

NOV 13 2012 NP/CAS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, September 11, 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, John Martinez, Jennifer Thompson, Ted Edwards,
Tiffany Russell
Others Present: County Comptroller Martha Haynie as Clerk, Chief Deputy
Comptroller Jim Moye as Clerk, Acting County Administrator Eric
Gassman, County Attorney Jeffrey J. Newton, Deputy County
Attorney Joel Prinsell, Deputy Clerk Kathleen C. Johnson

• CALL TO ORDER, 1:36 p.m.

• PRESENTATION

Patriot Day

• PLEDGE OF ALLEGIANCE

• REMEMBRANCE:

For the passing of the following Orange County employees:

- Beverly Monte De Oca, Mosquito Control Specialist II, Mosquito Control Division
- Richard Stoner, Operations Technician III, Facilities Management Division

• INVOCATION - Father Joseph O'Neil, Good Shepherd Catholic Church

• PRESENTATION

Proclamation designating September as National Recovery Month

• PRESENTATION

Proclamation designating the week of September 16 through September 22, 2012 as
Child Passenger Safety Week and September 22, 2012 as National Seat Check
Saturday

• PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Cathy Hettinger
- Nelson Betancourt

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board

- Deferred County Attorney Item 2 for consideration with public hearing for Petition to Place Ordinance on Ballot pertaining to Earned Sick Time for Employees of Businesses in Orange County on Ballot
- Deferred Administrative Services Department Item 20
- Deferred Community and Environmental Services Department Item 3

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

County Comptroller

1. Approval of the minutes of the July 19 and 31, 2012 meetings of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - August 24, 2012, to August 30, 2012; total of \$14,206,679.24
 - August 31, 2012, to September 6, 2012; total of \$25,626,206.20.

(Finance/Accounting)

3. Approval to advance to the Tax Collector, commissions in the amount of \$2,005,363. This advance is necessary to maintain the financial operation of the office during the month of October 2012. (Finance/ Accounting)

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for the following advisory board appointments/reappointments: (Agenda Development Office)
 - A. Citizens' Review Panel for Human Services: Appointment of Tiffany S. Dziekan and Jacqueline Centeno in the at large member-in-training category with terms expiring December 31, 2014 and Pedro A. Padua to succeed Lasonja A. Black in the economically distressed representative category with a term expiring December 31, 2012.
 - B. Community Development Advisory Board: Appointment of Patricia Rumph to succeed Brenda Jackson in the District 2 representative category with a term expiring June 30, 2014.

- C. Development Advisory Board: Appointment of Elaine A. Imbruglia to succeed John Miklos in the primary group representative category (environmental specialist with a degree in a related scientific field) and the reappointment of Joseph H. Morgan in the primary group representative category (licensed architect) with terms expiring June 30, 2014.
 - D. Health Council of East Central Florida, Inc.: Reappointment of Jean E. Siegfried in the health care consumer over 60 representative category with a term expiring September 30, 2014.
 - E. MetroPlan Orlando Citizens' Advisory Committee: Appointment of Leonardo Valencia to succeed Alphonso Jefferson in the Orange County representative category with a term expiring December 31, 2013.
 - F. Neighborhood Grants Advisory Board: Appointment of Victor Flores to succeed Leah C. Nash in the at large representative category with a term expiring June 30, 2014.
 - G. Orange County Research and Development Authority: Reappointment of Vanessa Littleton and Eduardo J. Rubiera in the at large representative category with terms expiring August 24, 2016.
 - H. Public Works Advisory Board: Appointment of Eric Bain to succeed A. Fred Hennies, III in the construction discipline representative category with a term expiring June 30, 2014.
- 2. Confirmation of the Orange County Mayor's staff reappointments for the 4th Quarter (July - September) FY 2011-2012. (Human Resources Division)
 - Timothy Brian Armstrong, Manager, Utilities Customer Service, Utilities
 - Thomas P. Breaud, Manager, Mosquito Control, Health Services
 - Carol Ann Burkett, Director, Office for a Drug Free Community, Office of Public Engagement and Citizen Advocacy
 - Troy Edward Layton, Manager, Utilities Construction, Utilities
 - John Louis Petrelli, Jr., Manager, Risk Management, Office of Accountability
 - David Lee Roussel, Manager, Fleet Management, Administrative Services
 - Ruby Rozier, Manager, Traffic Engineering, Public Works
 - Michael Tidwell, Chief of Corrections, Corrections
 - Sara K. Van Arsdell, Manager, Historical Museum, Family Services
 - 3. Approval of Resolution 2012-M-31 of the Orange County Board of County Commissioners regarding Iradimed Corporation Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
 - 4. Approval to disburse \$150,000 to the Orange Blossom Trail Development Board by October 8, 2012 for administration in order to maintain normal operations for the first quarter of FY 2012-13. (Office of Management and Budget)
 - 5. Approval for staff to reimburse expenditures throughout FY 2012-13 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2012-13 budget. (Office of Management and Budget)

6. Approval for the Orange County Sheriff's Office to spend \$3,000 from the Law Enforcement Trust Fund to provide eligible contributions to the Orange County Police Athletic League (PAL). (Office of Management and Budget)
7. Approval and execution of Service Funding Agreements between Orange County and Seniors First, Inc. (\$95,418), Orange County Bar Association, Inc. – Citizen Dispute Settlement Mediation Program (\$100,224), and the Legal Aid Society of the Orange County Bar Association, Inc. (\$722,954). (Office of Management and Budget)
8. Approval of budget amendments #12-66, #12-67, #12-68, #12-69, #12-70, #12-71, #12-72, #12-73, #12-74, #12-75, and #12-76. (Office of Management and Budget)

County Attorney

1. Approval of Settlement Agreement and Limited Release of All claims in the amount of \$700,000; Geo Technical and Environmental Consultants, Inc. to pay \$350,000 and Amdrill, Inc. to pay \$350,000 to the Orange County Board of County Commissioners, Case No. 08-CA-18503 and authorization to execute general release necessary to facilitate a settlement for this claim.
2. Approval of Resolution of the Orange County Board of County Commissioners regarding Calling A Referendum on A Proposal To Guarantee Earned Sick Time For Employees Of Businesses In Orange County to be held at the next primary, general or special election occurring at least forty-five days after the adoption of this resolution.

(This item was deferred.)

Administrative Services Department

1. Approval to award Invitation for Bids Y12-1090-GJ, Corrections Employee Uniforms – Term Contract, to the low responsive and responsible bidders, by lot as listed below for 3-year term contracts in the total estimated contract award amounts:

| <u>Bidder</u> | <u>Lots</u> | <u>Total Est. 3-Yr Contract Amt.</u> |
|---------------------|-------------|--------------------------------------|
| VF Imagewear, Inc. | 1, 2, and 4 | \$1,048,614.00 |
| Quartermaster, Inc. | 3 | \$184,762.50 |

Further, authorized the Purchasing and Contracts Division to renew this contract for two additional one year periods. ([Corrections Department Fiscal Services Division] Purchasing and Contracts Division)

2. Approval to award Invitation for Bids Y12-1094-LC, Speech Language Therapy Services, to the low responsive and responsible bidder, United Cerebral Palsy of

Central Florida, in the estimated contract award amount of \$124,250 for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year periods. ([Family Services Department Head Start Division] Purchasing and Contracts Division)

3. Approval to award Invitation for Bids Y12-7004-EZ, Orange County Sheriff Sector IV and Cassidy Buildings Fire Alarm Replacement, to the low responsive and responsible bidder, Integrated Systems of Florida, Inc. in the total contract award amount of \$166,116. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-7005-EZ, Orange County Work Release Center Fire Alarm Replacement, to the low responsive and responsible bidder, Hank Lowry Electric, Inc., in the total contract award amount of \$154,800. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y12-7008-EZ, Orange County John Bridges Community Center Sanitary Sewer Conversion, to the low responsive and responsible bidder, Lapin Services, in the total contract award amount of \$179,000. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
6. Approval to award Invitation for Bids Y12-7009-EZ, Orange County Law Enforcement (LEVO) Collision Avoidance Training (CAT) School HVAC (Heating, Ventilating, and Air Conditioning) Replacement, to the low responsive and responsible bidder, Pipeline Mechanical, Inc., in the total contract award amount of \$113,500. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
7. Approval to award Invitation for Bids Y12-7013-J2, Lake Mary Jess Drainage and Water Quality Improvements, to the low responsive and responsible bidder, Conpilog International Company. The estimated contract award amount is \$499,746. ([Public Works Department Highway Construction Division] Purchasing and Contracts Division)
8. Approval to award Invitation for Bids Y12-7015-J2, Randolph Street Drainage Well Replacement and Abandonment, to the sole responsive and responsible bidder, Henderson Wilder, Contractor. The total estimated contract award amount is \$130,942.50. (Alternate Bid). ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)

9. Approval of funding for the Orange County/City of Orlando Water Conserv II (WCII) Joint Facilities Annual Target Budget with Woodard and Curran, Inc. The County's share of the estimated project budget is \$3,699,046. ([Utilities Department Water Reclamation Division] Purchasing and Contracts Division)
10. Approval and execution of Utilities Easement and Non-Exclusive Access Easement from SLF IV/Boyd Horizon West JV, LLC to Orange County, approval of General Warranty Deed from SLF IV/Boyd Horizon West JV, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Hamlin (Relocation of Conserv II Facilities) (Conserv II – Utilities). District 1. (Real Estate Management Division)
11. Approval and execution of Grant of Easement from Orange County to Embargo Florida, Inc., d/b/a Century Link, f/k/a Sprint/United Telephone, Florida and authorization to record instrument for Ocoee Service Center site. District 1. (Real Estate Management Division)
12. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Martha Fernandez, approval and execution of County Deed from Orange County to Martha Fernandez and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 8672 La Lista Court, Orlando, FL 32825. District 3. (Real Estate Management Division)
13. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Laneisha M. McFarland, approval and execution of County Deed from Orange County to Laneisha M. McFarland and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 1033 Petal Court, Orlando, FL 32818 (NCST (National Community Stabilization Trust)). District 1. (Real Estate Management Division)
14. Approval of Utility Easement between Alta at Lake Eve Apartments, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from HSBC Bank USA, National Association and authorization to record instruments for Alta Lake Eve – Utility File #68688. District 1. (Real Estate Management Division)
15. Approval of Non-Exclusive Drainage Easement from SD New Independence Holdings, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for New Independence Parkway. District 1. (Real Estate Management Division)

16. Approval of Sidewalk Easement between International Drive Development Investors, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from PNC Bank, National Association f/k/a RBC Bank (USA) and authorization to record instruments for Orangewood Neighborhood 2, Parcel 6A. District 1. (Real Estate Management Division)
17. Approval of Utility Easement between International Drive Development Investors, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from PNC Bank, National Association f/k/a RBC Bank (USA) and authorization to record instruments for Orangewood Neighborhood 2 – Parcels 6A & 6B – Utility File #66445. District 1. (Real Estate Management Division)
18. Approval of Utility Easement between Vistana Springs Condominium Association, Inc. and Orange County, Utility Easement between Vistana Development, Inc. and Orange County and authorization to record instruments for Vistana Resort Irrigation System – New Connections – Utility File #64985. District 1. (Real Estate Management Division)
19. Approval of Utility Easement between 50 & Chickasaw Trail, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Branch Banking and Trust Company, Subordination of Encumbrance to Property Rights to Orange County from WAWA, Inc. and authorization to record instruments for WAWA – 50 & Chickasaw Trail – Utility File #68585. District 3. (Real Estate Management Division)
20. Approval of Warranty Deed from Timberlock Partners, LP to Orange County and authorization to perform all actions necessary and incidental to closing for Patterson PD (Planned Development)/Sago Cay Development Plan. District 1. (Real Estate Management Division)

(This item was deferred.)

Community and Environmental Services Department

1. Approval of 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 12-0721 | LC 12-0722 | LC 12-0725 | LC 12-0746 | LC 12-0526 |
| LC 12-0638 | LC 12-0686 | LC 12-0728 | LC 12-0774 | LC 12-0776 |
| LC 12-0784 | LC 12-0814 | LC 12-0818 | LC 12-0819 | LC 12-0820 |
| LC 12-0751 | LC 12-0753 | LC 12-0755 | LC 12-0764 | LC 12-0674 |

| | | | | |
|------------|------------|------------|------------|------------|
| LC 12-0688 | LC 12-0690 | LC 12-0765 | LC 12-0772 | LC 12-0781 |
| LC 12-0803 | LC 12-0812 | LC 12-0881 | LC 12-0662 | LC 12-0663 |
| LC 12-0619 | LC 12-0694 | LC 12-0696 | LC 12-0724 | LC 12-0769 |
| LC 12-0770 | LC 12-0778 | LC 12-0789 | LC 12-0802 | LC 12-0832 |

2. Approval of EPA Cooperative Agreement, Grant No. 95495512-0-XA, between the U.S. Environmental Protection Agency and Orange County, in the amount of \$200,000, relating to the establishment of a near-road monitoring station and authorization for the Environmental Protection Division Manager to make non-substantial amendments to the agreement, including additional service periods, subject to availability of funds from the U.S. Environmental Protection Agency. All Districts. (Environmental Protection Division)
3. Approval of Electric Vehicle Supply Equipment Site Agreement and License between Orange County, Florida and Progress Energy Service Company, LLC (PGN) for the Orange County Convention Center-West Concourse, to allow installation and maintenance of an Electric Vehicle Supply Equipment on County-owned property, as part of the PGN's Assistance Agreement with the U.S. Department of Energy. All Districts. (Environmental Protection Division)

(This item was deferred.)

4. Acceptance of the recommendation of the Environmental Protection Commission to approve the requests for waiver from Orange County Code, Chapter 15, Article IX, Sections 15-342(b) for terminal platform size, and 15-343(a) variance for side setbacks, with the condition that the applicant pay \$1,009.20 into the Conservation Trust Fund, for Dock Construction Permit BD-12-03-009 for Martin Krytus. District 1. (Environmental Protection Division)
5. Acceptance of the recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the request for waiver from Orange County Code, Chapter 15, Article IX, Section 15-342 (b) terminal platform size, with the condition that the applicant pay \$584.64 to the Conservation Trust Fund, for Dock Construction Permit No. BD-12-04-021 for Michael Calvo. District 1. (Environmental Protection Division)
6. Acceptance of the recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the request for waiver from Orange County Code, Chapter 15, Article IX, Section 15-342(b) terminal platform size, with a payment of \$710.50 to the Conservation Trust Fund (CTF), and approval of the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(g) enclosed dock, with penalty of \$200 to be paid to the CTF for construction of a dock without a permit, for Dock Construction Permit No. BD-12-04-023 for Joseph and Patricia Foss. District 1. (Environmental Protection Division)

7. Acceptance of the recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the request for waiver from Orange County Code, Chapter 15, Article IX, Section 15-342(b) terminal platform size, with the condition that the applicant pay \$1,015 into the Conservation Trust Fund, for Dock Construction Permit No. BD-12-05-036 for Barbara Hunt. District 1. (Environmental Protection Division)

Family Services Department

1. Approval of the Florida Department of Children and Families Application for a License to Operate a Child Care Facility at the Taft Head Start Center. This application is only executed by Orange County. (Head Start Division)
2. Approval of the State of Florida Department of Health, Bureau of Childcare Food Programs, Child Care Food Program (CCFP) Permanent Contract; Delegation of Signing Authority for the Child Care Food Program; Certification Statement regarding Business Integrity and Publicly-Funded Programs; Projected Earnings Worksheet; Sponsor of Affiliated Child Care Centers Application; Budget for Sponsors of Multiple Sites; Supplemental Budget for Special Cost Items; Management Plan; and Annual Information Update and Certification for Sponsors of Affiliated Child Care Centers to reimburse Orange County up to an estimated amount of \$1,397,715 for nutritional meals served to eligible children enrolled in the Head Start Program for FY 2012-13. (Head Start Division)

Growth Management Department

1. Approval of Hold Harmless and Indemnification Agreement Parcel ID: 17-23-28-3911-00-010 between Richard E. Workman 2001 Trust and Orange County to construct a covered patio located at 9800 Walzer Court, Windermere, Florida. District 1. (Zoning Division)

Health Services Department

1. Approval of Orange County EMS (Emergency Medical Services) Office of the Medical Director and Adventist Health System/Sunbelt, Inc. D/B/A Florida Hospital related to Distribution of Equipment Agreement. (EMS Office of the Medical Director)
2. Approval of the Florida Department of Health Bureau of Emergency Medical Services 2011-2012 EMS County Grant Application; Request for Grant Fund Distribution; and Resolution 2012-M-32 of the County Commission of Orange County, Florida, Authorizing the Application for Funding through the County Funds in Conjunction Therewith in the estimated amount of \$182,878, and approval for the County Mayor or her designee to sign any future modifications. There is no county match required for this grant. (EMS Office of the Medical Director)

3. Approval of the renewal Alternative Transportation Service License for Promotion Transportation Services Inc. to provide wheelchair/stretchers service. The term of this License is from September 1, 2012 through September 1, 2014. There is no cost to the County. (EMS Office of the Medical Director)
4. Approval of the renewal Certificate of Public Convenience and Necessity for Winter Garden Fire Rescue Department to provide Advanced Life Support Transport Service. The term of this certificate is from October 31, 2012 through October 31, 2014. There is no cost to the County. (EMS Office of the Medical Director)

Office of Public Engagement and Citizen Advocacy

1. Approval of a one-time \$8,000 grant to Goldenrod Station and Museum and approval of the All In One Tax, Inc., Toddler Trails Learning Center, and Ultimate Choice Realty, Inc. Community Design Assistance Grants for August 2012 in the total amount of \$13,452. Districts 5 and 6. (Neighborhood Preservation and Revitalization Division)

Public Works Department

1. Approval to issue Mass Grading/Fill Permit #12-MGF1-0623. District 1. (Development Engineering Division)
2. Authorization to record the plat of Walmart Neighborhood Market Store #5988-01. District 5. (Development Engineering Division)
3. Approval of "Stop" sign installations in Windermere Trails Phase 1. District 1. (Traffic Engineering Division)
4. Approval to install a "No Parking" zones on the north and south side of Darwin Drive from Aristotle Avenue to Alafaya Trail. District 5. (Traffic Engineering Division)
5. Approval to record the plat for Roberson Road. District 1. (Roads and Drainage Division)
6. Approval to install "No Parking" zones on the east and west side of Aristotle Avenue from Mendel Drive to Napiers Circle. District 5. (Traffic Engineering 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. Minutes of the March 26, 2012, East Park Community Development District meeting.
- b. City Council of the City of Orlando annexing ±4.98 acres generally located north of Lee Vista Center, south of Hoffner Ave., east of Conway Rd. and west of Kempston Dr. and addressed as 4850 Hoffner Ave.; amending the city's adopted Growth Management Plan to designate the property as office low intensity, in part and industrial, in part, on the City's Official Future Land Use Map; and designating the property as low intensity office with the aircraft noise overlay district, in part and industrial park with the aircraft noise overlay district, in part, on the city's official Zoning Map; providing for severability, correction of scrivener's errors and an effective date.
- c. The advertising proof of publication for corrected District 2, 4, 5 and 6 boundaries of the commissioners' districts. A certified copy of this corrected legal description of the boundaries of the commissioners' districts was published in the *Orlando Sentinel* on May 17 and 24, 2012. Those boundaries corrections were approved at the March 20, 2012, Board of County Commissioners (BCC) meeting. The March 20, 2012, BCC minutes were approved at the April 24, 2012, BCC meeting. After the April 24, 2012, BCC meeting, the County Attorney's Office presented a correction of scrivener's errors to the description of the corrected boundaries of the commissioners' districts. These corrections to scrivener's errors were entered upon the March 20, 2012, minutes of the BCC. The minutes containing the corrections to scrivener's errors to the descriptions were reapproved at the August 7, 2012, BCC meeting.
- d. Orange County Industrial Development Authority (the OCIDA):
 - Notice of Regular Monthly Meetings for period from August 2012 through July 2013.
 - Copy of Affidavit of Publication from the Orlando Sentinel regarding its publication of the Notice on July 29, 2012.
- e. Orange County Research and Development Authority (dba Central Florida Research Park) FY 2012-2013 Budget.
- f. Greater Orlando Aviation Authority Financial Statements (Unaudited) Nine Months Ended June 30, 2012 and 2011

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

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER.

- ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 20 DEFERRED

Approval of Warranty Deed from Timberlock Partners, LP to Orange County and authorization to perform all actions necessary and incidental to closing for Patterson PD (Planned Development)/Sago Cay Development Plan. District 1. (Real Estate Management Division)

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

I. Consent Agenda D. Administrative Services Department #20. Page 219-220

Approval of Warranty Deed from Timberlock Partners, LP to Orange County and authorization to perform all actions necessary and incidental to closing for Patterson PD/Sago Cay Development Plan. District 1. (Real Estate Management Division)."

and

- COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT CONSENT AGENDA ITEM 3 DEFERRED

Approval of Electric Vehicle Supply Equipment Site Agreement and License between Orange County, Florida and Progress Energy Service Company, LLC (PGN) for the Orange County Convention Center-West Concourse, to allow installation and maintenance of an Electric Vehicle Supply Equipment on County-owned property, as part of the PGN's Assistance Agreement with the U.S. Department of Energy. All Districts. (Environmental Protection Division)

Commissioner Edwards 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 Progress Energy, client of Foley & Lardner LLP, my employer, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I. CONSENT AGENDA

E. COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT

#3

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Approval of Electric Vehicle Supply Equipment Site Agreement and License between Orange County, Florida and Progress Energy Service Company, LLC (PGN) for the Orange County Convention Center-West Concourse, to allow installation and maintenance of an Electric Vehicle Supply Equipment on County-owned property, as part of the PGN's Assistance Agreement with the U.S. Department of Energy. All Districts. (Environmental Protection Division)."

Motion/Second: Commissioners Thompson/Russell

Abstain: Commissioner Edwards

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

Action: The Board approved the Warranty Deed from Timberlock Partners, LP to Orange County and authorization to perform all actions necessary and incidental to closing for Patterson PD (Planned Development)/Sago Cay Development Plan; and further, approved the Electric Vehicle Supply Equipment Site Agreement and License between Orange County, Florida and Progress Energy Service Company, LLC (PGN) for the Orange County Convention Center-West Concourse, to allow installation and maintenance of an Electric Vehicle Supply Equipment on County-owned property, as part of the PGN's Assistance Agreement with the U.S. Department of Energy.

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of one firm and two ranked alternates to provide Continuing Professional Engineering Services for Solid Waste Construction Projects, (Request for Proposals) RFP Y12-906-J2, from the following firms listed alphabetically:

- HDR Engineering, Inc.
- Neel-Schaffer, Inc.
- SCS/HSA Golden, Joint Venture
- S2L, Incorporated

Further recommend the Board authorize negotiation and execution of the final contract by the Purchasing and Contracts Division to establish hourly rates for future requirements. ([Utilities Department Solid Waste Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board selected one firm, S2L, Incorporated, and two ranked alternates, #1 SCS/HSA Golden, Joint Venture, and #2 Neel-Schaffer, Inc., to provide Continuing

Professional Engineering Services for Solid Waste Construction Projects; and further, authorized negotiation and execution of the final contract by the Purchasing and Contracts Division to establish hourly rates for future requirements, Request for Proposals Y12-906-J2.

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

MetroPlan Orlando Board Meeting Briefing.

Action: None

- COUNTY MAYOR DISCUSSION ITEM 1

Open Discussion on issues of interest to the board.

(This item was deleted.)

- PLANNING AND ZONING COMMISSION RECOMMENDATIONS, AUGUST 16, 2012

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of August 16, 2012; subject to the usual right of appeal by any aggrieved party.

- SUBSTANTIAL CHANGE PUBLIC HEARING, CONTINUED FROM AUGUST 7, 2012

Applicant: Paul C. Batt, Unicorp National Developments, Inc., Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) and Master Sign Plan, (Case #CDR-12-01-002)

Consideration: Substantial change request to approve a proposed Master Sign Plan, including the following waivers from Section 31.5 of the Orange County Code for wall signs, ground signs, roof signs, billboards, animated signs and pole signs:

1. The following waivers from Chapter 31.5 are sought in order to accommodate the proposed wall signs reflected in the Master Signage Program:

- a. A waiver from Section 31.5-163(a) to allow 20 wall signs (including 8 wall murals) with a combined copy area of 35,700 square feet, in lieu of a maximum allowable copy area of 400 square feet;
- b. A waiver from Section 31.5-168(b) to allow more than one (1) wall sign per tenant; and

- c. A waiver from Section 31.5-168(f) to allow two (2) wall signs to extend no greater than 48 inches from the wall on which they are erected, in lieu of extending no greater than 12 inches from the wall.
- 2. The following waivers from Chapter 31.5 are sought in order to accommodate the proposed ground signs reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-166(a) to allow three (3) ground signs to have a total combined maximum copy area of 720 square feet, in lieu of a maximum combined copy area of 120 square feet;
 - b. A waiver from Section 31.5-166(b) to allow one (1) ground sign to have a maximum height of 28 feet and two (2) other ground signs to have a maximum height of 17.6 feet, in lieu of a maximum height of 8 feet for each ground sign; and
 - c. A waiver from Section 31.5-166(d) to allow a maximum of three (3) ground signs, in lieu of a maximum of two (2) ground signs.
- 3. The following waivers from Chapter 31.5 are sought in order to accommodate the proposed roof signs reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-162(d) to allow a roof sign to be located over the main entrance to the observation wheel;
 - b. A waiver from Section 31.5-71(b) to allow a maximum roof sign height of 30.5 feet, in lieu of 15 feet;
 - c. A waiver from Section 31.5-71(c) to allow roof signs to be erected on a building which is 35 feet in height, in lieu of the minimum 50 feet in height;
 - d. A waiver from Section 31.5-71(e) to allow the maximum allowable copy area of any roof sign to be 315 square feet, in lieu of 200 square feet; and
 - e. A waiver from Section 31.5-71(f) to allow the sign structure of a roof sign to be visible from public-right-of-way.
- 4. The following waivers from Chapter 31.5 are sought in order to accommodate the proposed billboards reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-162(d) to allow a billboard to be located in the middle of the observation wheel structure;
 - b. A waiver from Section 31.5-126(c) to allow a billboard of 240 feet in height, in lieu of a maximum 40 feet in height; and
 - c. A waiver from Section 31.5-126(h) to allow the copy area of each sign face, inclusive of embellishments that are visible from one (1) direction, to be 2,700 square feet, in lieu of a maximum allowable copy area of 400 square feet.

5. The following waivers from Chapter 31.5-14, 31.5-16 and 31.5-18 are sought in order to accommodate the proposed animated signs reflected in the Master Signage Program:

a. A waiver to allow for four (4) animated signs, including two (2) ground signs and the two (2) observation wheel structure signs (consisting of flashing computer-controlled lights surrounding the observation wheel and the observation wheel billboard).

6. As an alternative to the waivers from Chapter 31.5 that are sought for the proposed billboards (see paragraph 4 above), the following waivers from Chapter 31.5 are sought in order to accommodate the proposed pole signs reflected in the Master Signage Program:

a. A waiver from Section 31.5-167(a) to allow a pole sign with 1,400 square feet of copy area, in lieu of 100 square feet of copy area; and

b. A waiver from Section 31.5-167(b) to allow a pole sign with a maximum height of 230 feet, in lieu of 30 feet.

Note: The requested Code waivers may be revised by the applicant or recommended for modification by the Development Review Committee (DRC) prior to the Board of County Commissioners Public Hearing; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 6; property generally located at the northwest corner of Universal Boulevard and Via Mercado; Parcel IDs 36-23-28-7168-01-000 and 36-23-28-7168-01-003; Orange County, Florida (legal property description on file in Planning Division)

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

1. The following waivers from Chapter 31.5 are sought in order to accommodate the proposed wall signs reflected in the Master Signage Program:

a. ~~A waiver from Section 31.5-163(a) to allow 20 wall signs (including 8 wall murals) with a combined copy area of 35,700 square feet, in lieu of a maximum allowable copy area of 400 square feet;~~

A waiver from Section 31.5-163(a) to allow eight (8) wall signs (including 3 wall murals) with a combined copy area of 2,000 square feet, in lieu of a maximum allowable copy area of 600 square feet (Note: Wall murals shall be limited to a maximum copy area of 400 square feet each);

c. A waiver from Section 31.5-168(f) to allow two (2) blade wall signs ~~to that~~ extend no greater than 48 inches from the wall on which they are erected, in lieu of extending no greater than 12 inches from the wall.

2. The following waivers from Chapter 31.5 are sought in order to accommodate the proposed ground signs reflected in the Master Signage Program:
 - a. ~~A waiver from Section 31.5-166(a) to allow three (3) ground signs to have a total combined maximum copy area of 720 square feet, in lieu of a maximum combined copy area of 120 square feet;~~
A waiver from Section 31.5-166(a) to allow two (2) ground signs with a maximum copy area of 95 square feet each and one (1) ground sign with a maximum copy area of 80 square feet, in lieu of a maximum combined copy area of 60 square feet for any ground sign; and
 - b. ~~A waiver from Section 31.5-166(b) to allow one (1) ground sign to have a maximum height of 28 feet and two (2) other ground signs to have a maximum height of 17.6 feet, in lieu of a maximum height of 8 feet for each ground sign; and~~
A waiver from Section 31.5-166(b) to allow two (2) ground signs to have a maximum height of 15 feet each and one (1) ground sign to have a maximum height of 10 feet, in lieu of a maximum height of 8 feet for each ground sign.
 - c. ~~A waiver from Section 31.5-166(d) to allow a maximum of three (3) ground signs, in lieu of a maximum of two (2) ground signs.~~
3. ~~The following waivers from Chapter 31.5 are sought in order to accommodate the proposed roof signs reflected in the Master Signage Program:~~
 - a. ~~A waiver from Section 31.5-162(d) to allow a roof sign to be located over the main entrance to the observation wheel;~~
 - b. ~~A waiver from Section 31.5-71(b) to allow a maximum roof sign height of 30.5 feet, in lieu of 15 feet;~~
 - c. ~~A waiver from Section 31.5-71(c) to allow roof signs to be erected on a building which is 35 feet in height, in lieu of the minimum 50 feet in height;~~
 - d. ~~A waiver from Section 31.5-71(e) to allow the maximum allowable copy area of any roof sign to be 315 square feet, in lieu of 200 square feet; and~~
 - e. ~~A waiver from Section 31.5-71(f) to allow the sign structure of a roof sign to be visible from public-right-of-way.~~
4. ~~The following waivers from Chapter 31.5 are sought in order to accommodate the proposed billboards reflected in the Master Signage Program:~~
 - a. ~~A waiver from Section 31.5-162(d) to allow a billboard to be located in the middle of the observation wheel structure;~~
 - b. ~~A waiver from Section 31.5-126(c) to allow a billboard of 240 feet in height, in lieu of a maximum 40 feet in height; and~~
 - c. ~~A waiver from Section 31.5-126(h) to allow the copy area of each sign face, inclusive of embellishments that are visible from one (1) direction, to be 2,700 square feet, in lieu of a maximum allowable copy area of 400 square feet.~~
5. ~~The following waivers from Chapter 31.5-14, 31.5-16 and 31.5-18 are sought in order to accommodate the proposed animated signs reflected in the Master Signage Program:~~
 - a. ~~A waiver to allow for four (4) animated signs, including two (2) ground signs and the two (2) observation wheel structure signs (consisting of flashing computer-controlled lights surrounding the observation wheel and the observation wheel billboard).~~

6. ~~As an alternative to the waivers from Chapter 31.5 that are sought for the proposed billboards (see paragraph 4 above), The following waivers from Chapter 31.5 are sought in order to accommodate the proposed pole signs reflected in the Master Signage Program:~~

- ~~a. A waiver from Section 31.5-167(a) to allow a pole sign with 1,400 square feet of copy area, in lieu of 100 square feet of copy area; and~~
- ~~b. A waiver from Section 31.5-167(b) to allow a pole sign with a maximum height of 230 feet, in lieu of 30 feet.~~

Approve the following waivers from Chapter 31.5 in order to accommodate the proposed pole signs reflected in the Master Signage Program:

- a. A waiver from Section 31.5-167(a) to allow a maximum allowable copy area of 1,400 square feet for the wheel pole sign face, inclusive of embellishments that are visible from one (1) direction, in lieu of a maximum copy area of 100 square feet; and
- b. A waiver from Section 31.5-167(b) to allow a maximum height of 230 feet for the wheel pole sign, in lieu of a maximum height of 30 feet.

The following persons addressed the Board:

- Chuck Whittall
- Joe Antounovich
- Clark Keator
- Daina Rodak
- Joe Kasinski
- Mitch Bernstein
- Paul Kanavos
- Crissy Martin-Foglesong
- Mitch Berman
- Atif Nabi
- George Grigor
- Dwight Saathoff

The following exhibit was received by the Clerk prior to the close of the public hearing:
Exhibit 1, from Chuck Whittall.

Motion/Second: Commissioners Russell/Thompson

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

NO (voice vote): Commissioner Brummer

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Paul C. Batt, Unicorp National Developments, Inc., Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) and Master Sign Plan, to:

1. Approve the following waivers from Chapter 31.5 are sought in order to accommodate the proposed wall signs reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-163(a) to modify the square footage for the murals facing Universal Boulevard -- the Sea Life mural to be 5,394 square feet and the Madame Tussauds mural to be 3,362 square feet, for the mural facing Via Mercado, and the Sea Life mural will be 4,048 square feet -- each mural shall be at least 7 feet above the finished grade; and
 - b. A waiver from Section 31.5-168(b) to allow more than one (1) wall sign per tenant; and
 - c. A waiver from Section 31.5-168(f) to allow two (2) blade wall signs that extend no greater than 48 inches from the wall on which they are erected, in lieu of extending no greater than 12 inches from the wall.
2. Approve the following waivers from Chapter 31.5 in order to accommodate the proposed ground signs reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-166(a) to allow two (2) ground signs with a maximum copy area of 95 square feet each and one (1) ground sign with a maximum copy area of 80 square feet, in lieu of a maximum combined copy area of 60 square feet for any ground sign; and
 - b. A waiver from Section 31.5-166(b) to allow two (2) ground signs to have a maximum height of 15 feet each and one (1) ground sign to have a maximum height of 10 feet, in lieu of a maximum height of 8 feet for each ground sign.

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

1. Development shall conform to the Orlando International Hotel PD Land Use Plan dated "Received July 19, 2012" and the Master Signage Program dated "August 13, 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 July 19, 2012," 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. Prior to the issuance of a building permit for the observation wheel, a restrictive covenant addressing the maintenance and security of the structure in the event that operation is ceased, in a form acceptable to the County, shall be recorded in the public records of Orange County, Florida at the applicant's expense.
4. The following waivers from Section 31.5 are granted in order to accommodate the proposed wall signs reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-163(a) to modify the square footage for the murals facing Universal Boulevard -- the Sea Life mural will be 5,394 square feet and the Madame Tussauds mural will be 3,362 square feet, the mural facing Via Mercado, the Sea Life mural will be 4,048 square feet -- each mural shall be at least 7 feet above the finished grade; and
 - b. A waiver from Section 31.5-168(b) to allow more than one (1) wall sign per tenant; and
 - c. A waiver from Section 31.5-168(f) to allow two (2) blade wall signs that extend no greater than 48 inches from the wall on which they are erected, in lieu of extending no greater than 12 inches from the wall.
5. The following waivers from Section 31.5 are granted in order to accommodate the proposed ground signs reflected in the Master Signage Program:
 - a. A waiver from Section 31.5-166(a) to allow two (2) ground signs with a maximum copy area of 95 square feet each and one (1) ground sign with a maximum copy area of 80 square feet, in lieu of a maximum combined copy area of 60 square feet for any ground sign; and
 - b. A waiver from Section 31.5-166(b) to allow two (2) ground signs to have a maximum height of 15 feet each and one (1) ground sign to have a maximum height of 10 feet, in lieu of a maximum height of 8 feet for each ground sign.

6. Lighting on the wheel and the support structure shall be one synchronized color and integrated with the structure. Only the outer circumference of the wheel and the support structure may have lights. The lights may only change at a minimum of every eight (8) seconds. Special Event lightening that consists of more than one color shall be subject to Zoning Manger approval.
7. Search lights are prohibited.
8. A digital display ground sign shall be static copy and the copy area may only change once a month or as allowed by Code. The ground sign may only advertise tenants within the project that have a fully functional 3,500 square foot or greater retail establishment open to the public.
9. All other signage, except those waivers expressly granted by the BCC (Board of County Commissioners) illustrated in the Master Sign Plan, shall adhere to the Tourist Commercial Sign Code. The Master Sign Plan and any approved waivers are only applicable to the I-Drive Live Development Plan. In the event that another Development other than the I-Drive Live Development Plan is built in the future; signage shall revert to the original PD signage condition that stated, "Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the tourist commercial code."
10. All previous applicable BCC Conditions of Approval dated July 19, 2006 shall apply:
 - a. ~~Development shall conform to the Orlando International Hotel Land Use Plan (LUP), dated "Received April 7, 2006," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.~~

Note: The preceding condition is now addressed by new condition #1.

- b. ~~The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.~~

Note: The preceding condition is now addressed by new condition #1.

- c. Outside storage and display shall be prohibited.
- d. This project shall comply with the Convention Plaza District performance standards.
- e. This project shall enter into the Convention Center Hotel Agreement.
- f. ~~Pole signs and billboards shall be prohibited Ground and fascia signs shall comply with Chapter 31.5.~~

Note: Project signage shall comply with the adopted Master Signage Program, including any associated waivers granted by the updated conditions of approval dated August 7, 2012.

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

Note: The preceding condition is now addressed by new condition #2.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Constance A. Owens, PE, Barry University Lot 3
Case No.: Planning and Zoning Commission, RZ-12-07-019; July 25, 2012
Consideration: Request to rezone from R-1A (Single-Family Dwelling District) (1957) to C-3 (Wholesale Commercial District)
Location: District 3; property generally located on the east side of Commerce Boulevard, between E. Colonial Drive and Demorest Street; Parcel ID 22-22-30-1570-00-031; S/T/R: 22/23/30; Orange County, Florida (legal property description on file in the Planning Division)

The following person addressed the Board: Connie Owens.

Motion/Second: Commissioners Martinez/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Constance A. Owens, Barry University Lot 3, to rezone from R-1A (Single-Family Dwelling District) (1957) to C-3 (Wholesale Commercial District), on the described property; subject to the following restrictions:

- Development shall be limited to surface and structural parking facilities, as permitted in the C-3 zoning district, and other university-related uses that may be permitted in the C-3 zoning district through the Special Exception process;
- Commerce Boulevard access shall be gated and limited to emergency management and temporary construction vehicles only;
- During construction, a gate tender shall be provided by Barry University to restrict access to construction personnel only when the gate is unlocked; and
- Any vertical structure, regardless of height, shall be subject to an increased buffer width of forty (40) feet on the north and west property line for vertical construction.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Neal Hiler, Neal Hiler Engineering, Inc., Carley Estates Preliminary Subdivision Plan - Substantial Change, Case #CDR-12-05-108

Consideration: Substantial change request to delete the BCC Condition of Approval #5 to allow the standard required 10' side setback on the west side of Lot 3 and the east side of Lot 1 in order to accommodate a building width of forty (40) feet on each lot; pursuant to Orange County Code, Article II, Section 34-27

Location: District 5; property generally located East of Dean Road / South of University Boulevard; Parcel IDs 08-22-31-1192-00-010; 08-22-31-1192-00-020; 08-22-31-1192-00-030; 08-22-31-1192-00-040; 08-22-31-1192-00-050; 08-22-31-1192-00-060; 08-22-31-1192-00-070; 08-22-31-1192-00-080; 08-22-31-1192-00-090; S08/T22/R31; Orange County, Florida (legal property description on file in the Development Engineering Division)

The following person addressed the Board: Neil Paulson.

Motion/Second: Commissioners Edwards/Russell

AYE (voice vote): All members

Action: The Board approved the substantial change request by Neil Hiler, Carley Estates Preliminary Subdivision Plan - Substantial Change, delete the BCC Condition of Approval #5 to allow the standard required 10' side setback on the west side of Lot 3 and the east side of Lot 1 in order to accommodate a building width of forty (40) feet on each lot; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Carley Estates Preliminary Subdivision Plan dated "Received July 5, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC (Board of County Commissioners), or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received July 5, 2012," 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. All previous applicable BCC Conditions of Approval dated, January 24, 2006, shall apply:
 - a. ~~Development shall conform to the Carley Estates PSP, dated "Received December 2, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.~~

~~PSP approval automatically expires on January 24, 2007, in accordance with the Orange County Subdivision Regulations as amended.~~

NOTE: THE PRECEDING CONDITION IS NOW ADDRESSED BY NEW CONDITION #1

- b. The stormwater management system shall be designed to retain the 100-year/24- hour storm event on site unless documentation with supporting calculations are submitted which states that a positive outfall is available.
- c. Prior to construction, the developer shall provide a copy of the completed Florida Department of Environmental Protection Notice of Intent (NOI) for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: National Pollutant Discharge Elimination System Coordinator.
- d. Approval and execution of the Roadway Impact Fee Agreement-Carley Estates/Buck Road.
- e. ~~A 15-foot setback on the west side of Lot 3 and on the east side of Lot 1 shall be provided in lieu of the 10-foot setback shown on the plan.~~

NOTE: THIS CONDITION IS DELETED IN ORDER TO ALLOW THE STANDARD 10' SIDE SETBACK TO ACCOMMODATE A BUILDING WIDTH OF FORTY (40) FEET

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING, CONTINUED FROM AUGUST 28, 2012

Consideration: West Lake Hancock Estates Planned Development / West Lake Hancock Estates Preliminary Subdivision Plan submitted in accordance with Article II, Section 34-27; This project is proposing to construct 381 single-family detached dwelling units on a total of 270.19 acres

Location: District 1; property generally located East of Porter Road along the west side of Lake Hancock; Parcel ID 28-23-27-0000-00-001; S28/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

The following person addressed the Board: James G. Willard.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board approved West Lake Hancock Estates Planned Development / West Lake Hancock Estates Preliminary Subdivision Plan (PSP) on the described property, subject to the following conditions:

1. Development shall conform to the West Lake Hancock Estates Planned Development; Orange County Board of County Commissioners (BCC) approvals; West Lake Hancock Preliminary Subdivision Plan dated "Received August 24, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received August 24, 2012," 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. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.
4. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
5. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the

area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

6. A left turn lane into the project off old Porter Road shall be required if the new road has not been constructed that has a left turn lane.
7. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
8. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
9. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to approval of mass grading or construction plans, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
10. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approved Master Utility Plan for this PD.
11. Development Plans shall be required for the recreational area tracts. The amenities shall be in place prior to Certificate of Completion of the PSP(s).

12. At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:

- a. The same front façade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
- b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the façade. In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.
- c. At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth or 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front façade, whichever is greater.
- d. Flat roofs shall be prohibited.
- e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches, and be limited to decorative wrought iron or wood picket style. The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

NOTE: THE FOLLOWING 3 ITEMS WERE CONSIDERED TOGETHER.

- PETITION TO PLACE ON THE BALLOT PUBLIC HEARING

Consideration: Petition to Place Orange County Ordinance for Earned Sick Time for Employees of Businesses in Orange County on Ballot. The Ballot Title reads: A Proposal To Guarantee Earned Sick Time For Employees Of Businesses In Orange County. The Ballot Summary provides: Shall Orange County adopt an ordinance providing that employees of businesses in Orange County earn up to 56 hours of sick time each year unless the business provides more – with pay required only in businesses with 15 or more employees as defined – to seek medical care, recover from illness/injury, care for a family member as defined, or use when necessary during a public health emergency, with such ordinance enforceable in court?

Court Reporter: Jean Rohrer, First Choice Reporting & Video Services

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

- Exhibit 1, from Marlon Washington
- Exhibit 2, from Marlon Washington

and

- COUNTY ATTORNEY CONSENT AGENDA ITEM 2 DEFERRED

Approval of Resolution of the Orange County Board of County Commissioners regarding Calling A Referendum on A Proposal To Guarantee Earned Sick Time For Employees Of Businesses In Orange County to be held at the next primary, general or special election occurring at least forty-five days after the adoption of this resolution.

Court Reporter: Jean Rohrer, First Choice Reporting & Video Services

and

- ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE PERTAINING TO AND PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; PROVIDING LEGISLATIVE FINDINGS REGARDING THE REGULATION OF EMPLOYER-EMPLOYEE RELATIONSHIPS, INCLUDING EMPLOYEE BENEFITS; AMENDING SECTION 603 OF THE ORANGE COUNTY CHARTER TO PROTECT JOBS AND PROHIBIT COUNTY ORDINANCES THAT REGULATE, REQUIRE, OR RESTRICT PRIVATE-SECTOR EMPLOYEE BENEFITS AND TO RENDER ALL SUCH COUNTY ORDINANCES VOID AND UNENFORCEABLE;

CALLING FOR A REFERENDUM ON THE AMENDMENT TO
SECTION 603 OF THE CHARTER TO BE HELD AT THE GENERAL
ELECTION ON NOVEMBER 6, 2012; PROVIDING THE BALLOT
TITLE AND SUMMARY FOR THE REFERENDUM; PROVIDING
EFFECTIVE DATES.

Court Reporter: Jean Rohrer, First Choice Reporting & Video Services

The following persons addressed the Board:

- Stephanie Porta
- Claudia Williams
- Brook Hines
- Former Orange County Commissioner Homer Hartage
- State Representative Scott Randolph
- Marlon Washington
- Jacob Stuart
- Harvey Massey
- Brian Butler
- Richard Maladecki
- Todd Souders
- Ramon Ojeda
- Royetta Ginther
- Paul Heroux
- Emily Walters Ricketts
- Armondo Curtis Hierro
- Christina Duerr
- Sue Casterline
- Rico Piccard
- Rick Martini
- Bobby Beagles
- Sabrina Thomas
- Alexandra Ale
- Charlie Fish
- Timothy Murray
- Pamela Lawson
- Michele Levy
- Lisa Tillmann
- Kathryn Norsworthy
- Nancy Jacobson
- Kathrein Markle
- Mike Hankins
- Emmett O'Dell
- Tom Woodard
- Maria McCluskey
- Thomas J. Wilkes
- Sally West

- Carol Dover
- Aldo D. Martin
- Monty Knox
- Tim Haberkamp
- Paul Seago
- Stina D'Uva
- Denise Diaz
- Mary Meeks
- Blaine McChesney
- Aimee Weiner
- Blaine McChesney
- Jim Callahan
- Scott Kidd
- Angelo Negron
- Jose A. Rivas
- Larry Smith
- W. Drew Weinbrenner
- J. D. Hilier
- Zoraida Rios-Andino
- Ben Pusey
- Frederick Barr
- Cathy Hettinger
- Thomas Hellinger
- Tatiana Torres
- Amy Ritter
- Alex Irizarry

The following exhibit was received by the Clerk prior to the close of the public hearing:
Exhibit 1, from Jennifer Thompson.

Motion/Second: Commissioners Brummer/Boyd

AYE (voice vote): All members

Action: (The Board) We not adopt the proposed petition ordinance.

Motion/Second: Commissioners Brummer/Boyd

AYE (voice vote): Commissioners Boyd, Brummer, Martinez, Thompson

NO (voice vote): County Mayor Jacobs; Commissioners Edwards, Russell

Action: The Board continued the Resolution of the Orange County Board of County Commissioners regarding Calling A Referendum on A Proposal To Guarantee Earned Sick Time For Employees Of Businesses In Orange County in the following expeditious manner:

1. Promptly retain outside expert counsel on ballot language issues that would advise us on correct language.

2. Hold a ballot language workshop for the commissioners and public at the next available board meeting on October 2.
3. Have the county attorney and outside legal counsel compile the results of the workshop to bring us ballot language recommendations for adoption at the very next board meeting on October 16.

Motion/Second: Commissioners Brummer/Thompson

AYE (voice vote): All members

Action: The Board postponed consideration of the public hearing for the proposed ordinance pertaining to Regulation of Employer-Employee Relationships until the first meeting in November.

• ADJOURNMENT 9:44 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: NOV 13 2012

ATTEST SIGNATURE:

Martha O. Haynie

County Comptroller as Clerk



Assistant Deputy Clerk

