12. A wall shall be provided along the east property line adjacent to Lots 11, 12, and 13.
13. The development shall be required to join the Apopka Vineland Road Master HOA landscape MSTU.
4. Chris Wrenn, KB Home, Bishop PD/Bishop Preliminary Subdivision Plan Case # PSP-14-02-022, District 4

Applicant: Chris Wrenn, KB Home

Consideration: Bishop PD / Bishop Preliminary Subdivision Plan, Case # PSP-14-02-022, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to construct 114 single-family residential dwelling units on 46.74 acres.

Location: District 4; property generally located West of Ward Road / North of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER JOINED: Commissioner Edwards

The following person addressed the Board: Ben Shoemaker.

County staff requested the following two conditions be added:

17. The Developer shall be required to relocate, or replace, existing fencing, gates and any other residential accesses as part of the Ward Road reconstruction required for the Bishop PSP. The costs for the relocation or replacement shall be borne by the Developer.

18. The Developer shall have the option to locate the Ward Road sidewalk in the proposed Bishop PSP wall easement, if necessary. Additionally, a sidewalk easement shall be granted to the County if the Ward Road sidewalk is not located within County right of way.

Motion/Second: Commissioners Thompson/Moore Russell

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Bishop PD / Bishop Preliminary Subdivision Plan Case # PSP-14-02-022 on the described property, subject to the following conditions:

1. Development shall conform to the Bishop Planned Development; Orange County Board of County Commissioners (BCC) approvals; Bishop Preliminary Subdivision Plan dated "Received July 1, 2014" 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 July 1, 2014" 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. 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.
4. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU)

established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.

5. 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 Department 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 section. 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.
6. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevations shall be submitted to the Development Engineering Division for review and approval.
7. Prior to or as part of plat submittal, all right-of-way dedication for Ward Road shall be conveyed to the County.
8. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
9. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision 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.
10. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.

11. Prior to commencement of any 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 by the developer.
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 seventy percent (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, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
13. Prior to construction plan approval, documentation with supporting calculations shall be submitted, certifying that this project is consistent with an approved Master Utility Plan (MUP) for the PD.
14. This property is located within Airport Noise Zone 'E' and is subject to the Airport Noise Ordinance. An executed Waiver of Claim between the developer and GOAA shall be required with the plat. Additionally, the plat and the CC&R's will require specific language regarding the Airport Noise as required by the ordinance.
15. A Development Plan shall be submitted, approved and constructed for the park tracts located within this PSP prior to the Certificate of Completion for each phase.
16. A waiver is granted from Section 34-131(b)(20) to allow the required Landscaping Plan to be submitted in conjunction with the Development Plan (DP) for the Park and Recreation Area(s). The Landscaping Plan shall be constructed and installed prior to the issuance of the Certificate of Completion for the phase in which the Park and Recreation tracts reside.
17. The Developer shall be required to relocate, or replace, existing fencing, gates and any other residential accesses as part of the Ward Road reconstruction required for the Bishop PSP. The costs for the relocation or replacement shall be borne by the Developer.
18. The Developer shall have the option to locate the Ward Road sidewalk in the proposed Bishop PSP wall easement, if necessary. Additionally, a sidewalk easement shall be granted to the County if the Ward Road sidewalk is not located within County right of way.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

Substantial Change

5. Bob Paymayesh, PE Group, World Gateway Planned Development (PD) Land Use Plan (LUP) Case # CDR-14-04-099; amend plan; District 1

Applicant: Bob Paymayesh, PE Group, World Gateway Planned Development / Land Use Plan (PD/LUP), Case # CDR-14-04-099

Consideration: Substantial change request to amend the World Gateway Planned Development / Land Use Plan (PD / LUP) as follows:

- (1) Converting existing Parcel "B" entitlements from 85 multi-family units into 110 hotel rooms;
- (2) Splitting existing Parcel "G" into Parcels "G1" and "G2", and converting 285 multi-family residential entitlements into an unallocated amount of hotel rooms within Parcel "G1" and an unallocated amount of retail square footage within Parcel "G2";
- (3) Converting Parcel "L1" entitlements from an unallocated amount of timeshare units into 411 multi-family units;
- (4) Aggregating the 10.51 acres within existing Parcel "K3" into Parcel "K1", for an increased acreage of 28.76; and by further modifying approved uses from a mixture of unallocated hotel / office activity into an unallocated amount of hotel rooms only;
- (5) Adjusting the location of retail Parcel "E6" (1.5 acres) to the south for improved access;
- (6) Splitting existing Parcel "D1" into Parcels "D1" and "D3", and converting existing entitlements of 500 hotel rooms into an unallocated amount of hotel rooms within Parcel "D1" and an unallocated amount of retail square footage within the Parcel "D3"; and
- (7) Aggregating the 1.50 acres within existing Parcel "M3", into Parcel "M1", for an increased acreage of 23.96; and by further modifying the approved uses from a mixture of unallocated hotel / retail activity into an unallocated amount of hotel rooms only; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property located at 14701 International Drive; generally located on the south side of SR 536 (World Center Drive), east of Interstate 4, west of SR 535 (Kissimmee Vineland Road) and north of SR 417 (Central Florida Greenway); Orange County, Florida (legal property description on file)

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

4. Approval of Seventh Amended and Restated Development Order for World Gateway (Formerly Called the Greene Property) PD Development of Regional Impact. District 1. (Development Review Committee)

The following person addressed the Board: Robert Paymayesh.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Bob Paymayesh, PE Group, World Gateway Planned Development / Land Use Plan (PD/LUP), Case # CDR-14-04-099, to amend the World Gateway Planned Development / Land Use Plan (PD / LUP) as follows:

- (1) Converting existing Parcel "B" entitlements from 85 multi-family units into 110 hotel rooms;
- (2) Splitting existing Parcel "G" into Parcels "G1" and "G2", and converting 285 multi-family residential entitlements into an unallocated amount of hotel rooms within Parcel "G1" and an unallocated amount of retail square footage within Parcel "G2";
- (3) Converting Parcel "L1" entitlements from an unallocated amount of timeshare units into 411 multi-family units;
- (4) Aggregating the 10.51 acres within existing Parcel "K3" into Parcel "K1", for an increased acreage of 28.76; and by further modifying approved uses from a mixture of unallocated hotel / office activity into an unallocated amount of hotel rooms only;
- (5) Adjusting the location of retail Parcel "E6" (1.5 acres) to the south for improved access;
- (6) Splitting existing Parcel "D1" into Parcels "D1" and "D3", and converting existing entitlements of 500 hotel rooms into an unallocated amount of hotel rooms within Parcel "D1" and an unallocated amount of retail square footage within the Parcel "D3"; and
- (7) Aggregating the 1.50 acres within existing Parcel "M3", into Parcel "M1", for an increased acreage of 23.96; and by further modifying the approved uses from a mixture of unallocated hotel / retail activity into an unallocated amount of hotel rooms only;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the World Gateway (fka Greene) PD Land Use Plan dated "Received May 13, 2014," 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, 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. 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 land use plan and the land use plan dated "Received May 13, 2014," 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. 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.
4. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of June 17, 2014.
 - 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units on Parcel L1 in excess of the residential units allowed under the PD prior to the approval of this

amendment to the PD. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- 2) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- 3) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
- 4) 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.
5. The development is required to abide by Amended and Restated Development Order # 7 (the Development Order).
6. The applicant is required to meet the trip thresholds defined in Condition #35 of the Development Order.
7. A copy of the vested rights certificate is required with application for a building permit.
8. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision 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.
9. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated December 17, 2013, shall apply:
 - a. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP).

- b. Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
10. The following BCC Conditions of Approval, dated August 5, 2008, September 18, 2007, May 1, 2007, September 22, 1998, April 21, 1992 and March 30, 1981 as modified shall apply:
- a. Billboards and pole signs shall be prohibited.
 - b. Outdoor storage and display shall be prohibited.
 - c. This project shall comply with the Orange County Commercial Design Standards.
 - d. Orange County shall have no obligation to provide utilities or other services to any portion of the Activity Center Residential ("ACR") designated property lying to the south of the proposed right-of-way of the Southern Connector and west of the eastern Conservation Area, as shown on the Greene Property PD Land Use Plan Amendment. No building or development permits associated with the ACR uses designated for this parcel shall be issued until the owner or developer of said parcel has demonstrated the availability from Osceola County of all necessary utilities and services to serve said parcel by virtue of a binding agreement on the part of Osceola County to provide all such services. The Developer shall seek to enter into an impact fee agreement with Orange County and Osceola County under which Orange County shall waive its requirements for the payment of any applicable impact fees associated with the development of any portion of this parcel to which the services and facilities associated with such impact fees for that portion of the parcel are provided exclusively by Osceola County, not Orange County.
 - e. The developer shall work within the organizational framework of Orange County's International Drive Activity Center to provide for mass transit facilities and services.
 - f. Toward the achievement of energy conservation, the Greene Property PD shall perform or require the following actions:
 - 1) Thermal storage cooling systems for nonresidential buildings shall be considered;
 - 2) Developers shall consult with the Florida Solar Energy Center and obtain guidelines for site development relating to building orientation, construction material, and landscaping which provides optimal energy conservation.

g. Development shall be conducted in accordance with the following transportation requirements:

- 1) Access points to the International Drive Connector and C.R. 535 shall be limited to those illustrated on the revised conceptual land use plan dated December 31, 1980 identified as Sheet 7 PD Land Use Plan. The developer shall be responsible for its pro-rata share of the cost of signalization required by this development when nationally-recognized traffic signal warrants are met.
- 2) Access shall be provided to all "out parcels" through dedicated rights-of-way or a recorded agreement approved by the Public Works Director guaranteeing access over internal private roadways to said parcels.
- 3) Developer shall participate in conjunction with Phases 2, 3 and 4, on an equitable basis, in an assessment district or other funding mechanism established by the Board of County Commissioners to provide for the extension of International Drive and other capital improvements in the I-4/International Drive development area. The need for such capital improvements is to be determined through monitoring and modeling studies as required in the development order.

h. Development shall be conducted in accordance with the following public safety requirements:

- 1) Fire protection shall be provided in accordance with Section 9.7.2 of the Orange County Subdivision Regulations.
- 2) All structures six stories or higher shall be provided with interior sprinkler systems and constructed of materials approved by the Chief Building Official. The maximum height above natural ground level of Hotel No. 1 (25 stories) shall be 350 feet, Hotel No. 2 (20 stories) shall be 240 feet, cultural center (6 stories) shall be 95 feet, office (6 stories) shall be 80 feet and Phase 4 Hotel (15 stories) shall be 190 feet.
- 3) Participation by the developer, as determined by the Board of County Commissioners, prior to occupancy of Phase 1, in the acquisition and equipping of a fire station and sheriff sub-station site, to be selected by the County in the vicinity of the I-4/C.R. 535 area. In order to accomplish this requirement, the developer shall meet with the following task force at least twice regarding each phase of development, once prior to final design and once prior to occupancy:

- Sheriff
- Building Official
- Local Fire Chief

- Reedy Creek Improvement District Representative
- Orange County Public Safety Director

These officials shall review all necessary steps and requirements to insure that adequate public safety is provided during construction and upon occupancy by the public. Provisions for "high rise" fire and rescue services must be provided within a response time based on nationally recognized standards (N.F.P.A., I.R.S. or other). A fire and rescue services agreement shall be obtained from the Reedy Creek Improvement District.

- a) On-site and internal building security service shall be provided subject to approval of the Sheriff of their qualifications to handle security matters as a back-up to public Police services.
- 4) No removal and/or alteration of the conservation areas shall occur unless applicant submits detailed soils and drainage studies for staff review. Removal and/or alteration shall occur only if staff review indicates that those areas are not significant to the County's overall conservation objectives as found in the Conservation Element and the Conservation Section, Future Land Use Element of the Growth Management Policy.
- 5) All development within the 100-year Flood Hazard Boundary must be consistent with the conditions and criteria established by the County Engineer.

and further, approved the Seventh Amended and Restated Development Order for World Gateway (Formerly Called the Greene Property) PD Development of Regional Impact. District 1.

6. Rick Blecha, Stillwater Technologies, Inc., Cypress Point Planned Development/Land Use Plan (PD/LUP) Case # CDR-14-02-025; amend plan; District 1

Applicant: Rick Blecha, Stillwater Technologies, Inc., Cypress Point Planned Development / Land Use Plan (PD / LUP) Case # CDR-14-02-025

Consideration: Substantial change request to amend the Cypress Point Land Use Plan (Phase II Tract B) by splitting the existing PD Tract B into two (2) small tracts identified as "Tract B-1" and "Tract B-2." Tract B-1 would retain entitlements for an existing 6,098 square foot veterinary clinic and 3,902 square feet for a future expansion, with proposed Tract B-2 being allocated 10,000 square feet of restricted Professional Office (PO) uses; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located on the southwest quadrant of S. Apopka Vineland Road and Point Cypress Drive (subject tract); Orange County, Florida (legal property description on file)

Based upon input of the County Commissioner the following condition has been added:
Drive thru facilities shall be prohibited.

The following persons addressed the Board:

- Rick Blecha
- Leeland Simmons (phonetic)

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Rick Blecha, Stillwater Technologies, Inc., Cypress Point Planned Development / Land Use Plan (PD / LUP) Case # CDR-14-02-025, to amend the Cypress Point Land Use Plan (Phase II Tract B) by splitting the existing PD Tract B into two (2) small tracts identified as "Tract B-1" and "Tract B-2." Tract B-1 would retain entitlements for an existing 6,098 square foot veterinary clinic and 3,902 square feet for a future expansion, with proposed Tract B-2 being allocated 10,000 square feet of restricted Professional Office (PO) uses; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Cypress Point PD Land Use Plan dated "Received June 12, 2014," 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, 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. 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 land use plan and the land use plan dated "Received June 12, 2014," 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. 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.
4. 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.
5. The Developer shall obtain wastewater service from Orange County Utilities.
6. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP).
7. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
8. Outside sales, storage, and display shall be prohibited.
9. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision 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.
10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated December 13, 1994, shall apply:
 - a. Prior to development plan approval, a revised master drainage plan and calculations shall be submitted to the Engineering Department for approval.

- b. The proposed lot layout is not approved with this plan.
 - c. The concept of a private-streets subdivision is approved as part of this land use approval.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated June 16, 1986, shall apply:
- a. The veterinarian clinic shall be a permitted use with the Planned Development at the existing location with an allowable 6,000 square foot expansion provided there be sufficient buffering of the surrounding residential areas.
 - b. Multi-family areas shall be restricted to one story with 100 feet of single-family residential uses and shall develop consistent with R-3 requirements of Article XX of the Zoning Resolution.
 - c. There shall be no fill below the 101 foot contour lines.
 - d. A Conservation Easement shall be provided along all lots fronting Lake Sheen and Lake Tibet-Butler. The easement shall cover the area below the 101 foot elevation contour line. There shall be no development within the Conservation Easement, except for access, in accordance with the County Lakeshore Protection Ordinance. Lakeshore property owners shall be notified of the Conservation Easement and the ordinance requirements through Covenants and Deed Restrictions. Developer shall provide a copy of such Covenants and Deed Restrictions to the County for review at the time of plat approval.
 - e. Access rights for land abutting Apopka-Vineland Road and Kilgore Road shall be dedicated to Orange County, except at the approved access locations.
 - f. Access may be from Kilgore Road until 100 units are constructed; at that time the main access shall be constructed.
 - g. The Developer shall pay for the installation of a traffic signal at the intersection of the main driveway with Apopka-Vineland Road when warranted. The Developer shall also pay for the construction of a right-turn deceleration and a left-turn storage lane along Apopka-Vineland Road at its intersection with the main driveway road.
 - h. A five (5) foot sidewalk shall be provided along the west side of Apopka-Vineland Road the length of the P-D frontage on the road. Sidewalks four (4) feet in width shall be provided along both sides of Kilgore Road and the internal streets, unless waivers are granted.
 - i. The applicant shall execute a Developer's Agreement regarding ownership and maintenance responsibility for all common private facilities.

- j. Private boat ramps will not be permitted.
- k. Reverse swales shall be constructed prior to land clearing.
- l. The yacht and tennis club, with dining facilities and boat ramp shall be approved as a residential tract with densities and housing types the same as those approved for Cypress Point on adjacent parcels.
- m. Stormwater design shall comply with existing County and State regulations for Outstanding Florida Waters.
- n. Lots 1-8 located on the peninsular land area approved for development on private access easement, with the extent of reduced road widths and substituted road materials to be approved in conjunction with the final development plan approval.
- o. Water service to be provided by Orlando Utilities Commission.

12. Drive thru facilities shall be prohibited.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

Rezoning

- 7. Kendell Keith, Planning Design Group, LLC, Avalon Woods I Planned Development (PD); Case # LUP-12-05-095; District 1

Applicant: Kendell Keith, Planning Design Group, LLC, Avalon Woods I Planned Development (PD) Case # LUP-12-05-095

Consideration: Request to rezone the subject property from A-1 (Citrus Rural District) to PD (Planned Development District) for the purpose of developing 364 multi-family dwelling units and 26 attached single-family (townhome) dwelling units. The request also includes the following waivers from Orange County Code:

- 1. A waiver from Orange County Code Section 38-1254(2)(a) to allow for a fifteen foot (15') front setback from a collector street, in lieu of the required twenty-five foot (25') front setback from a collector street.
- 2. A waiver from Section 38-1387.2(a)(3) to allow for a maximum of 364 apartment dwelling units in any one location without an intervening land use, in lieu of a maximum of 300 apartment dwelling units in any one location without an intervening land use; pursuant to Orange County Code, Chapter 30.

Location: District 1; property located at 15951 - 15601 New Independence Parkway; generally located on both sides of New Independence

Parkway, approximately one-half mile east of State Road 429; Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval of Adequate Public Facilities Agreement for Avalon Woods I PD by and between Susan D. Shaw, David H. Daniels, SD New Independence Holdings, LLC and Orange County. District 1. (Development Review Committee)

The following person addressed the Board: Kendell Keith.

03:40:32

Motion/Second: Commissioners Boyd/Moore Russell

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Kendell Keith, Planning Design Group, LLC, Avalon Woods I Planned Development (PD) Case # LUP-12-05-095, to rezone the subject property from A-1 (Citrus Rural District) to PD (Planned Development District) for the purpose of developing 364 multi-family dwelling units and 26 attached single-family (townhome) dwelling units, on the described property; further, approved the following waivers from Orange County Code:

1. A waiver from Orange County Code Section 38-1254(2)(a) to allow for a fifteen foot (15') front setback from a collector street, in lieu of the required twenty-five foot (25') front setback from a collector street.
2. A waiver from Section 38-1387.2(a)(3) to allow for a maximum of 364 apartment dwelling units in any one location without an intervening land use, in lieu of a maximum of 300 apartment dwelling units in any one location without an intervening land use; subject to the following conditions:
 1. Development shall conform to the Avalon Woods I PD Land Use Plan dated "Received January 16, 2014," 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 January 16, 2014," 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. 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.
4. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on 5/22/2012.
 - a. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 209 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - b. Developer or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

- c. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - d. 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.
5. 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. Nothing in this condition, and nothing in the decision to approve this land use 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.
 6. 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.
 7. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 8. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village of Bridgewater (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in an updated Master Utilities Plan (MUP).
 9. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities prior to approval of the first PSP or DP. An update of the Town Center Village MUP or the Village of Bridgewater MUP to include the PD demands must also be submitted prior to the approval of the first PSP or DP. These MUPs must be approved prior to Construction Plan approval.
 10. 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.
 11. A waiver from Orange County Code Section 38-1254(2)(a) is granted to allow for a fifteen foot (15') front setback from a collector street, in lieu of the required twenty-five foot (25') front setback requirement from a collector street.

12. A waiver from Orange County Code Section 38-1387.2(a)(3) is granted to allow for a maximum of 364 apartment dwelling units in any one location without an intervening land use, in lieu of a maximum of 300 apartment dwelling units in any one location without an intervening land use.

and further, approved the Adequate Public Facilities Agreement for Avalon Woods I PD by and between Susan D. Shaw, David H. Daniels, SD New Independence Holdings, LLC and Orange County. District 1.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

8. Eric Warren, Poulos & Bennett, LLC; Seidel Road Investments Planned Development (PD); Case # LUP-14-02-034; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Case # LUP-14-02-034
Consideration: Request to rezone the subject property from A-2 (Farmland Rural District) to PD (Planned Development District) for the purpose of developing nine (9) detached single family dwelling units. The request also includes the following waivers from Orange County Code:
1. A waiver from Orange County Code Section 38-1385(b)(4) to allow for a minimum lot width of seventy (70) feet, in lieu of the required minimum lot width of eighty-five (85) feet; and
2. A waiver from Orange County Code Section 38-1385(b)(2) to allow for a minimum average lot size of 8,400 square feet, in lieu of the required minimum average lot size of 10,000 square feet; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located along the west / northwest side of Seidel Road, approximately one (1) mile south of Summerlake Park Boulevard; Orange County, Florida (legal property description on file)

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

3. Approval of Adequate Public Facilities Agreement by and between Seidel Road Investments, LLC and Orange County. District 1. (Development Review Committee)

The following persons addressed the Board:

- John Wigmore
- Lance Bennett
- Russell Vas Dias

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board approved the request by Eric Warren, Poulos & Bennett, LLC, Case # LUP-14-02-034 to rezone the subject property from A-2 (Farmland Rural District) to PD (Planned Development District) for the purpose of developing nine (9) detached single family dwelling units; further, approved the following waivers from Orange County Code:

1. A waiver from Orange County Code Section 38-1385(b)(4) to allow for a minimum lot width of seventy (70) feet, in lieu of the required minimum lot width of eighty-five (85) feet; and
2. A waiver from Orange County Code Section 38-1385(b)(2) to allow for a minimum average lot size of 8,400 square feet, in lieu of the required minimum average lot size of 10,000 square feet, on the described property; subject to the following conditions:
 1. Development shall conform to the Seidel Road Investments PD Land Use Plan dated "Received July 7, 2014," 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, 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. 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 July 7, 2014," 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. 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.
4. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village F Road Network Agreement recorded at O.R., Book 10591, Page 5123, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary/Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development."
5. All acreages identified as 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.
6. 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). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F Master Utility Plan (MUP).
7. Prior to construction plan approval, all property owners within Village F, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
8. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
9. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

10. 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.
 - 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.
11. 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.
12. The provisions of the CC&Rs 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&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development shall have the right to enforce these requirements in the event they are violated.
13. 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.
14. The following waivers from Orange County Code Chapter 38 are granted:
 - a. A waiver from Section 38-1385(b)(4) to allow for a minimum lot width of seventy (70) feet, in lieu of the required minimum lot width of eighty-five (85) feet; and

- b. A waiver from Section 38-1385(b)(2) to allow for a minimum average lot size of 8,400 square feet, in lieu of the required minimum average lot size of 10,000 square feet.
15. The portion of Seidel Road right-of-way indicated as the portion to be vacated on the PD/LUP shall be considered to have a Village F SAP map designation of Estate District if the Petition to Vacate (PTV) is granted. An owner/developer's PTV such right-of-way shall be subject to BCC approval, and shall be processed at a future time, after issuance of a certification of completion for the realigned Seidel Road and only after traffic has been re-routed. Only if the Board approves such PTV shall the underlying SAP land use designation formally become Estate District.

and further, approved the Adequate Public Facilities Agreement by and between Seidel Road Investments, LLC and Orange County. District 1.

Development Review Committee Appeal

9. Michael A. Dugre, River Isle Preliminary Subdivision Plan, Case # CDR-14-05-139, District 5

Applicant: Michael A. Dugre, Rocking Horse Ranches

Consideration: Appeal of the decision by the Orange County Development Review Committee, dated May 28, 2014, to approve a non-substantial change to the River Isle Preliminary Subdivision Plan (PSP) Case # CDR-14-05-139 to remove Parcel ID# 04-22-31-0000-00-004 from the existing PSP

Location: District 5; property located at 5879 Rocking Horse Road; generally located at the southeast corner of McCulloch Road and Rocking Horse Road; Orange County, Florida (legal property description on file)

Court Reporter: Jean Rohrer, Orange Legal

The applicant was advertised in the Orlando Sentinel as Michael A. Dugre, however he is the appellant.

The following persons addressed the Board:

- Scott Glass
- Mike Dugre
- Alison Yurko

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

- Exhibit 1, from Alison Yurko
- Exhibit 2, from Scott Glass

Motion/Second: Commissioners Edwards/Brummer

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, upheld the decision of the Development Review Committee; and further, approved the non-substantial change to the River Isle Preliminary Subdivision Plan (PSP) Case # CDR-14-05-139 to remove Parcel ID# 04-22-31-0000-00-004 from the existing PSP, on the described property; subject to the following conditions:

1. Development shall conform to the River Isle Preliminary Subdivision Plan dated "Received July 3, 2014" and to the conditions of approval listed below. 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, or 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 preliminary subdivision plan dated "Received July 3, 2014" 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. 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.
4. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, March 19, 1991, shall apply:
 - a. 1. ~~Development shall conform to the River Isle Preliminary Subdivision Plan, dated "Received September 17, 1990," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state and county laws, ordinances and regulations, which~~

~~are incorporated herein by reference, except to the extent they are expressly waived or modified by these conditions or by action of Orange County.~~

~~This Preliminary Subdivision Plan approval automatically expires on March 19, 1992, in accordance with Orange County Subdivision Regulations as amended.~~

05/28/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

- ~~b. 2.~~ Deed restrictions shall be filed that prevent clearing of vegetation in the Conservation Easement unless appropriate permits are obtained.
- ~~c. 3.~~ The following request for waivers are granted:
 - ~~a. 1)~~ Waiver of Section 8.3.1.H pertaining to internal sidewalks. Sidewalk along Rouse Road shall either be constructed or cash escrow deposited.
 - ~~b. 2)~~ Waiver of Section 8.3.1.B to permit right of way 40 ft. wide subject to dedication of front yard utility easement.
 - ~~c. 3)~~ Waiver of Section 10.4.5.D to permit retention pond side slope in excess of 5:1.
- ~~d. 4.~~ The mandatory homeowners' association shall own and maintain the proposed timber bridge.
- ~~e. 5.~~ Rear setbacks for Lots #6 thru #17 shall be a minimum of fifty (50) feet or the width of the conservation easement, whichever is greater.
- ~~f. 6.~~ Environmental berm shall be constructed as part of the infrastructure to be owned and maintained by home owners.
- ~~g. 7.~~ Retention ponds dedicated to Orange County. Maintenance may be by mandatory Home Owners Association with MSTU established and with an Agreement for delayed collection.
- ~~h. 8.~~ The sewer system shall be provided by Seminole County with an agreement to be drawn up by Orange County staff which would require the developer to fund sewer system changes that would be appropriate at such time as he would be required to connect into the Orange County system to be negotiated between Orange County and the developer.

Note: This request was approved as a non-substantial change, and therefore the conditions of approval were not considered by the Development Review

Committee. The conditions of approval were subsequently updated by the DRC Office after the DRC action.

Planning and Zoning Commission Board-Called

10. John Herbert and Daniel O'Keefe; Case # RZ-14-04-011, April 17, 2014; District 5

Applicant: John Herbert and Daniel O'Keefe
Case No.: Planning and Zoning Commission Case # RZ-14-04-011; April 17, 2014
Consideration: Request to rezone the subject 16.08-acre parcel, located at 5879 Rocking Horse Road, from A-2 (Farmland Rural District) to R-1AAA (Residential Urban District), subject to the following restriction:
1) Development shall be limited to a maximum of ten (10) lots, with a minimum lot size of one-half (1/2) acre.
Location: District 5; property located at 5879 Rocking Horse Road; generally located at the southeast corner of McCulloch Road and Rocking Horse Road; Orange County, Florida (legal property description on file in Planning Division)
Court Reporter: Jean Rohrer, Orange Legal

The following persons addressed the Board:

- Scott Glass
- Sam Bellaire
- Peter Patenaude
- Dale Spears
- Jessica Malchow
- Dave Pacacha
- Phil Fretwell
- Jacqueline Skelton
- Brett Vonsik
- John Frederick
- Michael Dugre
- Charles Skelton
- Beth Brunner
- Frank Arnall
- Susan Arnall
- Alison Yurko
- Dan Peterson

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

- Exhibit 1, from Scott Glass
- Exhibit 2, from Scott Glass
- Exhibit 3, from Scott Glass
- Exhibit 4, from Sam Bellaire

- Exhibit 5, from Charles Skelton
- Exhibit 6, from Alison Yurko

Motion/Second: Commissioners Edwards/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 inconsistency with the Comprehensive Plan; and further, denied the request by John Herbert and Daniel O'Keefe, to rezone the subject 16.08-acre parcel, located at 5879 Rocking Horse Road, from A-2 (Farmland Rural District) to R-1AAA (Residential Urban District), on the described property.

Shoreline Alteration/Dredge and Fill

11. Robert and Susan Barrett, Pocket Lake, permit; District 1

Applicant: Robert and Susan Barrett

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct a seawall, pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; on property located adjacent to Pocket Lake, located at 8850 Darlene Drive, Orlando, Florida; Section 09, Township 24 South, Range 28 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-14-06-004).

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board approved the request by Robert and Susan Barrett for a Shoreline Alteration/Dredge and Fill Permit (SADF-14-06-004) to construct a seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) 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.
2. Construction activities shall be completed in accordance with the 'Site Plan, Planting Plan & vinyl seawall detail' submitted by Hodgskin Outdoor Living, Inc., dated as received on July 10, 2014 by EPD. The permitted work must be

commenced within six months and completed within one year from the date of issuance of the permit. In the event that the project has not commenced within six months or completed within one year this permit is void.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging and/or filling, other than what is authorized for construction of the seawall.
5. Re-vegetation shall be in accordance with EPD conditions and the replanting plan submitted to EPD by Hodgskin Outdoor Living, Inc., dated as received on July 10, 2014.
6. New plantings must be initiated within thirty days of completion of the seawall and installation of rip rap. After one year, if 80% coverage of native species is not established, additional replanting will be required.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope along the length of the seawall.
8. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. The boat dock must be located within this access corridor.
9. Native vegetation may not be removed from the shoreline outside of the specified access corridor, specific to this project.
10. The permittee is required to maintain the turbidity and sedimentation barriers until EPD has approved, in writing, the post activity Water Quality Monitoring report that indicates the project area meets Class III surface water quality criteria as listed in Florida Administrative Code (FAC) 62-302.
11. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue, first floor, for approval. For further information, please contact the OC Zoning Division at (407) 836-5525.
12. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Division of Building Safety in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General Conditions:

13. 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.
14. 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.
15. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
16. 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.
17. 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 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.
18. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee,

or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.

19. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
20. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, 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.
21. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
22. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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 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.

28. 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.

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

12. Andrew and Stephanie Moses, Pocket Lake, permit; District 1

Applicant: Andrew and Stephanie Moses

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct a seawall, pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; on property located adjacent to Pocket Lake, located at 8990 Darlene Drive, Orlando, Florida; Section 09, Township 24 South, Range 28 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified the permit as (SADF-14-06-005).

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board approved the request by Andrew and Stephanie Moses for a Shoreline Alteration/Dredge and Fill Permit (SADF-14-06-005) to construct a seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) 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.

2. Construction activities shall be completed in accordance with the 'Site Plan, Planting Plan and Vinyl Seawall Detail' submitted by Hodgskin Outdoor Living, Inc., dated as received on July 10, 2014, by EPD. The permitted work must be commenced within six months and completed within one year from the date of

issuance of the permit. In the event that project has not commenced within six months or completed within one year this permit is void.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging/filling, other than what is authorized for construction of the seawall.
5. The planting must be implemented in accordance with the 'Planting Plan' submitted by Hodgskin Outdoor Living, Inc. dated as received on July 10, 2014, by EPD.
6. Re-vegetation shall be in accordance with EPD conditions and/or replanting plan submitted to EPD. New plantings must be initiated within thirty days of receipt of this permit.
7. New plantings must be initiated within thirty days of completion of the seawall. After one year, if 80% coverage of native species is not established, additional replanting will be required.
8. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope at both ends of the seawall to protect the adjacent properties.
9. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any future structures such as a boat dock must be located within this corridor.
10. Native vegetation, including but not limited to, arrowhead (*Sagittaria lancifolia*), dahoon holly (*Ilex cassine*), pickerelweed (*Pontederia cordata*), rush fuirena (*Fuirena scirpoidea*), and water lily (*Nymphaea odorata*), may not be removed from the shoreline outside of the specified access corridor, specific to the project.
11. All dredged debris material shall be removed to an upland location.
12. The permittee shall monitor water quality conditions during the dredging activities and will be required to maintain turbidity and sedimentation barriers in place until the seawall is constructed.
13. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue first floor for approval. For further information, please contact the OC Zoning Division at (407) 836-5525. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Division of Building Safety in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General Conditions:

14. 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.
15. 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.
16. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
17. 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.
18. 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 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.
19. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee,

or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.

20. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
21. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, 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.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

29. 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.
30. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

Ordinance

13. Amending Orange County Charter Section 703, pertaining to abolishing County Constitutional Officers; Term Limits & Non-Partisan Elections and calling for a referendum on the proposed amendment

Consideration: AN ORDINANCE PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; AMENDING THE ORANGE COUNTY CHARTER TO MAKE THE OFFICES OF ORANGE COUNTY SHERIFF, TAX COLLECTOR, PROPERTY APPRAISER, SUPERVISOR OF ELECTIONS, COMPTROLLER AND CLERK OF THE CIRCUIT COURT ELECTED CHARTER OFFICERS SUBJECT TO THE PROVISIONS OF THE ORANGE COUNTY CHARTER AND ABOLISHING THEIR CURRENT STATUS AS CONSTITUTIONAL OFFICERS; PROVIDING FOR TERM LIMITS AND NON-PARTISAN ELECTIONS FOR THE OFFICES OF ORANGE COUNTY SHERIFF, TAX COLLECTOR, PROPERTY APPRAISER, SUPERVISOR OF ELECTIONS, COMPTROLLER AND CLERK OF THE CIRCUIT COURT; 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.

and

14. Amending Orange County Code Charter Section 703, Pertaining To Term Limits & Non-Partisan Elections And Calling For A Referendum On The Proposed Amendment

Consideration: AN ORDINANCE PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; AMENDING THE ORANGE COUNTY CHARTER TO PROVIDE FOR TERM LIMITS AND NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS, AND TO PROVIDE CLARIFICATION THAT THE ESTABLISHMENT OF NONPARTISAN ELECTIONS AND TERM LIMITS FOR COUNTY CONSTITUTIONAL OFFICERS SHALL NOT AFFECT OR IMPUGN THEIR INDEPENDENT CONSTITUTIONAL STATUS; 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 Constitutional Officers addressed the Board regarding amending Orange County Charter Section 703 abolishing County Constitutional Officers; imposing Term Limits, & providing Non-Partisan Elections on Constitutional Officers:

- Orange County Tax Collector Scott Randolph
- Orange County Property Appraiser Rick Singh
- Reinaldo Rivero, speaking on behalf of Orange County Sheriff Jerry Demings
- Orange County Comptroller Martha Haynie
- Nick Shannin, speaking on behalf of Orange County Supervisor of Elections Bill Cowles and Orange County Clerk of the Courts Eddie Fernandez

The following persons addressed the Board:

- Bertina Busch
- Michele Levy
- Keith Morrison
- Barbara Anderson
- Stephanie Porta
- Nancy Oerch
- Wade Vose
- Jay Adams
- Paul Heroux
- Doug Head
- Johnny Jallad
- Brook Hines

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

- Exhibit 1, from Reinaldo Rivero
- Exhibit 2, from Orange County Comptroller Martha Haynie

County Mayor Jacobs recommended a proposed change to the ballot title and ballot summary for the referendum language to read as follows:

CHARTER AMENDMENT PROVIDING FOR TERM LIMITS AND NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS

For the purpose of establishing term limits and non-partisan elections for the Orange County Clerk of the Circuit Court, Comptroller, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector, this amendment provides for county constitutional officers to be elected on a non-partisan basis and subject to term limits of four consecutive full 4-year terms. The proposed change to the ballot language was accepted by both Commissioners Brummer and Boyd and will be included into the main motion.

Discussion ensued among the Board regarding limiting the term limits from four consecutive full 4-year terms to two consecutive full 4-year terms. County Comptroller Haynie participated in the discussion.

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 adopted Ordinance 2014-21, amending Orange County Code Charter Section 703, Pertaining To Term Limits & Non-Partisan Elections And Calling For A Referendum On The Proposed Amendment; with the following changes: Line 69 after (4) insert the word "full"; and further, revised the ballot title and summary for the referendum on lines 78 through 84 to read as follows:

"CHARTER AMENDMENT PROVIDING FOR TERM LIMITS AND NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS

For the purpose of establishing term limits and non-partisan elections for the Orange County Clerk of the Circuit Court, Comptroller, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector, this amendment provides for county constitutional officers to be elected on a non-partisan basis and subject to term limits of four consecutive full 4-year terms."

Discussion ensued among the Board regarding continuing with Public Hearing # 13.

Motion/Second: County Mayor Jacobs/Commissioner Brummer

AYE (voice vote): All members

Action: The Board opposed adopting an Ordinance amending Orange County Charter Section 703, pertaining to abolishing County Constitutional Officers; Term Limits & Non-Partisan Elections and calling for a referendum on the proposed amendment.

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

15. Repealing Orange County Ordinance No. 2014-08 that proposed an amendment to the Orange County Charter regarding term limits and called for a referendum on the proposed amendment

Consideration: AN ORDINANCE REPEALING ORANGE COUNTY ORDINANCE NO. 2014-08 THAT PROPOSED AN AMENDMENT TO THE ORANGE COUNTY CHARTER TO PROVIDE FOR TERM LIMITS FOR COUNTY CONSTITUTIONAL OFFICERS, AND CALLED FOR A NOVEMBER 4, 2014 REFERENDUM ON SUCH PROPOSED CHARTER AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

and

16. Repealing Orange County Ordinance No. 2014-09 that proposed an amendment to Orange County Charter regarding Non-Partisan Elections and called for a referendum on the proposed amendment

Consideration: AN ORDINANCE REPEALING ORANGE COUNTY ORDINANCE NO. 2014-09 THAT PROPOSED AN AMENDMENT TO THE ORANGE COUNTY CHARTER TO PROVIDE FOR NON-PARTISAN ELECTIONS FOR COUNTY CONSTITUTIONAL OFFICERS, AND CALLED FOR A NOVEMBER 4, 2014 REFERENDUM ON SUCH PROPOSED CHARTER AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

The following persons addressed the Board:

- Doug Head
- Keith Morrison

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 adopted Ordinance 2014-22 repealing Orange County Ordinance No. 2014-08 that proposed an amendment to the Orange County Charter regarding term limits and calling for a referendum on the proposed amendment.

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 adopted Ordinance 2014-23 repealing Orange County Ordinance No. 2014-09 that proposed an amendment to Orange County Charter regarding Non-Partisan Elections and calling for a referendum on the proposed amendment.

Motion/Second: Commissioner Brummer/None

Action: The motion died for lack of a second to direct staff to advertise a proposed Ordinance to amend the Charter to eliminate the elected position of Tax Collector for a public hearing to be held at the BCC Meeting of September 9, 2014 for the item to be on the November 4th ballot.

• ADJOURNMENT, 10:14 P.M.

ATTEST:



County Mayor Teresa Jacobs

Date: 10/14/14

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

