

BCC Mtg. Date: March 15, 2016

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, January 5, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Vice-Mayor Bryan Nelson; Commissioners S. Scott Boyd, Pete
Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin
Member Absent: County Mayor Teresa Jacobs
Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J.
Newton, Deputy Clerk Katie Smith, Documents Coordinator
Jennifer Lara-Klimetz

- CALL TO ORDER, 9:05 a.m.

- RELINQUISHED CHAIR

Vice-Mayor Nelson relinquished the Chair to Former Vice-Mayor Boyd.

- INVOCATION - Pastor Harvey Carpenter, Journey Christian Church

- PLEDGE OF ALLEGIANCE

- PUBLIC COMMENT

The following person addressed the Board for public comment: Maria Bolton-Joubert.

- REASSUMED CHAIR

Vice-Mayor Nelson reassumed the Chair from Former Vice-Mayor Boyd.

- PUBLIC COMMENT (CONTINUED)

The following persons addressed the Board for public comment:

- Harry Boggs
- John Zale
- Trini Quiroz

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Vice-Mayor

- Deleted Administrative Services Department Item 12
- Deferred action on Community, Environmental and Development Services 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 November 3, 2015, meeting 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:
 - December 11, 2015, to December 17, 2015; total of \$18,147,317.66
 - December 18, 2015, to December 22, 2015; total of \$30,550,220.32
 - December 23, 2015, to December 30, 2015; total of \$34,316,920.88

Supervisor of Elections

1. Approval of County Precinct Boundary Change Resolution 2016-M-01.

County Attorney

1. Approval of the proposed settlement in the case Orange County v. City of Orlando, et al., Case No. 2012-CA-7370-O, Parcels 803/804; (Owner – Greater Orlando Aviation Authority) Project: South Service Area/ East Service Area Water Main and Reclaimed Water Main (Boggy Creek Road to Wewahootee Road), and authorization for County Attorney's Office to execute the proposed Stipulated Order of Taking and Final Judgment as to Parcels 803/804 on behalf of Orange County.
2. Approval of the proposed settlement in the case Orange County v. City of Orlando, et al., Case No. 2014-CA-2437-O, Parcel 812; (Owners – Greater Orlando Aviation Authority, Orlando Utilities Commission and City of Orlando) Project: South Service Area/ East Service Area Water Main and Reclaimed Water Main (Boggy Creek Road to Wewahootee Road), and authorization for County Attorney's Office to execute the proposed Stipulated Order of Taking and Final Judgment as to Parcel 812 on behalf of Orange County.

County Administrator

1. Approval of Central Florida Area Workforce Development Consortium Interlocal Agreement by and between Lake, Orange, Osceola, Seminole, and Sumter counties, and the Central Florida Regional Workforce Development Board, Inc. (Office of Economic, Trade and Tourism Development)
2. Approval of Receipt and Use of HAVA Funds for Federal Election Administration Activities; Certificate Regarding Matching Funds as required by the Florida Department of State/Division of Elections for the receipt and use of the Help America Vote Act funds in the amount of \$121,258.68, and approval to make a one-time payment of \$18,188.80 to the Orange County Supervisor of Elections as matching funds. (Office of Management and Budget)
3. Approval to pay the second quarter billing for the Orange County Property Appraiser in the amount of \$1,734,796.10. (Office of Management and Budget)
4. Approval of budget amendments #16-09, #16-10, #16-11, and #16-12. (Office of Management and Budget)
5. Approval of the sufficiency of the public officials' bonds provided by Travelers Casualty and Surety Company for all public officials currently holding office in Orange County, Florida. (Risk Management Division)

Administrative Services Department

1. Approval of Change Order No. 4, Contract No. Y14-767 with Air Mechanical & Service Corporation in the amount of \$47,014.22, for the CORRECTIONS – Horizons Rooftop AHU Replacement Project. The revised lump sum contract amount is \$1,484,792.95. (Capital Projects Division)
2. Approval to award Invitation for Bids Y16-123-LC, Corrections Department Fence Installation and Repair, to the sole responsive and responsible bidder, KMG Fence, LLC, for a 1-year term contract in the estimated contract amount of \$630,100. Further, authorized the Procurement Division to renew the contracts for two additional 1-year periods. ([Corrections Department Security Operations Support Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-150-JS, Laboratory Supplies, to the low responsive and responsible bidder, Thomas Scientific, in the estimated annual contract award amount of \$146,106.14 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Water Division] Procurement Division)

4. Approval to award Invitation for Bids Y16-167-DG, Liquid Chlorine, to the low responsive and responsible bidder, Brenntag Mid-South, Inc., in the estimated contract award amount of \$303,405 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 12-month periods. ([Utilities Department Water Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-606-MA, Triple Quadrupole Mass Selective Detector, to the sole responsive and responsible bidder, Agilent Technologies, Inc. in the total contract award amount of \$204,510. ([Utilities Department Water Division] Procurement Division)
6. Approval to award Invitation for Bids Y16-711-SB, Great Oaks Village Hagood House HVAC System Replacement, to the low responsive and responsible bidder, Core Engineering & Construction, Inc., in the total contract award amount of \$167,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
7. Approval to award Invitation for Bids Y16-706-SB, Orange County Fleet Management Facility Parking Lot Improvements, to the low responsive and responsible bidder, Café Construction & Development, Inc., in the total contract award amount of \$165,500. ([Administrative Services Department Capital Projects Division] Procurement Division)
8. Approval of Amendment No. 1, Contract Y12-814, Final Engineering Design Services for International Drive Pedestrian Bridge (from the Hyatt Regency Orlando Hotel to Orange County Convention Center), with RS&H, Inc. in the amount of \$197,247.68 for a revised contract amount of \$1,092,165.26. ([Public Works Department Engineering Division] Procurement Division)
9. Approval of Amendment No. 5, Contract Y15-2062-LC, Family Drug Court Substance Abuse Treatment and Case Management Program with Aspire Health Partners Inc. for an additional amount of \$180,023 for a revised contract total amount of \$402,752. Further, authorized the Procurement Division to renew the contract for two additional 1-year periods if grant is extended. ([Ninth Judicial Circuit Court Drug Court Division] Procurement Division)
10. Approval and execution of Lease Agreement between WESTSIDE PLAZA ASSOCIATES LP and Orange County, SUBLEASE AGREEMENT between Orange County and State of Florida, Department of Health and delegation of authority to the Real Estate Management Division to exercise renewal options if necessary, for office space for WIC @ Westside Plaza, Lease File #2072, 6218 West Colonial Drive, Orlando, Florida 32808. District 6. (Real Estate Management Division)
11. Approval and execution of County Deed from Orange County to the City of Orlando and authorization to record instrument for Interlocal Agreement between Orange

County and the City of Orlando regarding Jurisdiction to Operate and Maintain W. D. Judge Drive between Mercy Drive and John Young Parkway. District 6. (Real Estate Management Division)

12. ~~Approval of Contract for Sale and Purchase, Special Warranty Deed, Access Easement, and Temporary Construction Easement between Gold MIL Railroad Holdings, LLC and Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Pump Station 3437 (Orange Avenue 2) and Pump Station 3222 (Watts Avenue). District 3. (Real Estate Management Division)~~

(This item was deleted.)

13. Approval of Donation Agreement between Daryl Carter Parkway Extension – Goodman 5 Foot Strip, LLC and Orange County with Joinder and Consent of Starwood Vacation Ownership, approval of Special Warranty Deed from Daryl Carter Parkway Extension – Goodman 5 Foot Strip, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Daryl Carter Parkway Extension, Goodman Donation. District 1. (Real Estate Management Division)
14. Approval of Corrective and Restated Conservation and Access Easement between D. R. HORTON, INC. and Orange County and authorization to record instrument for Waterleigh Phase I #CAI-13-05-010. District 1. (Real Estate Management Division)
15. Approval of Utility Easement between Boggy Creek Narcoossee, LLC and Orange County and authorization to record instrument for Boggy Creek Narcoossee Commercial Center OCU Permit #: 14-E-066. District 4. (Real Estate Management Division)
16. Approval of Utility Easement between Statewide Properties of Central Florida, Inc. and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Ladybird Florida Properties, LLC and authorization to record instruments for Lady Bird Academy @ Hunters Creek/Renovate/Site Work Parking, OCU Permit: B1490067 OCU File #: 76845. District 1. (Real Estate Management Division)
17. Approval of Utility Easement between Hillcrest Village, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Florida Bank of Commerce and authorization to record instruments for Hillcrest Village OCU Permit: B15901626 OCU File #: 82009. District 2. (Real Estate Management Division)

18. Approval of Drainage Easement between SLV Summerlake, L.L.C., and Summerlake Community Association, Inc. and Orange County and authorization to record instrument for Summerlake PD Phase 4A. District 1. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

| | | | | |
|------------|------------|------------|------------|------------|
| LC 15-0636 | LC 15-1073 | LC 15-0804 | LC 15-1039 | LC 15-0952 |
| LC 15-0710 | LC 15-1076 | LC 15-0914 | LC 15-1122 | LC 15-0966 |
| LC 15-0984 | LC 15-1079 | LC 15-1098 | LC 15-1239 | LC 15-0981 |
| LC 15-0987 | LC 15-1081 | LC 15-1151 | LC 15-0680 | LC 15-0999 |
| LC 15-1015 | LC 15-1163 | LC 15-1152 | LC 15-0723 | LC 15-1040 |
| LC 15-1020 | LC 15-1205 | LC 15-1243 | LC 15-0770 | LC 15-1042 |
| LC 15-1026 | LC 15-1212 | LC 15-1315 | LC 15-0775 | LC 15-1057 |
| LC 15-1070 | LC 15-1234 | LC 15-0962 | LC 15-0922 | LC 15-1118 |

2. Approval of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Liens Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. Districts 3, 5 and 6. (Code Enforcement Division)

| <u>Case No.</u> | <u>Dist. #</u> | <u>Property Owner</u> | <u>Amount*</u> |
|-----------------|----------------|---------------------------------|----------------|
| A 14-0486 | 3 | EVERBANK | \$19,613.52 |
| A 14-0443 | 5 | LARECE JOSLINE M; LARECE MARCEL | \$20,012.21 |
| A 14-0656 | 6 | DEOLDE WILLIAM J | \$17,086.22 |

3. Acceptance of Recommendation of the Environmental Protection Commission to approve the request for a waiver to Section 15-342(b) (terminal platform size) for the Charles Gaylord Dock Construction Permit BD-15-09-102, with payment of \$667 to the Conservation Trust Fund within 60 days of the BCC decision date. District 1. (Environmental Protection Division)
4. Approval of Agreement between Orange County, Florida and Jewish Family Services of Greater Orlando, Inc. regarding the Community Development Block Grant in the amount of \$153,177. All Districts. (Housing and Community Development Division)

5. Approval of Agreement to Extend the 180 Day Adoption Period for Orange County Comprehensive Plan Amendments 2015-2-P-FLUE-1 - Lake Pickett Future Land Use, and 2015-2-A-5-1 – Lake Pickett South by and between Orange County, Florida, Dwight Saathoff, and Sean Froelich. District 5. (Planning Division)
 6. Approval of Second Amendment to Proportionate Share Agreement for Waterford Oaks PD Phase II Woodbury Road: From Colonial Drive to Waterford Lakes Parkway by and between Bluerock Development, LLC and Orange County to provide for a correction to an exhibit label. District 4. (Roadway Agreement Committee)
 7. Approval of First Amendment to Right Of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Wallack Parking, LLC and 8050 I Drive Realty, LLC and Orange County to modify the timeframe for the conveyance. District 6. (Roadway Agreement Committee)
- (This item was deferred.)
8. Approval of Hartzog Road Right of Way Agreement Acknowledgement by and between Orange Lake Country Club, Inc., and Orange County to clarify the terms of the 2004 Amended and Restated Developer's Agreement. District 1. (Roadway Agreement Committee)
 9. Approval of Proportionate Share Agreement for Village Lake Retail Reams Road: From Center Drive (f/k/a Cast Drive) to Silverlake Park Drive by and between Lakeside II Partners, LLC and Orange County for a proportionate share payment in the amount of \$66,448. District 1. (Roadway Agreement Committee)

Family Services Department

1. Approval of Orange County Head Start Eligibility Priority Selection Criteria 2016-2017 to establish a formal selection process for eligible children and families. (Head Start Division)
2. Receipt and filing of Head Start Policy Council Program Information and Updates November 2015 and Head Start Policy Council Meeting Minutes October 24, 2015 for the official county record. (Head Start Division)
3. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Hal Marston Head Start. This application is only executed by Orange County. (Head Start Division)
4. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Pine Hills Head Start. This application is only executed by Orange County. (Head Start Division)

5. Approval of Funding Agreement between Orange County, Florida and Historical Society of Central Florida, Inc., to provide funds as approved during the budget sessions to design and renovate the History Centers permanent exhibits. (History Center)
6. Approval of January 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Roseview Neighborhood Association (\$5,000); Miller's Cove HOA (\$5,000) and Watermill Cove HOA (\$5,000). Districts 1 and 5. (Neighborhood Preservation and Revitalization Division)
7. Approval of the January 2016 Sustainable Communities Grants as recommended by the Neighborhood Grants Advisory Board for: Christiana Gardens HOA (\$2,000) and Ashbury Park HOA (\$3,200). Districts 2 and 3. (Neighborhood Preservation and Revitalization Division)
8. Approval of January 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Bel Air Hills Neighborhood Association (\$5,000) and Bel Air Shores Neighborhood Association (\$5,000). District 3. (Neighborhood Preservation and Revitalization Division)
9. Approval of the January 2016 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Windmill Terrace HOA (\$7,000). District 3. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Appointment of The Honorable Jeffrey Ashton, The Honorable Pete D. Clarke, The Honorable Jerry L. Demings, The Honorable Robert Wesley, The Honorable Robert Hansell, Dr. Raymond B. Franklin, Dr. Christopher Hunter, Ms. Beth Anne Knight, Mr. Robert C. Pigman, and Ms. Gail Thomas-DeWitt to the Chief Medical Examiner Candidate Search Committee. (Health Services Department)

Public Works Department

1. Authorization to record the plat of Outer Circle PD. District 1. (Development Engineering Division)
2. Approval to record the Plat of South Rio Grande Avenue. District 6. (Roads & Drainage Division)
3. Approval of Resolution 2016-M-02 of the Orange County Board of County Commissioners regarding the Execution of a Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida for a Cost Contribution towards Reconstruction and Adding Lanes on State Road

482/Sand Lake Road from West of Turkey Lake Road to Universal Boulevard and FM#: 407143-4-52-01 Locally Funded Agreement between The State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning Division)

4. Approval of Resolution 2016-M-03 of the Orange County Board of County Commissioners regarding the Execution of a Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida for a Cost Contribution towards Reconstruction and Addition of Lanes on State Road 482/Sand Lake Road from Universal Boulevard to West of John Young Parkway and FM#: 407143-5-52-01 Locally Funded Agreement between The State Of Florida Department of Transportation and Orange County. District 6. (Transportation Planning Division)
5. Authorization to execute the Title VI/Nondiscrimination Assurance Agreement regarding nondiscrimination and for re-certification of Orange County as an FDOT LAP-agency. All Districts. (Transportation Planning Division)
6. Approval to establish a "No Parking" zone on both sides of Rio Pinar Lakes Boulevard from Goldenrod Road to 100 feet east of Cheney Boulevard. District 3. (Traffic Engineering Division)
7. Approval of Homeowner's Association Agreement for Lakeshore Preserve Subdivision Traffic Control Devices by and between Lakeshore Preserve Community Homeowner's Association, Inc., and Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)
8. Approval to increase the posted speed limit on Dudley Avenue between Allen Street and Dora Drive from 25 miles per hour to 35 miles per hour. District 2. (Traffic Engineering Division)
9. Approval of Resolution 2016-M-04 of the Orange County Board of County Commissioners regarding the Execution of a Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida for a Cost Contribution towards the construction of State Road 482/Sand Lake Road and County Road 423/John Young Parkway Overpass and FM#: 407143-6-52-01 and FM#: 407143-6-52-02 Locally Funded Agreement between The State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning Division)

• INFORMATIONAL ITEMS

County Comptroller

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

- a. Jurisdictional Boundary Map Update in reference to Ordinance No. 2015-44, 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 Dahlia Dr, east of S Semoran Blvd, south of Hibiscus Rd and west of Delicata Dr, addressed as 5773 Dahlia Dr and comprised of 0.193 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as mixed use corridor medium intensity on the City's Official Future Land Use Maps; and designating the property as the MU-1 medium intensity mixed use corridor district along with aircraft noise overlay district on the city's official zoning maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
- b. Minutes of the December 2, 2015, Meeting in the Sunshine. Commissioners Bryan Nelson and Victoria P. Siplin attended a meeting to discuss the Colonial West Stakeholders meeting.

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

• COUNTY DISCUSSION AGENDA

County Administrator

1. Visit Orlando Bi-annual Update. (Convention Center)

George Aguel, President and CEO of Visit Orlando, presented a report on Visit Orlando's ongoing efforts to promote Orange County nationally and internationally as one of the world's premiere vacation and meeting destinations.

Board discussion ensued.

Action: None

2. Appointment of one commissioner to the Community Action Board with a term expiring December 31, 2019. (Agenda Development Office)

Commissioner Boyd nominated Commissioner Nelson.

AYE votes cast by voice vote for Commissioner Nelson as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Commissioner Nelson received a majority to be appointed to the Community Action Board with a term expiring December 31, 2019; no further votes were cast.

3. Reappointment of Nydia Marrero and Phillip Hollis to the Code Enforcement Board with terms expiring December 31, 2018 or nomination and appointment of an individual(s) to succeed them. (Agenda Development Office)

Commissioner Clarke nominated Nydia Marrero and Phillip Hollis.

AYE votes cast by voice vote for Nydia Marrero and Phillip Hollis as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Nydia Marrero and Phillip Hollis received a majority to be reappointed to the Code Enforcement Board with terms expiring December 31, 2018; no further votes were cast.

4. Appointment of an individual to succeed Carmen Torres on the Membership and Mission Review Board with a term expiring December 31, 2017 and reappointment of Ronald O. Rogers to the Membership and Mission Review Board with a term expiring December 31, 2017 or nomination and appointment of an individual to succeed him. (Agenda Development Office)

Commissioner Clarke nominated Nancy Rosado.

AYE votes cast by voice vote for Nancy Rosado as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Nancy Rosado received a majority to succeed Carmen Torres on the Membership and Mission Review Board with a term expiring December 31, 2017; no further votes were cast.

Commissioner Siplin nominated Ronald O. Rogers.

AYE votes cast by voice vote for Ronald O. Rogers as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Ronald O. Rogers received a majority to be reappointed to the Membership and Mission Review Board with a term expiring December 31, 2017; no further votes were cast.

5. Appointment of an individual to succeed Rev. Kevin Seraaj on the Planning and Zoning Commission with a term expiring December 31, 2017 and reappointment of Jose A. Cantero to the Planning and Zoning Commission with a term expiring December 31, 2017 or nomination and appointment of an individual to succeed him. (Agenda Development Office)

Commissioner Edwards nominated Yogesh Melwani.

AYE votes cast by voice vote for Yogesh Melwani as follows: Commissioners Nelson, Clarke, Thompson, Edwards.

NO votes cast by voice vote for Yogesh Melwani as follows: Commissioners Boyd, Siplin.

Member absent-County Mayor Jacobs

Yogesh Melwani received a majority to succeed Rev. Kevin Seraaj on the Planning and Zoning Commission with a term expiring December 31, 2017; no further votes were cast.

Commissioner Edwards nominated Jose A. Cantero.

AYE votes cast by voice vote for Jose A. Cantero as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Jose A. Cantero received a majority to be reappointed to the Planning and Zoning Commission with a term expiring December 31, 2017; no further votes were cast.

Administrative Services Department

1. Selection of one firm and one ranked alternate to provide Design Services for Orange County Convention Center (OCCC) North / South Show Power Upgrade, Request for Proposal, Y16-803-MM, from the following firms listed alphabetically:

- RTM Engineering Consultants, LLC
- SGM Engineering, Inc.

Further, recommend the Board authorize negotiation and execution of the final contract by the Procurement Division within a budget of \$480,000. ([Convention Center] Procurement Division)

Motion/Second: Commissioners Edwards/Siplin

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, RTM Engineering Consultants, LLC, and an alternate, SGM Engineering, Inc., to provide Design Services for Orange County Convention Center (OCCC) North / South Show Power Upgrade; and further, authorized negotiation and execution of the final contract by the Procurement Division within a budget of \$480,000, Request for Proposal, Y16-803-MM.

2. Selection of one firm and two ranked alternates to provide Design Services for Orange County Convention Center (OCCC) West Building Restroom Renovations, Request for Proposal, Y16-804-MM, from the following firms listed alphabetically:

- Helman Hurley Charvat Peacock Architects, Inc.
- Jacobs Engineering Group, Inc.
- Rhodes & Brito Architects, Inc.

Further, recommend the Board authorize negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$798,000. ([Convention Center] Procurement Division)

Motion/Second: Commissioners Edwards/Siplin

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, Helman Hurley Charvat Peacock Architects, Inc., and two ranked alternates, #1 Rhodes & Brito Architects, Inc., and #2 Jacobs Engineering Group, Inc., to provide Design Services for Orange County Convention Center (OCCC) West Building Restroom Renovations; and further, authorized negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$798,000, Request for Proposal, Y16-804-MM.

Public Works Department

1. Roadway Median Tree Program. (Engineering Division) All Districts.

County staff presented an update on the Roadway Median Tree Program including a background on how the program was created and an overview of the tree selection, program costs, and the various roadways that will be landscaped.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

County Mayor

1. Open discussion on issues of interest to the Board.

Action: None

- MEETING RECESSED, 10:03 a.m.
- MEETING RECONVENED, 2:05 p.m.

Members Present: Vice Mayor Bryan Nelson; Commissioners S. Scott Boyd, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin

Member Absent: County Mayor Teresa Jacobs

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Craig Stopyra, Documents Coordinator Jennifer Lara-Klimetz

- COUNTY DISCUSSION AGENDA (CONTINUED)

County Administrator

6. Nomination of Lisa Franchina as an Orange County representative on the Library Board of Trustees with a term effective January 5, 2016 and expiring December 31, 2019 or nomination of an individual to succeed her. (Agenda Development Office)

Commissioner Thompson nominated Lisa Franchina.

AYE votes cast by voice vote for Lisa Franchina as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Lisa Franchina received a majority to be nominated as the Orange County representative on the Library Board of Trustees with a term effective January 5, 2016 and expiring December 31, 2019; no further votes were cast.

By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Orange County Library District Governing Board

7. Appointment of an Orange County representative to the Library Board of Trustees with a term effective January 5, 2016 and expiring December 31, 2019; reappointment of Ted Maines to the Library Board of Trustees as a City of Orlando representative with a term expiring December 31, 2019; and Approval of the

January 27, July 13, September 14, and September 22, 2015 meeting minutes of the Library District Governing Board.

By consensus, the Board adjourned as the Orange County Library District Governing Board and reconvened as the Board of County Commissioners

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

7. Approval of First Amendment to Right Of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Wallack Parking, LLC and 8050 I Drive Realty, LLC and Orange County to modify the timeframe for the conveyance. District 6. (Roadway Agreement Committee)

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the First Amendment to Right Of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Wallack Parking, LLC and 8050 I Drive Realty, LLC and Orange County to modify the timeframe for the conveyance.

- RECOMMENDATIONS

December 3, 2015 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of December 3, 2015, with the exception of and authorizing a public hearing be scheduled for Case # VA-15-12-126, Kung Fu-Sion, LLC, on February 9, 2016 (appeal filed); subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Shoreline Alteration/Dredge and Fill

1. David Macchi, Lake Hickory Nut; District 1

Applicant: David Macchi

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit of installation of a 26-buoy slalom style ski course for recreational use on Lake Hickory Nut, pursuant to Orange County Code, Chapter 15, Article VI

Location: District 1; on property located adjacent to Lake Hickory Nut; Section 06, Township 24 South, Range 27, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-15-01-000).

The following persons addressed the Board:

- Stephan Fay
- David Macchi

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by David Macchi for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-01-000) for installation of a 26-buoy slalom style ski course for recreational use on Lake Hickory Nut, 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 plans submitted by David Macchi., dated as received on September 9, 2015, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void.
3. Any permit time extensions for the approved construction may be approved by way of Consent Agenda, if there are no changes.
4. No filling is approved with this permit.
5. The permittee shall apply and maintain reflective tape on the buoys at all times.
6. No portion of the slalom course shall be located in or over aquatic vegetation.
7. The buoys shall be firmly anchored to the bottom of the waterbody.
8. Within 30 days of installation, the permittee shall provide EPD with specific GPS coordinates of each of the buoys.

9. The use of the course is limited to private recreational purposes.
10. The use of the course is limited to daylight hours.
11. If the Permittee no longer owns lands riparian to Lake Hickory Nut, the course shall be removed within 30 days of conveyance.

General Conditions

12. 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 (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
13. The permittee shall maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at his residence. The complete permit shall be available upon request by Orange County staff.
14. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct the ski course permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of ski course 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 remove the ski course within sixty (60) 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.
15. 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.

16. 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 sovereign lands or other state-owned lands.
17. 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.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. 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.
20. 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.
21. 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.
22. 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.
23. Pursuant to Section 125.022, Florida Statutes, issuance of this 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.
24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Board of Zoning Adjustment Appeal

2. Hector M. Vidal, Centro Cristiano Restauracion, Case # SE-15-10-089, November 5, 2015; District 3

Appellant: Hector M. Vidal
Applicant: Centro Cristiano Restauracion
Case: Board of Zoning Adjustment Case # SE-15-10-089; November 5, 2015
Consideration: Appeal of the recommendation of the Board of Zoning Adjustment's recommendation of denial rendered by the BZA on November 5, 2015. The applicant is the appellant. The applicant/appellant is proposing a child day care center inside the sanctuary. On November 5, 2015, the BZA recommended denial of the request. The applicant/appellant is appealing that recommendation to the BCC.
Location: District 3; property generally located on the West side of N. Chickasaw Trail, approximately 950 ft. south of E. Colonial Drive; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Hector Vidal
- Ashley Williams
- Gwen Hartmann

Motion/Second: Commissioners Clarke/Boyd
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Board continued the public hearing until February 9, 2016, at 2 p.m.

Rezoning

3. Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Chabad at UCF LUP, Case # LUP-15-08-237; District 5

Applicant: Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Chabad at UCF LUP - Case # LUP-15-08-237
Consideration: Request to rezone one (1) parcel containing 1.92 gross acres from UR-3 (University Residential District) to PD (Planned Development District), in order to construct a student center. The request also includes the following waiver from Orange County Code: 1. A waiver from Section 38-1272(3) to allow for a minimum ten (10) foot setback along the north and south property lines, in lieu of a minimum twenty-five (25) foot PD perimeter setback and a minimum twenty-five (25) foot setback from adjacent residential use; pursuant to Orange County Code, Chapter 30.

Location: District 5 property generally located North of Lokanotosa Trail, west of N. Alafaya Trail; Orange County, Florida (legal property description on file)

The following person addressed the Board: Tara Tedrow.

Motion/Second: Commissioners Edwards/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Chabad at UCF LUP - Case # LUP-15-08-237 to rezone one (1) parcel containing 1.92 gross acres from UR-3 (University Residential District) to PD (Planned Development District), in order to construct a student center. The request also includes the following waiver from Orange County Code:

1. A waiver from Section 38-1272(3) to allow for a minimum ~~ten (10) foot~~ setback along the north and south property lines, in lieu of a minimum twenty-five (25) foot PD perimeter setback and a minimum twenty-five (25) foot setback from adjacent residential use.

on the described property; subject to the following conditions:

1. Development shall conform to the Chabad at UCF Planned Development / Land Use Plan (PD/LUP) dated "October 19, 2015" 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 and the land use plan dated "October 19, 2015" 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. 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.
5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
6. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
7. Outside sales, storage, and display shall be prohibited.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water and wastewater systems have been designed to support all development within the PD.
9. The Developer shall obtain water and wastewater from Orange County Utilities.
10. 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.

11. A waiver from Section 38-1272(3) to allow for a minimum ten (10) foot setback along the north and south property lines, in lieu of a minimum twenty-five (25) foot PD perimeter setback and a minimum twenty-five (25) foot setback from adjacent residential use.
12. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
13. Prior to approval of a Development Plan (DP), a seepage (drainage) analysis shall be completed for the western boundary of the site.

Substantial Change

4. Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Peppermill West Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-06-185, amend plan; District 1

Applicant: Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Peppermill West Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-06-185

Consideration: Substantial change request to amend the Peppermill West PD by removing the age-restriction (age 55+) previously applied to PD Parcel F - Lot 7B; 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 West of S. John Young Parkway and south of Crystal Creek Boulevard; Orange County, Florida (legal property description on file)

The following person addressed the Board: Tara Tedrow.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Peppermill West Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-06-185, to amend the Peppermill West PD by removing the age-restriction (age 55+) previously applied to PD Parcel F - Lot 7B; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Peppermill West Planned Development / Land Use Plan (PD/LUP) dated "Received September 22, 2015," 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 and the land use plan dated "Received September 22, 2015," 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. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial Certificate of Occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
6. 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 November 20, 2015.
 - b. 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 zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may 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.
 - c. Developer, and 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.
 - d. 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.
 - e. 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.

7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 10, 2009, shall apply:
 - a. The cell tower shall comply with Orange County's cell tower Ordinance 97-11, as may be amended.
 - b. A waiver from Section 38-1258(a) is granted to allow a 2-story building within 40 feet of single family residential in lieu of a single-story building within 100 feet of single family residential.
 - c. A waiver from Section 38-1258(e) is granted to allow a 7-foot paving setback in lieu of 25 feet.
 - d. The maximum building height shall be 35 feet / 2 stories.
 - e. The first and second floor shall be under-1 ownership per unit.
 - f. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances.
 - g. Billboards and pole signs shall be prohibited.
 - h. The minimum living shall be 1,200 square feet under heated and cooled space only.
 - i. Uses in the commercial tracts shall be restricted to Retail Commercial District (C-1) and general Commercial District (C-2). Outdoor storage and display, and new or used auto dealerships are prohibited.
 - j. A 6-foot high masonry/brick/block wall shall be provided along the rear of Lots 5 & 6 in Parcel F.

5. Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Silver City Properties Planned Development/Land Use Plan (PD/LUP) Case # CDR-15-08-242; District 5

Applicant: Miranda F. Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Silver City Properties Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-08-242

Consideration: Substantial change request to amend the Silver City PD by reducing the amount of billboards within the project from five (5) to three (3), and reducing the amount of sign faces within the project from twelve (12) to seven (7). As proposed, all three remaining billboards will incorporate multi-messaging technology. No changes to the existing development program are proposed; 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 5; property generally located at the northwest intersection of University Boulevard and Forsyth Road (legal property description on file)

County staff stated that the proposal is to remove one of the vested billboards and one of the unvested billboards.

The following person addressed the Board: Jennifer Dixon.

The applicant addressed the proposal stated by County staff and clarified that the proposal is to remove one (1) vested and one (1) unvested billboard and not the two (2) unvested billboards as stated in the staff report.

Motion/Second: Commissioners Edwards/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Miranda F. Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Silver City Properties Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-08-242, to amend the Silver City PD by reducing the amount of billboards within the project from five (5) to three (3), and reducing the amount of sign faces within the project from twelve (12) to seven (7). As proposed, all three remaining billboards will incorporate multi-messaging technology. No changes to the existing development program are proposed; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Silver City Planned Development / Land Use Plan (PD/LUP) dated "Received October 14, 2015," 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 and the land use plan dated "Received October 14, 2015," 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. All new billboards shall comply with the maximum allowable copy area as outlined in Section 31.5-126(h).

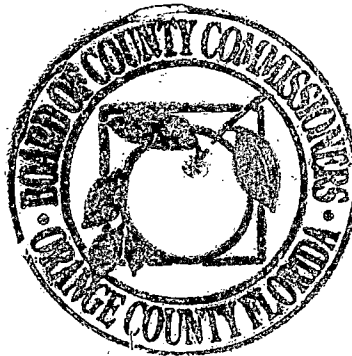
5. The billboards identified as "BB 2" and "BB 4" on the PD/LUP shall be removed within 90 days of the submittal of the first permit to convert the other signs to digital display.
6. The billboard identified as "BB 3" on the PD/LUP shall be allowed to operate as a three-faced billboard.
7. The billboard identified as "BB 1" on the PD/LUP shall be allowed to continue operation for a maximum of twenty five (25) years.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 7, 2000 shall apply:
 - a. Parking shall be provided per Orange County Code.

• ADJOURNMENT, 2:41 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: MAR 15 2016



ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Deputy Clerk