

# **Orange County Government**

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



## **Draft BCC Meeting Minutes**

**Tuesday, March 7, 2017**

**9:00 AM**

**County Commission Chambers**

**Board of County Commissioners**

**Call to Order**

County Mayor Jacobs called the meeting to order at 9:08 a.m.

**Present:** 7 - Mayor Teresa Jacobs, Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner Pete Clarke, Commissioner Betsy VanderLey, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Others Present:

County Comptroller Phil Diamond as Clerk  
County Administrator Ajit Lalchandani  
County Attorney Jeffrey J. Newton  
Deputy County Attorney Joel Prinsell  
Deputy Clerk Katie Smith  
Senior Minutes Coordinator Jennifer Lara-Klimetz  
Senior Minutes Coordinator Craig Stopyra

**Invocation**

Pastor Abner Adorno, Living Word Church

**Pledge of Allegiance****Presentation**

Proclamation recognizing Valencia College's 50th Anniversary

**Public Comment**

The following persons addressed the Board for public comment:

- Charlie Skelton
- Deborah Green
- Valerie Anderson
- Pete Dunkelberg
- Marty Sullivan
- Marge Holt
- Mary Wilson
- Maria Bolton-Joubert
- Jacquelyn Masterski
- Beth Brunner
- Kelly Hodoval
- Tom P. Wert
- Tammy Westbrook
- Tom Narut
- Janet Brewer
- Ariel Horner

- Jonathan Martin
- David Siegel
- Doug Head

The following materials were presented to the Board during public comment.

- Exhibit 1, from Charlie Skelton
- Exhibit 2, from Deborah Green
- Exhibit 3, from Mary Wilson

The following material was received by the Clerk during public comment. The material referenced by the speaker was not presented to the Board: Submittal 1, from Ariel Horner.

## I. CONSENT AGENDA

### Approval of the Consent Agenda

The Mayor deferred action on County Administrator Item 1.C; further, deferred action on Public Works Department Consent Item 5 for consideration with public hearing Dayalal G. Bharadva, Petition to Vacate # 15-04-011; and further, a motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to approve the balance of the Consent Agenda. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

### A. COUNTY COMPTRROLLER

1. [17-290](#) 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:
  - February 17, 2017, to February 23, 2017; total of \$18,113,393.19
  - February 24, 2017, to March 02, 2017, total of \$52,087,313.72(Finance/Accounting)
2. [17-291](#) Disposition of Tangible Personal Property as follows: (Property Accounting)
  - a. Sell assets through public auction.
  - b. Offer to non-profit organizations.
  - c. Scrap remaining assets.

### B. COUNTY ADMINISTRATOR

2. [17-293](#) Approval and execution of Resolution 2017-B-02 for the issuance of Multi Family Housing Mortgage Revenue Bonds, to finance the acquisition and rehabilitation of Citrus Square Apartments, a proposed development in

Orange County, Florida, District 3, in an amount not to exceed \$6,000,000.  
(Housing Finance Authority)

3. [17-294](#) Approval for the Orange County Sheriff's Office to spend \$5,000 from the FY 2017 Law Enforcement Trust Fund to provide an eligible contribution to Florida Sheriff's Youth Ranches, Inc. (Office of Management and Budget)
4. [17-295](#) Approval of budget amendment #17-28. (Office of Management and Budget)
5. [17-296](#) Approval of budget transfer #17C-00000110. (Office of Management and Budget)

### C. COUNTY ATTORNEY

1. [17-297](#) Approval of the Mediated Settlement Agreement in the case *Orange County v. Orlando South Trail Plaza (NYR Properties, LLC), et al.*, Case No. 2014-CA-10828-O, Parcels 1015/7015/8015, Project: Holden Avenue; and authorization for the County Attorney's Office to execute the proposed Stipulated Final Judgment as to Parcels 1015/7015/8015 on behalf of Orange County.

### D. ADMINISTRATIVE SERVICES DEPARTMENT

1. [17-298](#) Approval to award Invitation for Bids Y17-123-MV, Automotive and Light Truck Parts, to the low responsive and responsible bidders by lot for an initial 1-year term:

<u>Bidders</u>	<u>Estimated Award Amount</u>
Genuine Parts Company d/b/a NAPA Auto Parts Lots 1, 6, 7 and 8	\$533,604.05
Cold Air Distributors Warehouse of Florida, Inc. Lots 3, 4, 5, 10 and 11	\$602,456.18
TPH Acquisition, LLP d/b/a The Parts House Lots 2, 12 and 13	\$464,751.91
Rush Truck Centers of Florida, Inc. Lot 9	\$120,491.24

([Administrative Services Department Fleet Management Division]  
Procurement Division)

2. [17-299](#) Approval to award Invitation for Bids Y17-140-RM, Sidewalk Repair and Replacement, to the low responsive and responsible bidders for a 1-year term:

<u>Bidders</u>	<u>Estimated Award Amount</u>
Onopa Services, LLC	\$1,012,335
LMR Construction, Inc.	\$1,096,600

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Stage Door II, Inc.	\$1,111,600
All Terrain Tractor Services, Inc.	\$1,075,385
RMS Constructors Group, LLC	\$1,265,100

([Public Works Department Roads and Drainage Division] Procurement Division)

3. [17-300](#) Approval to award Invitation for Bids Y17-159-MV, Vending Machines at Corrections Department, to the low responsive and responsible bidder, Aramark Correctional Services, LLC for a 3-year term. The gross revenue estimate is \$200,000 annually with 15% payable to the County on commissionable machines. ([Corrections Department Fiscal and Operational Support Division] Procurement Division)
4. [17-301](#) Approval to award Invitation for Bids Y17-178-MV, Hearing Officer - Utilities Department, to the sole responsive and responsible bidder, Winderweede, Haines, Ward & Woodman, P.A. The estimated contract award amount is \$219,450 for a 3-year term. ([Utilities Department Water Division] Procurement Division)
5. [17-302](#) Approval to award Invitation for Bids Y17-179-MV, MSBU and Non-MSBU Retention Pond Mowing and Maintenance-West Orange, to the low responsive and responsible bidder, Carol King Landscape Maintenance, Inc. The annual estimated contract award amount is \$273,100 for the basic year. ([Public Works Department Stormwater Management Division] Procurement Division)
6. [17-303](#) Approval to award Invitation for Bids Y17-613-MG, Video Wall System, Video Management System Hardware, and/or Video Management System Software, Lot 3 to the low responsive and responsible bidder, Alert Security, Inc. d/b/a Signature System of Florida. The estimated contract award amount is \$141,900. ([Public Works Department Traffic Engineering Division] Procurement Division)
7. [17-304](#) Approval to award Invitation for Bids Y17-721-PH, South Water Reclamation Facility Storm Water Pond Improvements, to the low responsive and responsible bidder, Uribe Site Development, Inc. The total contract award amount is \$394,800. ([Utilities Department Engineering Division] Procurement Division)
8. [17-305](#) Approval of Contract Y16-812-MM, Orange County Convention Center ArcFlash Analysis & Development of Electrical Safety Program Per National Fire Protection Association (NFPA 70E), with RTM Engineering Consultants, LLC, in the contract award amount of \$475,927.60. ([Convention Center Facilities Operations Division] Procurement Division)
9. [17-306](#) Approval and execution of Boat Dock Restriction Agreement between

Retreat At Lake Bosse Community Association, Inc. and Orange County and authorization to record instrument for Semi-Private Boat Dock for Retreat at Lake Bosse. District 2. (Real Estate Management Division)

10. [17-307](#) Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Southern Regional Water Supply Facility. District 4. (Real Estate Management Division)
11. [17-308](#) Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Danille Raymond and Edith Delaine, approval and execution of County Deed from Orange County to Danille Raymond and Edith Delaine and authorization to perform all actions necessary and incidental to closing for NSP Resale - 1913 Diamond Drive, Orlando, FL 32807 (NCST). District 5. (Real Estate Management Division)
12. [17-309](#) Approval of Quit-Claim Deed from Central Florida Expressway Authority formerly known as Orlando-Orange County Expressway Authority to Orange County and authorization to disburse funds to pay recording fees and record instrument for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)
13. [17-310](#) Approval of Transit Easement and Landscape, Pedestrian, Sidewalk, Drainage, and Utility Easement between Zero I Drive, LLC, ACM Orlando Properties, LLC and Orange County and authorization to record instruments for I-Drive Transit Easement (Central Florida Parkway). District 1. (Real Estate Management Division)
14. [17-311](#) Approval of Conservation Easement between Lennar Homes, LLC and Orange County and authorization to record instrument for Moss Park Conservation Area Impact Permit # CAI-13-09-022 (Addition to Wetland 4). District 4. (Real Estate Management Division)
15. [17-312](#) Approval of Temporary Drainage Easement between Beazer Homes, LLC and Orange County and authorization to record instrument for Reserve at Sawgrass Phase 4B Case #5031621. District 4. (Real Estate Management Division)
16. [17-313](#) Approval of Drainage Easement between Bent Oak Phase 2 Industrial, LLC and Orange County and authorization to record instrument for Bent Oak Industrial Park-Phase 2. District 4. (Real Estate Management Division)

#### **E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

1. [17-314](#) Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record

Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 17-0265	LC 17-0234	LC 16-1084	LC 17-0130	LC 17-0223
LC 17-0293	LC 17-0236	LC 16-1107	LC 17-0131	LC 17-0225
LC 16-1176	LC 17-0290	LC 17-0019	LC 17-0163	LC 17-0246
LC 17-0178	LC 17-0135	LC 17-0089	LC 17-0185	LC 17-0252
LC 17-0186	LC 17-0295	LC 17-0095	LC 17-0193	LC 17-0261
LC 17-0211	LC 17-0297	LC 17-0098	LC 17-0218	LC 17-0262
LC 17-0248	LC 16-0988	LC 17-0102	LC 17-0219	LC 17-0267
LC 17-0281	LC 16-1083	LC 17-0103	LC 17-0220	LC 17-0282

2. [17-315](#) Approval and execution of Hold Harmless and Indemnification Agreement Parcel ID No. 05-22-31-0000-00-030 by and between Austin Blake Tovey and Orange County. District 5. (Environmental Protection Division)
3. [17-316](#) Approval and execution of South Florida Water Management District, Amendment No. 3 to Agreement No. 4600003023 between the South Florida Water Management District and Orange County (Lake Down Sub-basin 9 Stormwater Project). District 1. (Environmental Protection Division)
4. [17-317](#) Approval and execution of Subordination Agreement by and between Maxwell Place, LLC and Orange County, Florida to refinance Maxwell Terrace Apartments. District 6. (Housing and Community Development Division)
5. [17-318](#) Approval of a Second Extension of the 180-Day Adoption Period for Requested Orange County Future Land Use Map Amendment 2016-1-A-1-6 (Flamingo Crossings). District 1. (Planning Division)
6. [17-319](#) Approval and execution of Proportionate Share Agreement for WPF Majorca Land Investor LLC Sand Lake Road Improvements From S. Apopka Vineland Road to Turkey Lake Road by and between WPF Majorca Land Investor, LLC and Orange County for a proportionate share payment in the amount of \$693,825. District 1. (Roadway Agreement Committee)
7. [17-320](#) Approval and execution of Transportation Impact Fee Credit Agreement Roadway Conceptual Analysis Tupperware Heights PD Orange Avenue by and between Deerfield Land Corporation and Orange County for the completion of a Roadway Conceptual Analysis for \$279,430 in Transportation Impact Fee Credits. District 4. (Roadway Agreement Committee)
8. [17-321](#) Approval and execution of Hold Harmless and Indemnification Agreement

Parcel ID 09-23-28-0000-00-023 by and between Eric M. Olson and Orange County to make improvements to an existing residence at 3418 Downeast Lane, Windermere, Florida. District 1. (Zoning Division)

#### **F. FAMILY SERVICES DEPARTMENT**

1. [17-322](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Facility at Denton Johnson Head Start. This application is only executed by Orange County. (Head Start Division)
2. [17-323](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at John H. Bridges Head Start. This application is only executed by Orange County. (Head Start Division)
3. [17-324](#) Approval of Orange County Head Start 2017 Self-Assessment Plan. (Head Start Division)
4. [17-325](#) Approval of the February 2017 Business Assistance for Neighborhood Corridors Program Grants for Green Day Early Learning Center (\$4,401), Cristan Properties, Inc. (\$4,499), and Future Stars Academy (\$4,850). Districts 3, 5, and 6. (Neighborhood Preservation and Revitalization Division)

#### **G. HEALTH SERVICES DEPARTMENT**

1. [17-326](#) Approval and execution of Orange County Health Services Department Physician Employment Agreement by and between Orange County and Segundo J. Delumpa, M.D. for the position of Corrections Health Services Physician II effective April 1, 2017.
2. [17-327](#) Approval to accept the Federal Health Resources and Services Administration Grant Award for Ryan White Part A funding in the amount of \$10,286,651 for the period of March 1, 2017 through February 28, 2018; approval for the County Mayor or her designee to approve any increases or decreases in the award amount; and approval for the County Mayor or her designee to approve any increases in Federal Ryan White Part A funding during the period March 1, 2017, through February 28, 2018.

#### **H. PUBLIC WORKS DEPARTMENT**

1. [17-328](#) Authorization to record the plat of Dean and Flowers. District 3. (Development Engineering Division)
2. [17-329](#) Approval of the installation of a traffic signal at the intersection of Winter Garden Vineland Road (CR 535) and Bluebird Pond Road/Magnolia Park



Court. District 1. (Traffic Engineering Division)

3. [17-330](#) Approval of the S & L Materials Borrow Pit Expansion and Modification of Excavation Permit #01-E5-628. District 5. (Development Engineering Division)
4. [17-331](#) Approval and execution of Agreement for Traffic Law Enforcement on Private Roads located in the gated community of Estates at Lake Pickett Phase 1 and Estates at Lake Pickett Phase 2 by and between Orange County, Florida and Pulte Home Company, LLC. District 5.

## II. INFORMATIONAL ITEMS\*\*

### A. COUNTY COMPTROLLER

1. [17-341](#) Receipt of the following items to file for the record: (Clerk's Office)
  - a. City of Ocoee Ordinance No. 2017-001 with Exhibit A (Legal Description), and Exhibit B (Location Map); Ordinance No. 2017-001 (Annexation Ordinance for Montessori School), Tax Parcel ID: 07-22-28-0000-00-101, 07-22-28-0000-00-054, 07-22-28-0000-00-079; Case No. AX-10-16-59: Montessori School. An Ordinance of the City of Ocoee, Florida; annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately +/-17.6 acres located on the West side of North Lakewood Avenue and South of Fullers Cross Road, pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area agreement; providing for and authorizing the updating of official city maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.

This item was received and filed.

### I. CONSENT AGENDA (Deferred)

### B. COUNTY ADMINISTRATOR

1. [17-292](#) Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments: (Agenda Development Office)
  - A. International Drive CRA Advisory Board: Appointment of Beth Thibodaux to succeed Donald W. Mills in the Efficient Transportation for the Community of Central Florida, Inc. and Samuel Butler Jr. to succeed Jeroline G. Adkinson in the Tangelo Park Civic Association representative categories

with terms expiring January 1, 2019.

B. Orange Blossom Trail Development Board: Appointment of Carl E. McPhail to succeed Meredith L. Sasso in the Orange County representative category with a term expiring January 14, 2018.

C. Parks and Recreation Advisory Board: Appointment of Ariel Horner to succeed Bobby Beagles in the District 5 representative category with a term expiring June 30, 2018.

A motion was made by Commissioner Bonilla to approve County Administrator Consent Item 1C: Parks and Recreation Advisory Board: Appointment of Ariel Horner to succeed Bobby Beagles in the District 5 representative category with a term expiring June 30, 2018. The motion failed for lack of a second.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to appoint Ariel Horner to the Parks and Recreation Advisory Board in the Natural Resource/Environmental Representative category. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

### III. DISCUSSION AGENDA

#### A. ADMINISTRATIVE SERVICES DEPARTMENT

1. [17-333](#) Selection of one firm and an alternate to provide Design Services for Back to Nature Community and Rehabilitation Center, Request for Proposals Y17-806-CC, from the following two firms, listed alphabetically:

Architectural Design Collaborative, Inc.  
Borrelli + Partners, Inc.

([Administrative Services Department Capital Projects Division]  
Procurement Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to appoint Borrelli + Partners, Inc. as the selected firm; and further, appoint Architectural Design Collaborative, Inc. as alternate. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

#### B. OFFICE OF REGIONAL MOBILITY

1. [17-334](#) Osceola Parkway Update.

The following persons addressed the Board:

- Clifton Tate
- Paul Cherry

The Board took no action.

2. [17-335](#) MetroPlan Orlando Board Meeting Briefing. All Districts.

The Board took no action.

#### IV. WORK SESSION AGENDA

##### B. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [17-339](#) Rural Residential Enclaves Small Area Study. All Districts. (Planning Division)

The Board took no action.

#### V. RECOMMENDATIONS

1. [17-340](#) February 16, 2017 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to approve the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

#### VI. PUBLIC HEARINGS

1. [17-152](#) Municipal Service Benefit Unit

Summerlake Area, amend for streetlighting and for retention pond(s) maintenance; District 1

**Consideration:** Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include Summerlake Phase 4B subdivision.

**Location:** District 1; Parcel ID (multiple parcels); Sections 28 & 33, Township 23, and Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

2. [17-153](#) Municipal Service Benefit Unit

Ruby Lake - Phase 1, establish for general lake cleaning maintenance,

water quality improvement, maintenance and aquatic plant control; District 1

**Consideration:** Establish by resolution a Municipal Service Benefit Unit for general lake cleaning, water quality improvement, maintenance and aquatic plant control services at Ruby Lake - Phase 1.

**Location:** District 1; Parcel ID (multiple parcels); Section 15, Township 24, Range 28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

3. [17-154](#) Municipal Service Benefit Unit

Presidents Pointe, establish for streetlighting and for retention pond(s) maintenance; District 5

**Consideration:** Establish by resolution a Municipal Service Benefit Unit for for streetlighting and retention pond(s) maintenance at Presidents Pointe.

**Location:** District 5; Parcel ID (multiple parcels); Section 04, Township 22, Range 31; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Bonilla, seconded by Commissioner Clarke, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

4. [17-155](#) Municipal Service Benefit Unit

Lakeshore Preserve Phases 1, 2 and 3, amend for streetlighting and for retention pond(s) maintenance; District 1

**Consideration:** Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include Lakeshore Preserve Phases 2 and 3.

**Location:** District 1; Parcel ID (multiple parcels); Section 05, Township 24, and Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

5. [17-156](#) Municipal Service Benefit Unit

Econ Landing Phase 1 and Econ Landing Phase 2, amend for streetlighting and for retention pond(s) maintenance; District 3

**Consideration:** Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance of Econ Landing Phase 1 to include Econ Landing Phase 2.

**Location:** District 3; Parcel ID (multiple parcels); Section 06, Township 23, and Range 31; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

6. [17-157](#) Municipal Service Benefit Unit

Avalon Park South Area, amend for streetlighting; District 4

**Consideration:** Amend by resolution an existing Municipal Service Benefit Unit for streetlighting to include Avalon Park South Phase 1A.

**Location:** District 4; Parcel ID (07-23-32-1024-01-000); Section 07, Township 23, and Range 32; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

7. [16-072](#) Petition to Vacate

Dayalal G. Bharadva, Petition to Vacate # 15-04-011, vacate an opened and improved right-of-way; District 1(Continued from November 1, 2016 and January 10, 2017)

**Consideration:** Resolution granting Petition to Vacate # 15-04-011, vacating a 16 ft wide portion of an opened and improved 66 ft wide right-of-way known as Kilgore Road, containing approximately 0.074 acres.

**Location:** District 1; The parcel address is 9900 Kilgore Road; S04/T24/R28; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Nicole Carolan
- H. G. Busbin

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, from Nicole Carolan.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the conditions of approval with the Board of Zoning Adjustment recommendation; further, approve the

Petition to Vacate # 15-04-011; and further, approve the Use Agreement by and between Dayalal G. Bharadva and Orange County for Pavers, Landscaping, Irrigation, Retaining Wall, Light Poles and a Portion of a Septic Tank Drainfield. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

and

## I. CONSENT AGENDA (Deferred)

### H. PUBLIC WORKS DEPARTMENT

5. [17-332](#) Approval and execution of Use Agreement by and between Dayalal G. Bharadva and Orange County for Pavers, Landscaping, Irrigation, Retaining Wall, Light Poles and a Portion of a Septic Tank Drainfield. District 1. (Development Engineering Division)

This item was approved.

and

8. [17-208](#) Board of Zoning Adjustment Board-Called

Dayalal Bharadva, Case # VA-17-01-190, January 5, 2017; District 1

**Case No.:** Board of Zoning Adjustment, Case # VA-17-01-190; January 5, 2017

**Consideration:** Request for a variance in the R-CE zoning district as follows:

- 1) Lot width of 52 ft. in lieu of 130 ft.;
- 2) Rear setback of 36 ft. in lieu of 50 ft.;
- 3) Principal structure located 11 ft. from the side street property line in lieu of 15 ft.;
- 4) Accessory structure (garage) located 12 ft. from the side street property in lieu of 15 ft.;
- 5) To allow a lot area of .35 acres in lieu of 1 acre;
- 6) House with a gross floor area of 4,130 sq. ft. in lieu of the 3,200 gross sq. ft. as approved by the BZA on July 3, 2013; and,
- 7) A pool and deck located 10 ft. in the front of the principal structure in lieu of the side or rear yards.

**Location:** District 1; property located at 9900 Kilgore Rd., Orlando, FL 32836; Orange County, Florida (legal property description on file in Zoning Division)

This item was approved.

## VI. PUBLIC HEARINGS

9. [17-211](#) Shoreline Alteration/Dredge and Fill

Karen M. Ashton Trust, Lake Conway, permit, District 3

**Consideration:** Request for a Shoreline Alteration/Dredge and Fill Permit to construct a seawall with rip rap on Lake Conway, pursuant to Orange County Code, Chapter 33, Article II Lake Conway Water and Navigation Control District; Section 33-37(d).

**Location:** District 3, on property located adjacent to Lake Conway, located at 1641 Overlook Road; Section 25, Township 23, Range 29; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-16-11-015) subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

10. [16-077](#) Rezoning

Jim Hall, Kurtyka PD/LUP, Case # LUP-14-03-069; District 3 (Continued from July 12,2016, July 19, 2016, and November 15, 2016)

**Consideration:** Request to rezone one (1) parcel containing 17.59 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) with a development program consisting of 43 conventional single-family detached residential dwelling units. No waivers from the Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.

**Location:** District 3; property located at 2004 Gregory Road; or generally located on the west side of Gregory Road, approximately 1,300 feet south of Berry Dease Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jim Hall.

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to continue the public hearing until June 20, 2017, at 2 p.m. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

11. [17-209](#) Rezoning

Christopher Wrenn, D.R. Horton, Inc., Lone Palm LUP Case # LUP-16-09-331; District 4

**Consideration:** Request to rezone 9.0 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to allow for the development of up to forty (40) single-family detached residential dwelling units; pursuant to Orange County Code, Chapter 30.

**Location:** District 1; property generally located East of Hancock Lone Palm Road, approximately 2,500 feet south of East Colonial Drive; Orange County, Florida (legal property description on file)

New Condition of Approval # 13:

13. The minimum living area shall be 1,500 square feet.



The following person addressed the Board: Kathy Hattaway.

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report; and further, approve new condition of approval # 13. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

**12.**     [17-148](#)           Substantial Change

Anthony Concolino, KMA Design, Orlando Health Central Porter Road Medical Campus Planned Development / Unified Neighborhood Plan (PD / UNP) - Case # CDR-16-07-233, amend plan; District 1

**Consideration:** This request is a Planned Development (PD) substantial change to incorporate a Master Sign Plan (MSP), consistent with Orange County Code Sec. 31.5-190; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 1; property generally located south of Porter Road / East of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

County staff noted that the staff report indicates that there are two (2) waivers being requested, however, the Development Review Committee determined that the waivers were not required because of the recent amendment to the Sign Code.

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

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

**13.**     [17-149](#)           Substantial Change

David Beyer, MCP Design, Inc., MCP Retail Planned Development / Land Use Plan (PD / LUP) - Case # CDR-16-12-415, amend plan; District 5

**Consideration:** A PD substantial change to incorporate a waiver from Orange County Code Section 38-1476 to allow four (4) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 5; property generally located South of University Boulevard and West of Goldenrod Road; Orange County, Florida (legal property description on file)



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

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

**14.** [17-150](#) Substantial Change

Jennifer Stickler, Kimley-Horn & Associates, Inc., North of Alberts Planned Development / Land Use Plan (PD / LUP) - Case # CDR-16-11-379, amend plan; District 1

**Consideration:** A PD Substantial Change to add “dormitory” as an allowable use within the designated Village Center District and Townhome / Apartment District located on the north side of APF Road A and the east side of APF Road B (“affected parcel”); to re-designate the approved forty-four (44) single-family attached units (townhomes) located within the affected parcel as multi-family units; and amend the existing trip generation table to reflect a multi-family unit -to- dormitory unit conversion rate; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 1; property generally located along the west side of Winter Garden Vineland Road (CR 535) and north of Lakeside Village Lane; Orange County, Florida (legal property description on file)

Revised Condition of Approval # 8:

8. If any development units designated for possible dormitory use are, indeed, used as dormitories, then during the time of such use said units shall not (i) generate attendance by school-aged children in grades K-12 within the Orange County Public School system nor (ii) utilize any public school facilities. Any proposed change to this condition of approval shall require a substantial change to the PD.

The following persons addressed the Board:

- Chuck Whittall
- John McCall
- Tom Marcy

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Chuck Whittall.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve revised condition of approval # 8. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

**15.** [17-158](#) Substantial Change

Momtaz Barq, Terra-Max Engineering, Inc., Jama Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-08-264, amend plan; District 1

**Consideration:** A PD Substantial change to increase the religious facility square footage from 18,000 to 23,000; add 3,000 square feet to the existing school for a total of 30,352; and increase the maximum building height from 50 feet to 60 feet, in order to accommodate architectural features only. In addition, the following waivers from Orange County Code are requested: 1) A waiver from 38-1394.1(2) to allow for 0.4 canopy trees for each one hundred (100) square feet of green space around the building base, in lieu of one (1) canopy tree for each one hundred (100) square feet of green space around the building base; and 2) A waiver from Section 38-1392.5(1) to allow for a minimum face-of-curb to face-of-curb landscape planter (parking island) width of thirteen (13) feet at the widest point and tapering to a minimum of two (2) feet at the narrowest point; in lieu of a minimum width of thirteen (13) feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 1; property generally located East of South Apopka Vineland Road, west of Pine Street, south of 4th Street, and north of 7th Street; Orange County, Florida (legal property description on file)

Deletion of Condition of Approval # 7:

~~7. This project shall comply with Orange County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.~~

The following persons addressed the Board:

- Momtaz Barq
- Ijaz Ahmed
- James Coffin

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, delete condition of approval # 7. The motion carried by the following vote:

**Aye:** 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

**16.**     [17-212](#)         Ordinance

Enacting a New Section 2-4 of the Orange County Code of Ordinances  
Entitled Badge Requirements for Initiative Petition Gatherers

**Consideration:** AN ORDINANCE PERTAINING TO INITIATIVE PETITION GATHERERS;  
ENACTING A NEW SECTION 2-4 OF THE ORANGE COUNTY CODE OF ORDINANCES  
ENTITLED "BADGE REQUIREMENTS FOR INITIATIVE PETITION GATHERERS;" PROVIDING  
AN EFFECTIVE DATE.

The following persons addressed the Board:

- Former Orange County Commissioner Fred Brummer
- Rob Mellen

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to adopt Ordinance 2017-05 pertaining to Initiative Petition Gatherers enacting a new section 2-4 of the Orange County Code of Ordinances entitled "Badge Requirements for Initiative Petition Gatherers." The motion carried by the following vote:

**Aye:**     6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, and Commissioner Siplin

**Nay:**     1 - Commissioner Bonilla

### III.   DISCUSSION AGENDA (Deferred)

#### C.   UTILITIES DEPARTMENT

1.     [17-336](#)         Solid Waste Collection Update. All Districts.

The Board took no action.

### IV.   WORK SESSION AGENDA (Deferred)

#### A.   HEALTH SERVICES DEPARTMENT

1.     [17-338](#)         Update on Medical Marijuana and Ordinance on Temporary Moratorium on Medical Cannabis Activities within Unincorporated Orange County. (Drug Free Office)

The Board took no action.

### III.   DISCUSSION AGENDA (Deferred)

#### D.   COUNTY MAYOR

1.     [17-337](#)         Open Discussion on issues of interest to the Board.

The Board took no action.

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

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

ADJOURNMENT: 4:36 p.m.

ATTEST:

\_\_\_\_\_  
County Mayor Teresa Jacobs

Date: \_\_\_\_\_

ATTEST SIGNATURE:

Phil Diamond  
County Comptroller as Clerk

\_\_\_\_\_  
Katie Smith  
Deputy Clerk

\* \* \*

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

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

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

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

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