

FEB 12 2013 *jm/bs*

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, December 18, 2012
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred
Brummer, Pete Clarke, Jennifer Thompson; Commissioner Tiffany
Russell joined the meeting where indicated
Member Absent: Commissioner Ted Edwards
Others Present: Chief Deputy Comptroller Jim Moyer as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County
Attorney Joel Prinsell, Assistant Deputy Clerk Katie Smith, Senior
Minutes Coordinator Craig Stopyra

- CALL TO ORDER, 1:36 p.m.
- MEMBER JOINED: Commissioner Russell
- MOMENT OF SILENCE
For the victims of Sandy Hook Elementary School, the passing of William Coleman and
also for Orange County Commissioner Ted Edwards' mother.
- INVOCATION - Pastor Nancy Graham Ogne, Hope Presbyterian Church at Lake
Nona
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Resolution to Thomas Ackert
- PRESENTATION
Resolution honoring the Class 8A Champion Apopka High School Blue Darters football
team
- OFFICIAL RECOGNIZED: Orange County School Board Chairman Bill Sublette
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Rick Baird
- Cathy Hettinger
- Loretta Satterthwaite
- Linda Bystrak
- Jim Thomas

- Carol Johnson
- Deborah Parks
- Marjorie Holt

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Russell/Thompson

Absent: Commissioner Edwards

AYE (voice vote): All present members

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

County Mayor

1. Confirmation of the following managerial appointments: Kathleen "Kathie" Canning as Executive Director of the Convention Center and Rodney Gutierrez as Manager of Sales and Event Management at the Convention Center.

County Comptroller

1. Approval of the minutes of the October 16, 2012, 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. Period as follows: December 7, 2012, to December 13, 2012; total of \$27,124,501.58. (Finance/Accounting)
3. Approval of a within-year adjustment to the Supervisor of Elections FY 12/13 monthly draws due to the General Election and the unanticipated recount expenses that came in the first quarter of the new budget year as follows: (Finance/Accounting)
 - a. December 2012 Supplemental Draw \$900,000.00
 - b. Monthly draws (January-September 2013) \$396,956.68

County Administrator

1. Confirmation of the reappointment to the Board of Zoning Adjustment of 1) Vishaal S. Gupta as the District 1 representative; 2) Johnny L. Alderman as the District 2 representative; 3) Peter N. Betterman as the District 4 representative; 4) Zachary J. Seybold as the District 5 representative; and 5) Kal'juel Washington as the District 6 representative with terms expiring December 31, 2014.
-and-
Confirmation of the appointment of Tony Rey, Jr. as the District 3 representative on the Board of Zoning Adjustment with a term expiring December 31, 2014. (Agenda Development Office)

2. Confirmation of the reappointment to the Membership and Mission Review Board of 1) Yog N. Melwani as the District 1 representative; 2) Caroline Dales as the District 2 representative; and 3) Genean McKinnon as the District 5 representative with terms effective January 1, 2013 and expiring December 31, 2014.
-and-
Confirmation of the appointment of T. Picton Warlow IV as the Mayor's representative on the Membership and Mission Review Board with a term effective January 1, 2013 and expiring December 31, 2014. (Agenda Development Office)
3. Confirmation of the reappointment to the Orange County Citizen Corps Council of 1) Ronald A. Armillei, Caree Jewell, and Tony Moore as Mayor's representatives; and 2) Dennis Last as the District 4 representative with terms expiring December 31, 2014. (Agenda Development Office)
4. Confirmation of the reappointment to the Planning and Zoning Commission of 1) Betsy VanderLey as the District 1 representative; 2) Marvin B. Barrett as the District 2 representative; 3) Pasquale DiVecchio as the District 4 representative; 4) Rick V. Baldocchi as the District 5 representative; and 5) Paul L Wean as the Mayor's representative with terms effective January 1, 2013 and expiring December 31, 2014.
-and-
Confirmation of the appointment to the Planning and Zoning Commissioner of 1) Tina Demostene as the District 3 representative; and 2) Shannon M. Currie as the District 6 representative with terms effective January 1, 2013 and expiring December 31, 2014. (Agenda Development Office)
5. Confirmation of Commissioner Boyd's reappointment to the Big Sand Lake Advisory Board of John D. Jennings, Alan C. Charron, Gayle W. Blackert, Thomas R. Maurer, and Joseph Georganna with terms expiring December 31, 2014.
6. Confirmation of Commissioner Brummer's reappointment to the South Lake Fairview Advisory Board of Thomas M. Bohn and Robert S. Lawrence with terms expiring December 31, 2014. (Agenda Development Office)
7. Confirmation of Commissioner Clarke's reappointment to the Lake Holden Advisory Board of Ronald Strickler and appointment of Michael B. Smith with terms expiring December 31, 2014. (Agenda Development Office)
8. Confirmation of Commissioner Clarke's reappointment to the Lake Jessamine Water Advisory Board of Carolyn Accola and Judy I. Martin with terms expiring December 31, 2014. (Agenda Development Office)
9. Confirmation of Commissioner Clarke's reappointment to the Lake Mary MSTU (Municipal Service Taxing Unit) Advisory Board of Nancy Crowell, Edwin Johnson,

and Russ E. Tatum with terms expiring December 31, 2014. (Agenda Development Office)

10. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official Board record. (Agenda Development Office)
11. Confirmation by the Board of County Commissioners of the County Mayor's staff reappointments for the 1st Quarter (October - December) FY 2012-2013: (Human Resources Division)
 - Kenneth V. Adkins, Manager, Operations Administration, Corrections
 - Lonnie C. Bell, Jr., Director, Family Services
 - Margaret J. Brennan, Manager, Medical Clinic, Health Services
 - J. Ricardo Daye, Director, Human Resources, Office of Accountability
 - Robin L. Hammel, Manager, Engineering, Public Works
 - Raymond E. Hanson, Director, Utilities
 - Glenn H. Kramer, Manager, Fiscal & Operational Support, Utilities
 - Anne Kulikowski, Manager, Fiscal & Operational Support, Administrative Services
 - Rafael Eduardo Mena, Chief Information Officer, ISS, Office of Accountability
 - Ronald O. Nielsen, Deputy Director, Utilities
 - Henry V. Preston, Division Chief, Fire Logistics, Administration, Fire Rescue Services
 - Dr. George A. Ralls, Director, Health Services/EMS (Emergency Medical Services)
 - David A. Rathbun, Division Chief, Fire Operations, Administration, Fire Rescue Services
 - Randy Singh, Manager, Office of Management & Budget, Office of Accountability
 - Dean Stites, Manager, Fiscal & Operational Support, Community, Environmental and Development Services
 - Frederick Winterkamp, Manager, Fiscal and Business Services, Office of Accountability
 - Errick W. Young, Manager, Business Development, Administrative Services
12. Approval to designate Annette Rodgers as the 911 Coordinator for Orange County in accordance with the State E911 Plan, (Florida Administrative Code) F.A.C. Rule 60FF-6.044(3)(a) and (Florida Statutes) F.S. 365.171(10). (Information Systems and Services)
13. Approval of Resolution 2012-M-53 of the Orange County Board of County Commissioners regarding Dry Color Especialidade Quimicas Ltda. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
14. Approval of Orange County, Florida and University of Central Florida FY 2013 Grant Agreement and authorization to disburse \$650,000 as provided in the FY 2012-13 adopted budget. (Office of Economic, Trade and Tourism Development)

15. Approval of budget amendment #13-17. (Office of Management and Budget)
16. Approval of budget transfer #13C-0049. (Office of Management and Budget)

Administrative Services Department

1. Approval to award Invitation for Bids Y13-135-ZM, Sod, Supply and Delivery, to the low responsive and responsible bidder, Hillside Sod Farms, Inc., in the estimated annual contract amount of \$333,000 for a 1-year term. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional 1-year terms. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-7024-EZ, Powers Drive/Hudson Street Drainage Improvements, to the low responsive and responsible bidder, Stage Door II, Inc., in the estimated contract award amount of \$115,195.80. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y12-7038-PH, Water Supply and Well Flow Meter Improvements (Bent Oak Storage and Re-Pump Facility (SRF), Cypress Walk and Oak Meadows Water Supply Facility (WSF)), to the low responsive and responsible bidder, Maxwell Contracting, Inc., in the total contract award amount of \$773,000. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y13-709-SB, Orange County Convention Center South Building Chilled Water Compensators, to the sole responsive and responsible bidder, Air Mechanical & Service Corp. in the total contract award amount of \$392,900. ([Convention Center Capital Planning Division] Purchasing and Contracts Division)
5. Approval to make payment to Community, A Walgreens Pharmacy for pharmaceutical services rendered to Ryan White eligible HIV/AIDS (Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome) consumers in the estimated amount of \$950,000. ([Family Services Department] Purchasing and Contracts Division)
6. Approval and execution of Assignment of Lease Agreement between Central Florida Young Men's Christian Association, Inc. and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed for YMCA-OCCC Billboard, Orange County Convention Center, Orlando, Florida. District 6. (Real Estate Management Division)
7. Approval and execution of Lease Agreement between Orlando Sunport Flexxspace, Ltd. and Orange County and delegation of authority to the Real Estate

Management Division to exercise renewal options, if needed for OCHD (Orange County Health Department) – Emergency Storage Facility at 8026 Sunport Drive Units 307-311, Orlando, Florida. District 4. (Real Estate Management Division)

8. Approval and execution of Third Amendment of Lease Agreement between Pyramid Properties III, LLP and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed for Sheriff's Third Amendment, Orlando, Florida. District 2. (Real Estate Management Division)
9. Approval and execution of Distribution Easement between Orange County and Progress Energy of Florida, Inc. and authorization to record instrument for Orange County Landfill Class III Cell 2 LFG (Landfill Gas Flare) expansion 2011. District 4. (Real Estate Management Division)
10. Approval and execution of Utility Easement between Orange County and Orlando Utilities Commission and City of Orlando for the use and benefit of the Orlando Utilities Commission, authorization to disburse funds to pay recording fees and record instrument for Silver Star Community Park – Cricket Field. District 6. (Real Estate Management Division)
11. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Yauhen Zhyvitski, approval and execution of County Deed from Orange County to Yauhen Zhyvitski and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 5220 Laval Drive, Orlando, FL 32839 ((National Community Stabilization Trust) NCST). District 3. (Real Estate Management Division)
12. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Marcia C. Teixeira, approval and execution of County Deed from Orange County to Marcia C. Teixeira and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 4614 Mars Court, Orlando, FL 32839 ((National Community Stabilization Trust) NCST). District 3. (Real Estate Management Division)
13. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Dwayne A. Walker and Jahlet V. Jones, approval and execution of County Deed from Orange County to Dwayne A. Walker and Jahlet V. Jones and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 8012 Stirrupwood Court, Orlando, FL 32818 ((National Community Stabilization Trust) NCST). District 6. (Real Estate Management Division)
14. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Mario D. Olazabal Perdomo and Marleny D. Del Risco Porto, approval

and execution of County Deed from Orange County to Mario D. Olazabal Perdomo and Marleny D. Del Risco Porto and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 2626 Tandori Circle, Orlando, FL 32837 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)

15. Approval of As Is Residential Contract for Sale and Purchase with Addendum between Orange County and Melissa Usma, approval and execution of County Deed from Orange County to Melissa Usma and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 12705 Boggy Pointe Drive, Orlando, FL 32824 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 12-1116	LC 12-1170	LC 12-1214	LC 12-1468	LC 12-1507
LC 12-1508	LC 12-1541	LC 12-0917	LC 12-1047	LC 12-1099
LC 12-1108	LC 12-1109	LC 12-1127	LC 12-1250	LC 12-1270
LC 12-1286	LC 12-1323	LC 12-1347	LC 12-1352	LC 12-1356
LC 12-1370	LC 12-1372	LC 12-1373	LC 12-1377	LC 12-1490
LC 12-1499	LC 12-0894	LC 12-1118	LC 12-1183	LC 12-1239
LC 12-1261	LC 12-1277	LC 12-1413	LC 12-1424	LC 12-1434
LC 12-1613	LC 13-0018	LC 13-0024	LC 12-0878	LC 12-0979
LC 12-1088	LC 12-1178	LC 12-1460	LC 12-1095	LC 12-1198
LC 12-1426	LC 12-1453	LC 12-1590	LC 13-0004	LC 12-0798
LC 12-0866	LC 12-0896	LC 12-0903	LC 12-0969	LC 12-1056
LC 12-1152	LC 12-1162	LC 12-1163	LC 12-1172	LC 12-1174
LC 12-1207	LC 12-1213	LC 12-1225	LC 12-1227	LC 12-1260
LC 12-1289	LC 12-1290	LC 12-1331	LC 12-1334	LC 12-1335
LC 12-1337	LC 12-1345	LC 12-1351	LC 12-1386	LC 12-1435
LC 12-1440	LC 12-1458	LC 12-1482	LC 12-1521	LC 12-1596

2. Approval of Orange County Environmental Protection Commission recommendation to uphold the Environmental Protection Officer's recommendation to deny the after-the-fact request for variance from Orange County Code, Chapter 15, Article IX, Section 15-342 (g) enclosed docks and remove the enclosure for the Schulting Dock Construction Permit No. BD-12-03-016. District 3. (Environmental Protection Division)

3. Approval of Subordination Agreement of Multi-Family Affordable Housing Developer's Agreement for Discounts of Impact Fees, Water Capital Charges and Wastewater Capital Charges between Orange County, Florida and TWC Ninety-Nine Ltd. to refinance Wentworth II Apartments. District 4. (Housing and Community Development Division)

Public Works Department

1. Approval of State of Florida Department of Transportation County Resolution 2012-M-54 Grade Crossing Traffic Control Devices and Future Responsibility, Financial Project No. 43216015701, and State of Florida Department of Transportation Railroad Reimbursement Agreement Grade Crossing Traffic Control Devices – County, Financial Project No. 43216015701, among the Florida Department of Transportation, Florida Central Railroad Company, Inc. and Orange County for Traffic control improvements at the Florida Central Railroad grade crossing on Hiawasse Road in Lockhart. District 2. (Traffic Engineering Division)
2. Approval of Project Addendum to Master Agreement between CSX Transportation, Inc. and Orange County for the design of a new full-width concrete grade crossing surface at CSX Railroad Crossing #643 870C on Chancellor Drive, with authorization to pay \$16,000 from Account #1002-072-5086-3197 for the preliminary engineering design. District 6. (Roads and Drainage Division)
3. Approval of Project Addendum to Master Agreement between CSX Transportation, Inc. and Orange County for the design of a new full-width concrete grade crossing surface at CSX Railroad Crossing #622 332M on Dividend Drive, with authorization to pay \$16,000 from Account #1002-072-5086-3197 for the preliminary engineering design. District 6. (Roads and Drainage Division)
4. Approval of Project Addendum to Master Agreement between CSX Transportation, Inc. and Orange County for the design of a new full-width concrete grade crossing surface at CSX Railroad Crossing #622 322G on Orange Avenue, north of Landstreet Road, with authorization to pay \$16,000 from Account #1002-072-5086-3197 for the preliminary engineering design. District 4. (Roads and Drainage Division)

• INFORMATIONAL ITEMS FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE*

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Winter Park Ordinance 2869-12, An Ordinance of the City of Winter Park, Florida annexing approximately 51+- acres of real property referred to as Ravaudage or home acres; generally located in that pocket of unincorporated

Orange County area bordered by Lee Road to the south, Orlando Avenue to the east; Monroe Avenue to the north and Bennett Avenue to the west; providing for the amendment of the City of Winter Park's Charter, Article I, Section 1.02, corporate boundaries to provide for the incorporation of the real property annexed hereby into the municipal boundaries; providing for the filing of the revised charter with the Department of State; providing for repeal of prior inconsistent ordinances and resolutions; providing for severability; and providing for an effective date.

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

- UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1

Bithlo Community Water Presentation. (Administration)

(This item was postponed.)

- NONAGENDA

- OFFICIALS RECOGNIZED: Orange County School Board Members Daryl Flynn, Christine Moore And Pam Gould.

County Mayor Jacobs announced the opportunity to enhance the security at Orange County's elementary schools, in the wake of the tragedy at Sandy Hook Elementary School. County Mayor Jacobs proposed to add a sworn sheriff's deputy to serve as a School Resource Officer at each of the 78 elementary schools in unincorporated Orange County for the remainder of the school year.

The following persons addressed the Board:

- Orange County School Board Chairman Bill Sublette
- Orange County Sheriff Jerry Demings
- Rick Harris

Motion/Second: County Mayor Jacobs/Commissioner Brummer

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board approved to allocate adding to the sheriff's budget a maximum of \$2,000,000 to be used to enhance his patrol of our elementary schools in the unincorporated area until spring break, which is March 22; and further, approved that the sheriff would use his best efforts to provide a deputy equitably at all elementary schools in unincorporated Orange County, as amended below.

Motion/Second: Commissioner Brummer/County Mayor Jacobs

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board amended the main motion to extend the time period to the end of the school year and increase the maximum budget to \$3,000,000.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Nomination of Richard Maladecki for reappointment as an Orange County representative on the Orange County Library Board of Trustees or nomination of an individual to succeed him with a term effective December 18, 2012 and expiring December 31, 2016. (Agenda Development Office)

The Board members made nominations as follows:

Commissioner Thompson: Marucci Guzman Beard.

Commissioner Brummer: Richard Maladecki.

AYE votes cast by voice vote for Marucci Guzman Beard as follows: County Mayor Jacobs; Commissioners Clarke, Thompson, Russell.

NO votes cast by voice vote for Marucci Guzman Beard as follows: Commissioners Boyd, Brummer.

Member absent-Commissioner Edwards

Marucci Guzman Beard received a majority to be appointed as an Orange County representative on the Orange County Library Board of Trustees with a term effective December 18, 2012 and expiring December 31, 2016; no further votes were cast.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 3

Reappointment of Jean R. Sandor and Phillip C. Hollis to the Code Enforcement Board with terms expiring December 31, 2015 or nomination and appointment of individual(s) to succeed them. (Agenda Development Office)

The Board members made nominations as follows:

Commissioner Thompson: Nydia Marrero.

Commissioner Brummer: Jean R. Sandor.

AYE votes cast by voice vote for Nydia Marrero as follows: County Mayor Jacobs; Commissioners Boyd, Clarke, Thompson, Russell.

NO votes cast by voice vote for Nydia Marrero as follows: Commissioner Brummer.

Member absent-Commissioner Edwards

Nydia Marrero received a majority to be appointed to the Code Enforcement Board with a term expiring December 31, 2015; no further votes were cast.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board reappointed Phillip C. Hollis to the Code Enforcement Board with a term expiring December 31, 2015.

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of one consultant and two ranked alternates to provide the Development and Administration of Promotional Assessment Process for Multiple Positions within the Fire Rescue Department, Request for Proposals Y13-110-GJ, from the following firms listed alphabetically for a thirty-six (36) month term contract.

- Booth Research Group, Inc.
- Ergometrics and Applied Personnel Research, Inc.
- I/O Solutions, Inc.
- Morris & McDaniel, Inc.

Further request the Board authorize the Purchasing and Contracts Division to negotiate and award the contract within a budget of \$465,000. Also request authorization of the Purchasing and Contracts Division to renew the contract for two additional 1-year terms.

([Fire Rescue Department] Purchasing and Contracts Division)

Motion/Second: Commissioners Thompson/Russell

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board selected one consultant, Morris & McDaniel, Inc., and two ranked alternates, #1 Booth Research Group, Inc., and #2 I/O Solutions, Inc., to provide Development and Administration of Promotional Assessment Process for Multiple Positions within the Fire Rescue Department for a thirty-six (36) month term contract; further, authorized the Purchasing and Contracts Division to negotiate and award the contract within a budget of \$465,000; and further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year terms, Request for Proposals Y13-110-GJ.

Addendum #1

- ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 2

Approval of Memorandum of Understanding between Orange County, Florida and Convention Hotel Partners, LTD. regarding a pedestrian bridge at the West Concourse of the Convention Center.

The following person addressed the Board: Harris Rosen.

Motion/Second: Commissioners Boyd/Russell

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board authorized the Mayor to sign the Right-of-Entry Agreement, which will happen after we have reached an agreement on the MOU (Memorandum of Understanding).

- COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Approval to continue negotiations with the St. Johns River Water Management District on accepting and/or leasing lands. Districts 2 and 5. (Environmental Protection Division)

Motion/Second: Commissioners Clarke/Brummer

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board approved to accept or lease Parcels 1, 2, and 4.

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

St. Johns River Water Management District surplus land on Jones Avenue in Zellwood."

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

Abstain: Commissioner Brummer

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

Action: The Board moved Parcel 5 will be brought back at a later date after the meeting with the municipalities of both Lake County and Orange County and the cities; and

further, instructed staff to send a letter on behalf of the Mayor to the St. Johns River Management District conveying that no action be taken by St. Johns River Water Management District until there is a meeting between St. Johns River Water Management District, Lake County and Orange County.

- FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

After School Program Presentation.

(This item was postponed.)

- FAMILY SERVICE DEPARTMENT WORKSESSION AGENDA ITEM 1

Citizens' Review Panel for Human Services Presentation.

(This item was postponed.)

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, DECEMBER 6, 2012

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Edwards

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 6, 2012, with the exception of and authorizing a public hearing be scheduled for Case VA-12-12-093, 7-Eleven Inc., on February 26, 2013; subject to the usual right of appeal by any aggrieved party.

- ORDINANCE PUBLIC HEARING, CONTINUED FROM OCTOBER 30, 2012

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY LAW ENFORCEMENT IMPACT FEE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board continued the public hearing until January 15, 2013, at 2 p.m.

- SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Rick Ortiz, Davidson Design Group, Inc., ILH Interchange Center Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-07-137)

Consideration: Substantial change request to allow land uses that are permitted in the underlying and applicable Activity Center Mixed Uses (ACMU) Future

Land Use Map designation. Maximum allowable construction under each category as follows:

Timeshare:	60 units/acre	4,043 units
Hotel:	60 units/acre	4,043 units
Commercial:	0.34 F.A.R.	997,925 Square Feet
Office:	1.5 F.A.R.	4,402,609 Square Feet
Residential:	30 units/acre	606 units (30% of net dev. area);

pursuant to Orange County Code, Chapter 30, and Section 38-1207.

Location: District 1; property generally located south of Central Florida Parkway, East and west of Westwood Boulevard; Parcel IDs 11-24-28-3829-00-010, 11-24-28-3829-00-020, 11-24-28-3829-00-021, 11-24-3829-00-022, 11-24-28-3829-00-023, 11-24-28-3829-00-030, 12-24-28-6422-01-001, 12-24-28-6422-02-001, 12-24-28-6422-03-010, 12-24-28-6422-03-021, 12-24-28-6422-03-022, 12-24-28-6422-99-999, 13-24-28-6424-01-001, 13-24-28-6424-02-001, 13-24-28-6424-03-001, 13-24-28-6424-04-001, 13-24-28-6424-05-001, 13-24-28-6424-06-001, 13-24-28-6424-07-001, 13-24-28-6424-08-001, 13-24-28-6424-09-001; & 13-24-28-6424-99-999; Orange County, Florida (legal property description on file)

Clerk's Note: After the Notice of Public Hearing published in the newspaper and landowners' notifications were distributed, the request was modified by County staff as follows:

To modify the existing PD conditions of approval to reflect the adoption of an "Order Approving the Rescission of the Development Order for the ILH Interchange Center Development of Regional Impact (DRI)" by the Board of County Commissioners on April 10, 2012; and to amend the PD/LUP to reflect the maximum development program
~~allow land uses that are permitted by in the underlying and applicable Activity Center Mixed Uses (ACMU) Future Land Use Map designation. Maximum allowable construction under each category as follows:~~

Timeshare:	60 units/ <u>per</u> acre	4,043 units
Hotel:	60 units/ <u>per</u> acre	4,043 units
Commercial:	0.34 F.A.R.	997,925 <u>s</u> Square <u>f</u> Feet
Office:	1.5 F.A.R.	4,402,609 <u>s</u> Square <u>f</u> Feet
Residential:	30 units/ <u>per</u> acre	606 units (30% of net dev. area);

The following person addressed the Board: Rick Ortiz.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

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 Rick Ortiz, Davidson Design Group, Inc., ILH Interchange Center Planned Development (PD) Land Use Plan (LUP), (Case

#CDR-12-07-137), to modify the existing PD conditions of approval to reflect the adoption of an "Order Approving the Rescission of the Development Order for the ILH Interchange Center Development of Regional Impact (DRI)" by the Board of County Commissioners on April 10, 2012; and to amend the PD/LUP to reflect the maximum development program permitted by the underlying Activity Center Mixed Use (ACMU) Future Land Use Map designation.

- Timeshare: 60 units/per acre 4,043 units
- Hotel: 60 units/per acre 4,043 units
- Commercial: 0.34 F.A.R. 997,925 square feet
- Office: 1.5 F.A.R. 4,402,609 square feet
- Residential: 30 units/per acre 606 units (30% of net dev. area);

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

1. Development shall conform to the ILH Interchange Center PD Land Use Plan dated "Received October 15, 2012," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "Received October 15, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.
2. A master signage plan for Lot 2 was previously approved with Lot 2 Master Infrastructure Development Plan. Additional signage within the PD shall comply with the standards set forth in Chapter 31.5, Article IV, Division (Tourist-Commercial); as may be amended from time to time. Billboards shall be prohibited.
3. All previous applicable BCC (Board of County Commissioners) Conditions of Approval, dated November 1, 2011, shall apply:
 - a. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or

representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

- b. A waiver from Section 38-1287 (2), (3), and (4) is granted to allow for an internal lot line building setback of 0 feet in lieu of 30 feet, a side setback of 0 feet in lieu of 20 feet, and a side and rear paving setback, on interior lot lines only, of 0 feet in lieu of 7.5 feet.
4. All previous applicable BCC (Board of County Commissioners) Conditions of Approval, dated October 8, 1990, shall apply:
 - a. Approval of this project shall supersede previous land use approvals for these portions of the Central Florida Parkway P-D and Western Fun World P-D contained within the ILH Interchange Center (Development Regional Impact) DRI/P-D.
 - b. The following uses shall be prohibited in this project.
 - *Automobile dealerships and outdoor display of vehicles*
 - *Muffler shops*
 - *Mobile home and boat sales*
 - *Adult entertainment establishments*
 - c. A master drainage system shall be submitted for review prior to construction plan approval.
 - d. Wastewater service shall be obtained from Orange County, subject to County rate resolutions and ordinances. Any transfer of capacity shall be in accordance with the Sand Lake wastewater Allocation Rules. No construction plans will be approved until water and wastewater capacity is purchased and available. The on-site water and wastewater systems will not be Owned or maintained by Orange County.
 - e. In order to effectively monitor the functioning of the project's stormwater treatment system and its effects on conditions in receiving surface waters, the applicant or successors shall provide for the establishment and operation of a surface water monitoring program consisting of the following components:
 - 1) Surface water samples shall ,be collected at the following locations:

- *At stations 1 and 4 in (Valencia Water Control District) VWCD Canal C-I, as identified in the DRI ADA (Development of Regional Impact Application for Development Approval); and*
 - *In the on-site master, stormwater detention/conservation area, as depicted on Map G in the DRI/ADA (Development of Regional Impact/Application for Development Approval).*
- 2) Water quality samples and flow measurements shall be collected at least four times annually on a seasonal basis from the time of the Development Order to at least four years after construction buildout.
 - 3) Water quality parameters to be measured at each location shall be determined by the South Florida Water Management District with input from Orange County and the Valencia Water Control District. The data to be collected should also include concurrent flow measurements (as applicable), with the collected data being furnished to the jurisdictional local government and the South Florida Water Management District. [RIL: 29F-I.091 ',(2) (b) 1,5,6 FAC; CRPP: 19F-19.001, 38.3, 38.7, FAC; P: Meadow Wood Substantial Deviation DRI #688-05]
- f. If the stormwater management measures implemented by the applicant are found to adversely impact water quality and/or quantity conditions on or downstream of the project site, the applicant or successors will take appropriate actions, including the incorporation of additional water quality treatment and/or water management methods into the project's surface drainage system if necessary, to correct the deficiencies and/or mitigate any identified degradation resulting from the project's facilities. [RIL: 29F-I.091, (4) (b) (a), FAC; CRPP:29F-19.001, 39.4, 39.6, 43.1, FAC; P: Formosa Gardens DRI #689-07].
 - g. The applicant shall ensure that adequate and safe pedestrian facilities will be constructed on the site which allow for movement between the project and the adjacent Sea World attraction and International Drive. Bicycles shall be considered in the design of new or approved roadway facilities and bicycle storage facilities shall be provided on site.

- h. To promote the provision of housing for project employees that is reasonably accessible to the site, the developer shall participate in then applicable County ordinances relating to the affordable housing program to be adopted by Orange County. [RIL: 29F-1.091 (6), FAC; Chapter 380.06 (12) (a), Florida statutes: CRPP: 29F-19.001, 19.1, FAC]

- ADJOURNMENT, 5:14 p.m.

ATTEST:


County Mayor Teresa Jacobs

Date: **FEB 12 2013**

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Assistant Deputy Clerk

