

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Final Meeting Minutes

Tuesday, September 24, 2019

1:30 PM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Demings called the meeting to order at 1:31 p.m.

Present: 7 - Mayor Jerry L. Demings, Commissioner Betsy VanderLey, Commissioner Christine Moore, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Byron Brooks
Deputy County Administrator Chris Testerman
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Lakela Louis

Invocation - District 6

Pastor Albert James McKinley, God Is Love International Ministries

Pledge of Allegiance

Presentation

2019 Achievement of Excellence in Procurement Award and 2019 Integrity Award

Public Comment

The following persons addressed the Board for public comment:

- David Serdar
- Harry Boggs
- George McNeilly
- Cheryl Dirienzo

The following material was presented to the Board during public comment: Exhibit 1, from Cheryl Dirienzo.

I. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

A. COUNTY MAYOR

1. **19-1446** Confirmation of the Mayor's appointment of Jason Reynolds as Manager, Neighborhood Services Division, Planning, Environmental, and Development Services Department.

B. COUNTY COMPTROLLER

1. **19-1447** Approval of the minutes of the August 20, 2019 meeting of the Board of County Commissioners. (Clerk's Office)
2. **19-1448** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:

- September 6, 2019, to September 12, 2019; \$61,207,917.50
- September 13, 2019, to September 19, 2019; \$24,838,721.29.

(Finance/Accounting)

C. COUNTY TAX COLLECTOR

1. **19-1449** Approval of the extension of the tax roll prior to the completion of the 2019 Value Adjustment Board hearings.

D. COUNTY ADMINISTRATOR

1. **19-1450** Confirmation of the appointment of Dennis O. Freytes as a Mayor's representative on the Orange County Citizen Corps Council with a term expiring December 31, 2020. (Agenda Development Office)
2. **19-1451** Approval of revisions to Orange County Policy 201 Salary Administration - Regular Employee Pay Plan with an effective date of October 1, 2019. (Human Resources Division)
3. **19-1452** Approval for the Orange County Sheriff's Office to spend \$1,000 from the FY 2019 Law Enforcement Trust Fund to provide an eligible contribution to Inside Out Jail Ministries, Inc. (Office of Management and Budget)
4. **19-1453** Approval of budget amendments #19-51 and #19-52. (Office of Management and Budget)

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. **19-1454** Approval and execution of (1) Federally-Funded Subaward and Grant Agreement between the State of Florida, Division of Emergency Management and Orange County Agreement Number: H0273 Project Number: 4337-184-R in the amount of \$592,005.75 with the period of performance ending on August 31, 2021; (2) Request for Advance or Reimbursement of Hazard Mitigation Assistance Program Funds; (3) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion; and (4) Federal Funding Accountability and Transparency Act. There is a required 25% project cost match in the amount of \$197,335.25, for a total project cost of \$789,341. (Fiscal and Operational Support Division)
2. **19-1455** Approval to award Invitation for Bids Y19-1040-AV, Landscape Management of Active and Inactive Water Plants, to the low responsive and responsible bidders by Lot for a 3-year term.

<u>Lot</u>	<u>Bidder</u>	<u>Estimated Contract Amount</u>
A	Helping Hand Lawn Care, Inc.	\$384,600
B	Helping Hand Lawn Care, Inc.	\$333,120
C	Aristocuts Lawn & Garden Services, Inc.	\$477,660

3. **19-1456** Approval to award Invitation for Bids Y19-1077-CH, Supply and Installation of Traffic Signal Equipment, to the low responsive and responsible bidders, Traffic Control Devices, Inc., in the estimated contract award amount of \$3,819,000 for the base year and The New Florida Industrial Electric, Inc., in the estimated contract award amount of \$3,809,807.82 for the base year. ([Public Works Department Traffic Engineering Division] Procurement Division)
4. **19-1457** Approval to award Invitation for Bids Y19-1135-PD, Supplemental Carbon for Eastern Regional Water Reclamation Facility, to the low responsive and responsible bidder, Environmental Operating Solutions, Inc. The estimated contract award amount is \$572,000 for a 1-year term. ([Utilities Department Water Reclamation Division] Procurement Division)
5. **19-1458** Approval to award Invitation for Bids Y19-767-TA, Force Main South Area Package 2, to the low responsive and responsible bidder, Prime Construction Group, Inc. The total estimated contract award amount is \$1,156,190. ([Utilities Department Engineering Division] Procurement Division)
6. **19-1459** Approval to award Invitation for Bids Y19-773-RM, Orange County Class III Landfill Access Road Improvements, to the low responsive and responsible bidder, Southern Development & Construction, Inc. The total contract award amount is \$844,000. ([Utilities Department Solid Waste Division] Procurement Division)

7. **19-1460** Approval to Purchase Metered Postage for FY19-20 from the United States Postal Service Computerized Meter Resetting System (CMRS-PBP), a subsidiary of Pitney Bowes, in the estimated amount of \$873,250. ([Administrative Services Department Facilities Management Division] Procurement Division)
8. **19-1461** Approval of Purchase Order M98003, Purchase of Powertrain Plus Rebuild-Caterpillar Dozer 87027 and Warranty, with Ring Power Corporation, in the total amount of \$366,925. ([Utilities Department Solid Waste Division] Procurement Division)
9. **19-1462** Approval of Amendment No. 2, Contract Y19-2106, Neighborhood Center for Families, with Community Coordinated Care for Children, Inc., in the amount of \$94,932.62, for a revised total contract amount of \$1,399,416.16. ([Community and Family Services Department Citizens' Commission for Children Division] Procurement Division)
10. **19-1463** Approval of Contracts Y20-2040 A-D, Primary Care Services through the Primary Care Access Network (PCAN) for a 1-year term:

<u>PCAN Providers</u>	<u>Estimated Contract Amount</u>
Y20-2040A, Central Florida Family Health Centers	\$1,833,919
Y20-2040B, Community Health Centers	\$905,610
Y20-2040C, Health Care Center for the Homeless	\$290,470
Y20-2040D, Shepherd's Hope	\$100,000

([Health Services Department Fiscal and Operational Support Division] Procurement Division)

11. **19-1464** Approval and execution of Long-Term Parking Agreement Courthouse Garage by and between City of Orlando and Orange County, Florida and delegation of authority to the Real Estate Management Division to exercise renewal option and furnish notices, required or allowed by the agreement, as needed for Courthouse Garage - Employee Parking 46 East Amelia Street, Orlando, Florida 32801 Lease File #3001. District 5. (Real Estate Management Division)
12. **19-1465** Approval and execution of Agreement Renewal for Long-Term Juror Parking at Courthouse Garage by and between City of Orlando and Orange County, Florida and delegation of authority to the Real Estate Management Division to exercise renewal option and furnish notices, required or allowed by the agreement, as needed for Courthouse Garage - Juror Parking 46 East Amelia Street, Orlando, Florida 32801 Lease File #3002. District 5. (Real Estate Management Division)
13. **19-1466** Approval and execution of Amendment to Slope Easement between Hamlin

Retail Partners West, LLC and Orange County and authorization to record instrument for New Independence Parkway 4-Laning, District 1. (Real Estate Management Division)

14. **19-1467** Approval and execution of Corrective Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Pump Station No. 3439 (Secluded Oaks Drive). District 3. (Real Estate Management Division)
15. **19-1468** Approval of Warranty Deed from Meritage Homes of Florida, Inc. to Orange County, approval and execution of Subordination of Utility Interests from Duke Energy Florida, LLC d/b/a Duke Energy and authorization to perform all actions necessary and incidental to closing for Village F Watermark APF Conveyances. District 1. (Real Estate Management Division)

F. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **19-1469** Approval and execution of: 1) Florida Department of Health Child Care Food Program Budget for Sponsors of Affiliated Sites Authorization #:S-734; 2) FY 2019-2020 Child Care Food Program (CCFP); 3) Supplemental Budget for Special Cost Items; 4) Florida Department of Health Child Care Food Program Management Plan; and 5) Delegation of Signing Authority for the Child Care Food Program, which will allow the CCFP to reimburse Orange County up to an estimated amount of \$2,063,099 for nutritional meals served to eligible children in the Head Start Program. (Head Start Division)
2. **19-1470** Receipt and filing of Head Start Policy Council Program Information and Updates August 2019 and Head Start Policy Council Meeting Minutes July 18, 2019 for the official county record. (Head Start Division)
3. **19-1471** Approval and execution of Low Income Pool Letter of Agreement by and between Orange County on behalf of Aspire Health Partners and the State of Florida, Agency for Health Care Administration in the amount of \$2,055,232 through the Intergovernmental Transfer Program. (Mental Health and Homelessness Division)
4. **19-1472** Approval and execution of 1) Off System Construction and Maintenance Agreement between State of Florida, Department of Transportation ("Department") and Orange County, Florida, a Charter County and political subdivision of the State of Florida ("Local Government") FM #: 436435-1-52-01 and 2) Resolution 2019-M-42 of the Orange County Board of County Commissioners regarding the Off System Construction and Maintenance Agreement with the Florida Department of Transportation for the Coast to Coast Trail Orange County Gap Segment 1 Project. (Parks and Recreation Division)
5. **19-1473** Approval and execution of Resolution 2019-M-43 of the Orange County

Board of County Commissioners regarding authorization to permit the county to enter into a contract agreement for the acquisition of certain pristine natural lands known as the Harrod Property. District 5. (Parks and Recreation Division)

- 6. **19-1474** Approval and execution of Florida Network of Youth and Family Services and Orange County, Florida Subcontract Amendment # 10 granting the Florida Department of Juvenile Justice the authority to file Children in Need of Services or Families in Need of Services petitions in the Juvenile Division of the Circuit Court on behalf of Orange County and to represent Orange County in proceedings regarding the filed petitions. (Youth and Family Services Division)

G. HEALTH SERVICES DEPARTMENT

- 1. **19-1475** Approval and execution of Contract between Orange County Board of County Commissioners and State of Florida Department of Health for Operation of the Orange County Health Department Contract Year 2019-2020. Orange County’s total cash contribution in the amount of \$1,419,449 will be submitted to the Health Department in quarterly installments of \$354,862.25.
- 2. **19-1476** Approval and execution of Low Income Pool Letters of Agreement by and between Orange County and the State of Florida, Agency for Healthcare Administration on behalf of Community Health Centers (\$904,390), Central Florida Family Health Centers (\$291,081), and Health Care for The Homeless (\$439,530), for an overall total of \$1,635,001 through the Intergovernmental Transfer Program. (Medical Clinic)

H. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

- 1. **19-1477** Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 1, 2, 3, 5, and 6. (Code Enforcement Division)

LC 19-0918	LC 19-0841	LC 19-0727	LC 19-0887	LC 19-0798
LC 19-0745	LC 19-0843	LC 19-0776	LC 19-0718	LC 19-0799
LC 19-0751	LC 19-0844	LC 19-0870	LC 19-0720	LC 19-0800
LC 19-0763	LC 19-0895	LC 19-0886	LC 19-0765	LC 19-0801
LC 19-0826	LC 19-0896	LC 19-0888	LC 19-0792	LC 19-0831
LC 19-0833	LC 19-0905	LC 19-0892	LC 19-0793	LC 19-0832
LC 19-0837	LC 19-0907	LC 19-0871	LC 19-0794	LC 19-0851
LC 19-0839	LC 19-0685	LC 19-0874	LC 19-0796	LC 19-0880

- 2. **19-1478** Approval of U.S. Environmental Protection Agency Cooperative Agreement

Grant Number (FAIN): XA00D96319-0 between the U.S. Environmental Protection Agency and Orange County in the amount of \$200,000, with an initial award amount of \$50,000 and subject to availability of funds from the U.S. Environmental Protection Agency, for the establishment of a near-road nitrogen dioxide monitoring station and authorization for the Environmental Protection Division Manager to make non-substantial amendments to the agreement, including additional service periods. The project period is July 1, 2019 through July 31, 2021. All Districts. (Environmental Protection Division)

3. **19-1479** Approval and execution of Third Amendment to Transportation Impact Fee Credit Agreement Roadway Conceptual Analysis Tupperware Heights PD Orange Avenue by and between Deerfield Land Corporation and Orange County to extend the date for the completion of the Roadway Conceptual Analysis to August 31, 2020, and to increase the reimbursement amount for advertising fees. District 4. (Roadway Agreement Committee)
4. **19-1480** Approval and execution of Proportionate Share Agreement for The Addison on Lake Bryan Vineland Avenue and Winter Garden-Vineland Road by and between Porto Orlando LLC and Orange County for a proportionate share payment in the amount of \$91,707. District 1. (Roadway Agreement Committee)
5. **19-1481** Approval and execution of Proportionate Share Agreement for Wetherbee Acres Boggy Creek Road by and Between DHIC - South Creek, LLC and Orange County for a proportionate share payment in the amount of \$717,300. District 4. (Roadway Agreement Committee)

I. PUBLIC WORKS DEPARTMENT

1. **19-1482** Approval and execution of Agreement for Traffic Law Enforcement on Private Roads by and between Orange County, Florida and Carmel by the Lake, LLC. District 1.
2. **19-1483** Authorization to record the plat of Certus Senior Living - Lake Underhill. District 4. (Development Engineering Division)

J. UTILITIES DEPARTMENT

1. **19-1484** Approval and execution of Utility Adjustment Agreement by and between Orange County and the Town of Windermere for the Park Avenue Sidewalk and Drainage Improvements Project in the amount of \$147,738. District 1.

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. **19-1485** Receipt of the following items to file for the record: (Clerk's Office)

a. Florida Public Service Commission Notice of proposed agency action order establishing regulatory asset for appellate and remand rate case expense and final order complying with mandate and requiring refund. In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Utilities, Inc. of Florida.

b. Westwood/OCC Community Development District Proposed Budget Fiscal Years 2019 and 2020.

c. Vista Lakes Community Development District Fiscal Year 2020 Meeting Dates.

These items were received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. **19-1486** Selection of four firms to provide Supervisory Control and Data Acquisition (SCADA) Services, Request for Proposals Y19-198-AH, from the following four firms, listed alphabetically:

- Curry Controls Company
- DSI Innovations, LLC
- Infamation Technologies Group LLC
- Revere Control Systems, Inc.

([Utilities Department Water Division] Procurement Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Gomez Cordero, to appoint Curry Controls Company, 419.39 points, Infamation Technologies Group LLC, 392.25 points, Revere Control Systems, Inc., 344.94 points, and DSI Innovations, LLC, 331.48 points, as the selected firms. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

IV. WORK SESSION AGENDA

A. COUNTY ADMINISTRATOR

1. **19-1487** Community Redevelopment Areas.

The Board took no action.

V. RECOMMENDATIONS

1. 19-1488 September 5, 2019 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to approve the recommendations, with the exception of Case #SE-19-09-105, Florida Engineering Group (Board Called), which was pulled from the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

VI. PUBLIC HEARINGS

1. 19-1329 Shoreline Alteration/Dredge and Fill

Carl and Lynn Jenne, Lake Killarney, permit, SADF # 19-07-011; District 5

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 19-07-011 to replace an existing seawall with riprap on Lake Killarney; pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control

Location: District 5; on property located adjacent to Lake Killarney, located at 1999 Killarney Drive, Winter Park, Florida 32789; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: Carl Jenne.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-19-07-011) subject to the Conditions of Approval listed in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

2. 19-1316 Board of Zoning Adjustment Board-Called

Church of Jesus Christ of Latter Day Saints, Case # SE-19-06-048, August 1, 2019; District 1

Consideration: Request for a Special Exception and Variance in the A-1 zoning district as follows:

- 1) Special Exception to allow a religious use facility.
- 2) Variance to allow a spire with a height of 67 ft. in lieu of 35 ft.

Location: District 1; property located at 17000 Davenport Rd., Winter Garden, FL 34787, or generally located on the southwest corner of Davenport Rd., and Avalon Rd; Orange County, Florida (legal property description on file in Zoning Division)

Court Reporter: Sherri England, U.S. Legal

County staff noted that the original advertised request was for 67 feet, however, after the advertisement and the Board of Zoning Adjustment hearing, the applicant reduced the spire height request to 55 feet.

County staff noted that the revised site plan submitted by the applicant including 205 parking spaces is correct and not the amount listed in the Staff Report.

The following persons addressed the Board:

- Rulon Munns
- Russell Ottenberg
- Laurie Cardenuto-Forrester
- Rosie Fussell
- Kayleen Stroud
- Mark Sivers
- Melanie Hansen
- Janet Davis
- Jose Barreiros
- James Eichelberger
- Douglas Schulthess
- Brent Hanson
- Chauncey Bratt
- Jacquelin Munns
- Christopher Condie
- Kate Williams

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, Russell Ottenberg.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to uphold the recommendation of the Board of Zoning Adjustment; and approve the request subject to the Conditions of Approval with the Board of Zoning Adjustment recommendation. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

4. 19-1333 Solid Waste Management Facility

Bishop & Buttrey, Incorporated, Yard Trash Processing Facility, Permit Application SW-19-03-001; District 5

Consideration: Request for a Solid Waste Management Facility permit to construct, operate, and close as necessary, a Yard Trash Processing Facility pursuant to Orange County Code, Chapter 32, Article V, Section 32-214(I)

Location: District 5; located on the north side of East Colonial Drive, east of N. County Road 13, at East Colonial Drive, Orlando, Orange County, Florida, Parcel ID No. 23-22-32-0000-00-004 (legal property description on file at Environmental Protection Division)

Court Reporter: Lisa K. Workman, OrangeLegal

The following persons addressed the Board:

- Anna Long
- James Golden
- Linda Butler
- Andrew Christensen
- Thomas Glover
- William Pons
- Patricia Fischer
- Kim Zaffino
- Brenda Rogers

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from James Golden
- Exhibit 2, from Anna Long

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speakers were not presented to the Board:

- Submittal 1, from Linda Butler
- Submittal 2, from Thomas Glover
- Submittal 3, from Kim Zaffino

Condition of Approval #16 was modified as follows:

16. The applicant shall conduct annual water quality sampling at one up-gradient and two down-gradient groundwater monitoring wells for the same parameters as construction and demolition debris disposal facilities as listed in rule 62-701.730(8) F.A.C., in accordance with a water quality monitoring plan subject to EPD approval. In accordance with County Code Sec. 32-316(a)(24)f. EPD shall have the authority to collect samples. In addition, EPD may conduct one sampling event or split sampling ~~each permit cycle~~ annually at the owner's expense.

New Condition of Approval #26 as follows:

26. The facility shall reject loads suspected of containing Type II fill materials. Any more than de minimis inadvertently accepted Type II fill materials shall not be used or processed on-site but shall be sent off-site for reuse or disposal.

The public hearing for Solid Waste Management Facility Permit, SW-19-03-001, was approved.

and

3. **19-1332** Board of Zoning Adjustment Board-Called

Bishop & Buttrey, Incorporated, Case # SE-19-05-039, August 1, 2019;
District 5

Consideration: Request for a Special Exception in the A-2 zoning district to allow a yard trash processing facility.

Location: District 5; located on the north side of E. Colonial Drive, east of N. County Road 13; Orange County, Florida; Parcel ID No. 23-22-32-0000-00-004 (legal property description on file at Zoning Division)

Court Reporter: Lisa K. Workman, OrangeLegal

New Condition of Approval #12 as follows:

12. EPD may authorize the temporary extension of hours of operation, not to exceed 7:00 a.m. - 7:00 p.m. seven days a week, an increase in throughput, and related minor deviations from the terms of the permit, during and up to 30 days following the declaration of a State of Emergency by Orange County.

The public hearing for Board of Zoning Adjustment Board-Called, Case #SE-19-05-039, was approved.

and

5. **19-1334** Borrow Pit

Bishop & Buttrey, Incorporated, Bishop & Buttrey Borrow Pit #164
Excavation Permit #07-E5-0717; District 5

Consideration: The applicant is seeking approval of a modification to Borrow Pit Excavation Permit No. 07-E5-0717 to allow the import of Type I and Type II fill materials to backfill the borrow pit known as Bishop & Buttrey Borrow Pit 164. The applicant is proposing to import approximately 100,000 cubic yards per year of Type I and Type II fill material from various approved Orange County project sites to backfill the borrow pit. The borrow pit will also continue to export approximately 100,000 cubic yards per year of clean fill material to various approved Orange County project sites.

Location: District 5; located north of East Colonial Drive and east of County Road 13, Orange County, Florida Parcel ID. No. 23-22-32-0000-00-004 (Legal property description on file).

Court Reporter: Lisa K. Workman, OrangeLegal

Agreed upon by the District Commissioner, County staff indicated that the applicant decided not to import Type II fill materials. The request is only the modification to allow the import of Type I fill materials to backfill the borrow pit.

Conditions of Approval #2, #8, #9 and #10 were modified as follows:

2. The approved haul route for the import of Type I ~~and Type II~~ fill materials to backfill the borrow pit will be from various approved project sites to E. Colonial Drive (SR 50), E. Colonial Drive east or west to the entrance to the of the borrow pit site.

8. Applicant shall submit a layering plan for the backfilling of the borrow pit to Public Works Development Engineering Division for review and approval prior to the issuance of the permit modification to import Type I ~~and Type II~~ fill materials and prior to starting the back filling of the borrow pit.

9. Applicant shall submit a Soil Quality Control Plan to Public Works Development Engineering Division for review and approval prior to the issuance of the permit modification to import Type I ~~and Type II~~ fill materials and prior to starting the back filling of the borrow pit.

10. The import of Type I ~~and Type II~~ fill materials and back filling of the borrow pit shall comply with the requirements Orange County Code Chapter 16 Excavations and Fills, Orange County Code Chapter 32 Solid Waste Management, and Solid Waste Management Facility Permit No. SW-19-03-001 for a Yard Trash Processing Facility.

New Conditions of Approval #15, #16, #17, #18, and #19 as follows:

15. The facility shall reject loads suspected of containing Type II fill materials. Any inadvertently accepted Type II fill materials shall not be used or deposited on-site but shall be sent off-site for disposal.

16. The facility shall be open to the County for the purpose of inspection during normal working hours of the facility and at any other time when work is in progress. During periods of inactivity, upon request, the County shall be provided access to the site within one business day.

17. If the County receives any noise complaints related to the soil tracking device related to the 130 foot long driveway, a noise study will be conducted at the permittee's expense with EPD present to observe, and any necessary changes will be made to bring the noise within the regulatory threshold of 60db.

18. If a violation of any of the permit conditions is discovered by the County at the facility, upon receipt of a notice of the violation, the permittee will be required to address the alleged violation(s) to the satisfaction of the County within the timeframe set forth by the County. Failure to do may result in civil penalties and/or closure of the facility operations as permitted until such time or unless the violations are corrected. The financial assurance provided by the permittee may be used by the County to remedy and cure violations if the permittee is non-responsive in doing so.

19. The applicant shall conduct annual water quality sampling at one up-gradient and one down-gradient groundwater monitoring wells at the excavation site for the same parameters as construction and demolition debris disposal facilities as listed in rule 62-701.730(8) F.A.C., in

accordance with a water quality monitoring plan subject to EPD approval. In accordance with County Code Sec. 32-316(a)(24)f. EPD shall have the authority to collect samples. In addition, EPD may conduct one sampling event or split sampling annually at the owner's expense.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to approve the special exception request Case #SE-19-05-039 subject to the Conditions of Approval with the Board of Zoning Adjustment recommendation; further, approve new Condition of Approval #12; further, approve for five years of Solid Waste Management Facility-Yard Trash Processing - Permit Application (SW-19-03-001), submitted by Bishop & Buttrey, Incorporated, subject to the waivers and Conditions of Approval listed in the Staff Report; further, modify Condition of Approval #16; further, approve new Condition of Approval #26; further, approve the request to modify the Bishop & Buttrey Borrow Pit #164 to allow the import of Type I fill materials to backfill the borrow pit and authorization to issue the modification to Excavation Permit No. 07-E5-0717, subject to the Conditions listed in the Staff Report; further, modify Conditions of Approval #2, #8, #9, and #10; and further, approve new Conditions of Approval #15, #16, #17, #18, and #19. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

6. 19-1315 Rezoning

Larry Poliner, RCE Consultants, LLC, Four Corners Plaza Planned Development (PD), Case # LUP-19-02-063; District 1

Consideration: A request to rezone one (1) parcel containing 2.41 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to construct 23,400 square feet of commercial uses. The request also includes the following five (5) waivers from Orange County Code:

1. A waiver from Section 38-1476(a), Shopping Centers, is requested to allow for a reduced parking requirement of 4.0 spaces / 1,000 square feet, in lieu of a minimum parking requirement of 5.5 spaces / 1,000 square feet. 2. A waiver from Section 38-1287(1)(c) is requested to allow a reduced minimum north building setback of 20 feet, in lieu of the minimum setback of 40 feet. 3. A waiver from Section 38-1287(1)(b) is requested to allow a reduced minimum south building setback of 20 feet, in lieu of the minimum setback of 60 feet. 4. A waiver from Section 38-1287(4) is requested to allow a reduced minimum south pavement setback of 20 feet, in lieu of the minimum setback of 25 feet. 5. A waiver from Section 38-1287(4) is requested to allow a reduced minimum north pavement setback of 10 feet, in lieu of the minimum setback of 20 feet; pursuant to Orange County Code, Chapter 30

Location: District 1; property located at 17981 W. Space Coast Parkway (US 192); or generally located north of the Osceola County Line, east of the Lake County Line, approximately 2,200 feet west of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request Case # LUP-19-02-063 to rezone 2.41 gross acres from A-1 (Citrus Rural District) to PD

(Planned Development District), in order to construct 23,400 square feet of retail commercial uses, subject to the Conditions of Approval listed under the Planning and Zoning Commission recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

7. **19-1251** Substantial Change

Scott Gentry, Kelly, Collins & Gentry, Inc., Hamlin Planned Development - Unified Neighborhood Plan / Lot 2 Hamlin Self Storage Infrastructure for Lots 2A, 2B, 2C, & 2D Preliminary Subdivision Plan, Case # CDR-19-05-182, amend plan; District 1

Consideration: Substantial change request to modify the boundary of the Preliminary Subdivision Plan to include Lots 2C and 2D, increasing the acreage from 7.13 acres to 17.80 acres; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89.

Location: District 1; property generally located West of Hamlin Groves Trail / South of New Independence Parkway; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the Conditions of Approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

The Board adjourned as the Orange County Board of County Commissioners and convened as the Orange County Library District Governing Board

SECOND LIBRARY BUDGET PUBLIC HEARING

1. **19-1157** Adopt final Orange County Library District Millage and Budget for Fiscal Year 2019-2020

The Orange County Board of County Commissioners took no action. Refer to the Orange County Library District Governing Board Minutes appended to Legislative File 19-1157, for action taken by the Orange County Library District Governing Board.

The Board adjourned as the Orange County Library District Governing Board and reconvened as the Orange County Board of County Commissioners

VI. PUBLIC HEARING (Continued)

8. 19-1317 Ordinance

Amending Orange County Code, Articles I, IV and IX, Chapter 38, pertaining to provisions related to accessory structures and accessory dwelling units - 1st hearing (2nd hearing on October 22, 2019)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING ORANGE COUNTY CODE CHAPTER 38 ("ZONING"), INCLUDING SECTION 38-1 ("DEFINITIONS"); SECTION 38-77 ("USE TABLE"); SECTION 38-79 ("CONDITIONS FOR PERMITTED USES, SPECIAL EXCEPTIONS, ETC."); AND SECTION 38-1426 ("ACCESSORY DWELLING UNITS"); ALL TO MODIFY, DELETE, RELOCATE AND SUPPLEMENT CODE PROVISIONS RELATED TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE.

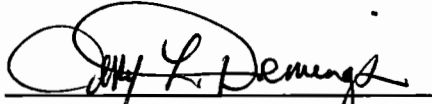
The Board took no action.

√ **The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.**

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

ADJOURNMENT: 6:23 p.m.

ATTEST:




County Mayor Jerry L. Demings

Date: 10/22/19



ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk

for 
Katie Smith
Deputy Clerk

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.