

BCC Mtg. Date: February 6, 2018

Orange County Government

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



Final BCC Meeting Minutes

Tuesday, January 9, 2018

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Jacobs called the meeting to order at 9:05 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 Noelia Perez

Invocation - District 5

Pastor Matt Sanders, Real Life Christian Church

Pledge of Allegiance**Presentation**

Proclamation designating January 9, 2018 as Law Enforcement Appreciation Day

Public Comment

The following persons addressed the Board for public comment:

- Robert Rice
- Valerie Anderson
- Gary Jennings

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 Robert Rice.

I. CONSENT AGENDA**Approval of the Consent Agenda**

The Mayor deferred action on Community, Environmental and Development Services Department Item 3; 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 MAYOR

1. [18-029](#) Confirmation of the appointment of Andrea J. Lowery as manager of the Fiscal & Operational Support Division, Orange County Corrections Department.
2. [18-030](#) Confirmation of the appointment of Jessie Allen as the Executive Director, Orange County Convention Center and approval and execution of the employment agreement for a one year term from January 14, 2018 through January 31, 2019.

B. COUNTY COMPTROLLER

1. [18-031](#) Approval of the minutes of the November 28, 2017 meeting of the Board of County Commissioners. (Clerk's Office)
2. [18-032](#) Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:
 - December 15, 2017 to December 20, 2017; total of \$28,903,328.42
 - December 21, 2017 to December 28, 2017; total of \$72,586,777.24
 - December 29, 2017 to January 4, 2018; total of \$90,985,936.05.

(Finance/Accounting)

C. COUNTY ADMINISTRATOR

1. [18-033](#) Approval and execution of Agreement Between Orange County, Florida and Laborers' International Union of North America Local 517 Fiscal Years 2017-18 through 2018-19. (Human Resources Division)
2. [18-034](#) Approval and execution of 1) Agreement Between Orange County, Florida and Orange County Fire Fighters Association I.A.F.F Local 2057 (B-Unit) Fiscal Years 2017-18 and 2) Memorandum of Agreement between Orange County and the Orange County Fire Fighters Association, Local 2057, resolving A-Unit OPS-13 qualification pay. (Human Resources Division)
3. [18-035](#) Approval and execution of Agreement Between Orange County, Florida and AFSCME Florida Public Employees' Council 79 American Federation of State, County and Municipal Employees, AFL-CIO Fiscal Years 2017-18 through 2018-19. (Human Resources Division)
4. [18-036](#) Approval of Fiscal Year 2017-18 longevity payments for employee ID#'s

117378, 106007, and 106542. (Human Resources Division)

5. [18-037](#) Approval of Receipt and Use of HAVA Funds for Federal Election Administration Activities between the State of Florida, Department of State, Division of Elections and Bill Cowles, Supervisor of Elections in the amount of \$120,687.24; 2) approval and execution of Certificate Regarding Matching Funds, as required by the Department of State/Division of Elections; and 3) approval to make a one-time payment of \$18,103.09 to the Orange County Supervisor of Elections as matching funds. (Office of Management and Budget)
6. [18-038](#) Approval to pay the second quarter billing for the Orange County Property Appraiser in the amount of \$2,923,850.15. (Office of Management and Budget)
7. [18-039](#) Approval of budget amendments #18-05, #18-06, #18-07, #18-08, #18-09, #18-10, #18-11, #18-12, #18-13, and #18-14. (Office of Management and Budget)
8. [18-040](#) Approval of budget transfer #18-0611. (Office of Management and Budget)
9. [18-041](#) Approval of the sufficiency of the public officials' bonds provided by Travelers Casualty and Surety Company and Liberty Mutual Insurance Company for all public officials currently holding office in Orange County, Florida. (Risk Management Division)

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. [18-042](#) Approval to award Invitation for Bids Y18-123-RM, Stormwater Pipe Install and Repair, to the low responsive and responsible bidder, Stage Door II, Inc. The estimated annual contract award amount is \$4,864,950. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. [18-043](#) Approval to award Invitation for Bids Y18-143-PD, Landscape Maintenance Services Roads and Drainage Lot A, to the low responsive and responsible M/WBE compliant bidder, Groundtek of Central Florida, LLC. The estimated contract award amount is \$1,177,420 for the basic year. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. [18-044](#) Approval to award Invitation for Bids Y18-145-MV, MSBU & Non-MSBU Retention Pond Mowing Maintenance - Three Points, to the low responsive and responsible bidder, Carol King Landscape Maintenance, Inc. The estimated contract award amount is \$255,930 for the basic year. ([Public Works Department Stormwater Management Division] Procurement Division)
4. [18-045](#) Approval to award Invitation for Bids Y18-153-PD, Installation and

Replacement of Backflow Prevention Assemblies, to the low responsive and responsible bidders for a 1-year term:

<u>Bidders</u>	<u>Estimated Award Amount</u>
Nils Humberg Enterprises, LLC dba Ace Flow Control	\$944,500.00
Frank Gay Plumbing, Inc.	\$1,033,456.25
American Backflow & Fire Services, LLC	\$1,156,500.00

([Utilities Department Water Division] Procurement Division)

5. [18-046](#) Approval to award Invitation for Bids Y18-158-PD, Testing and Repair of Backflow Prevention Assemblies, to the low responsive and responsible bidders for a 1-year term:

<u>Bidders</u>	<u>Estimated Award Amount</u>
American Backflow & Fire Services, LLC	\$453,000
Nils Humberg Enterprises, LLC dba Ace Flow Control	\$467,300
Aaron's Backflow Services, Inc.	\$684,000

([Utilities Department Water Division] Procurement Division)

6. [18-047](#) Approval to award Invitation for Bids Y18-715-CC, Lake Lucie Equestrian Trailhead Parking, to the low responsive, responsible, and MWBE compliant bidder, Café Construction & Development, Inc. The total contract award amount is \$169,000. ([Administrative Services Department Capital Projects Division] Procurement Division)

7. [18-048](#) Approval of Contract Y18-2000, Homeless Shelter Prevention/Diversion Services, with Coalition for the Homeless of Central Florida, Inc., in the estimated contract award amount of \$400,000 for a 1-year term. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)

8. [18-049](#) Approval of Contract Y18-137-OW, Occupational Medical Services, with Adventist Health System/Sunbelt, Inc. dba Florida Hospital Centra Care, in the estimated contract award amount of \$2,083,500 for a 3-year term. ([Office of Accountability Risk Management Division] Procurement Division)

9. [18-050](#) Approval and execution of First Amendment to Lease Agreement between Orange County and Orlando Sunport Flexxspace, Ltd. and authorization to disburse funds to pay arrearages in passthrough expenses for OCHD - Emergency Storage Facility, 8026 Sunport Drive, Units 307-311, Orlando, Florida, 32809, Lease File #2064. District 4. (Real Estate Management Division)

10. [18-051](#) Approval and execution of Six Month Lease Agreement between The District Board of Trustees of the Tallahassee Community College and Orange County and delegation of authority to the Real Estate Management Division Manager to execute Tenant Estoppel Certificates, if needed for TCC Capitol Center - Communal Office, 300 West Pensacola Street, Suite R, Tallahassee, Florida, 32301, Lease File #2056. Leon County. (Real Estate Management Division)
11. [18-052](#) Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Chickasaw Trail Extension (S.R. 50 to Yates Road). District 3. (Real Estate Management Division)
12. [18-053](#) Approval and execution of Resolution 2018-M-01 regarding authorizing the conveyance of certain county property interests to the City of Apopka, Florida and County Deed from Orange County to the City of Apopka, Florida and authorization to record instrument for Ocoee Apopka Road. District 2. (Real Estate Management Division)
13. [18-054](#) Approval of Purchase Agreement and approval and execution of Temporary Easement Agreement between Elf Hill Properties LLC and Orange County and authorization to disburse funds to pay purchase price and recording fees and record instrument for Fire Station #20 - Groundwater Remediation. District 2. (Real Estate Management Division)
14. [18-055](#) Approval of Warranty Deed and Utility Easement from Hanover Hickory Nut, LLC to Orange County and authorization to record instruments for Avalon Cove Permit: 16-S-098 OCU File #: 88930. District 1. (Real Estate Management Division)
15. [18-056](#) Approval of Utility Easement from Hamlin Retail Partners, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to record instruments for Hamlin Lot D Site Work Only Permit: B16902936. District 1. (Real Estate Management Division)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [18-057](#) Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 4, 5 and 6. (Code Enforcement Division)

LC 17-0917 LC 17-1086 LC 17-0983 LC 17-0927 LC 17-0977
LC 17-0943 LC 18-0006 LC 17-1040 LC 17-0958 LC 17-0993

LC 17-1033 LC 18-0007 LC 17-1055 LC 17-0969 LC 17-1007
 LC 17-1059 LC 18-0008 LC 17-0848 LC 17-0976 LC 17-1011

2. [18-058](#) Approval and execution of Resolutions of the Orange County Board of County Commissioners regarding Claim of Special Assessment Liens Pursuant to Section 9-278 of the Orange County Code and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. Districts 2 and 6. (Code Enforcement Division)

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 16-0129	2	DENNISON CONNIE RUTH	\$7,129.17
A 16-0222	2	HORNETT BARRY	\$20,620.91
A 15-0612	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC THREE INC	\$5,927.71
A 16-0139	6	RODRIGUEZ EPIFENIA; RODRIGUEZ JUAN	\$9,750.66
A 16-0142	6	JOSMA JOSHUA; TAYLOR TASHA; TRIUMPH INVESTMENTS UNLIMITED REAPING TIME OUTREACH WORSHIP CENTER	\$9,750.64
A 16-0166	6	SHARM GHAZ INVESTMENTS LLC	\$8,684.11
A 16-0260	6	WILCHES JENNIFER PAOLA	\$10,697.35
A 16-0261	6	NANDA SHIV KUMAR	\$10,697.35

4. [18-060](#) Approval and execution of First Amendment to the Restated Interlocal Cooperation Agreements between Orange County, Florida and City of Winter Park, Florida; City of Ocoee, Florida; and City of Maitland, Florida for Community Development Programs under the Urban County Program. Districts 1, 2 and 5. (Housing and Community Development Division)
5. [18-061](#) Approval and execution of Proportionate Share Agreement for Fire Creek at Gotha Roundabout at the Intersection of Park Ridge Gotha Road and Sixth Street by and between Fire Creek at Gotha, LLC; Phillip's Parke XVI, LLC; Patrick Neal Moran and Martha S. Moran; and Orange County for the construction of a roundabout in return for transportation impact fee credits in the amount of \$152,759. District 1. (Roadway Agreement Committee)
6. [18-062](#) Approval and execution of 1) Escrow Agreement by and among Orange County, Dwell Nona Place, LLC and Lowndes, Drosdick, Doster, Kantor & Reed, P.A. and 2) Hold Harmless and Indemnification Agreement (Dwell at Nona Place) by and between Dwell Nona Place, LLC and Orange County. District 4. (Development Review Committee)

F. FAMILY SERVICES DEPARTMENT

1. [18-063](#) Approval and execution of 1) Affiliation Agreement between Rollins College and Orange County, Florida Agreement #Y17-341 from the period of

January 9, 2018 through January 8, 2019; 2) Orange County, Florida and Rollins College Addendum to Contract No. Y17-341 related to Business Associate Assurance of Compliance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Breach and Security Rules and the Florida Information Protection Act (FIPA); and 3) authorization for the County Mayor or designee to approve any amendments to the agreement. (Youth and Family Services Division)

2. [18-064](#) Receipt and filing of Head Start Policy Council Program Information and Updates November 2017; Head Start Policy Council Program Information and Updates December 2017; Head Start Policy Council Meeting Minutes October 21, 2017 and Head Start Policy Council Meeting Minutes November 16, 2017 for the official county record. (Head Start Division)
3. [18-065](#) Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Bithlo Head Start. This application is only executed by Orange County. (Head Start Division)

G. HEALTH SERVICES DEPARTMENT

1. [18-066](#) Approval and execution of the renewal Paratransit Services License for Falck Southeast II Corp d/b/a American Ambulance to provide wheelchair/stretchers service. The term of this license is from January 1, 2018 through January 1, 2020. There is no cost to the County. (EMS Office of the Medical Director)

H. PUBLIC WORKS DEPARTMENT

1. [18-067](#) Authorization to record the plat of Chase Bank. District 5. (Development Engineering Division)
2. [18-068](#) Approval and execution of Homeowner's Association Agreement for Heather Glen at Sweetwater Country Club Subdivision Traffic Control Devices by and between Heather Glen Homeowners Association, Inc. and Orange County, Florida that provides for the Association to maintain decorative street name and traffic control signposts. District 2. (Traffic Engineering Division)

I. UTILITIES DEPARTMENT

1. [18-069](#) Approval and execution of Utility Adjustment Agreement by and between Orange County and Pulte Home Company, LLC for the Ruby Lake PD/Connector Road (from Palm Parkway to Hilton Driveway) Project in the estimated construction cost of \$202,620. District 1. (Engineering Division)
2. [18-070](#) Approval of commercial refuse license for Universal Dumpster LLC to

provide solid waste hauling services to commercial generators in Orange County. All Districts. (Solid Waste Division)

3. [18-071](#) Approval and execution of Amended Consent Order between the State of Florida Department of Environmental Protection and Orange County - OCG File No. 14-0475. All Districts. (Water Reclamation Division)

II. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. [18-072](#) Selection of one firm and two ranked alternates to provide Security Guard Services for the Corrections Department, Request for Proposals Y17-192-MG, from the following three firms, listed alphabetically:

-Allied Universal
-G4S Secure Solutions
-Redcon Solutions Group

([Corrections Department Inmate Administrative Services] Procurement Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson, to appoint G4S Secure Solutions, 456 points, as the selected firm; and further, appoint Redcon Solutions Group, 353 points, and Allied Universal, 348 points, as the selected ranked alternates. The motion carried by the following vote:

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

2. [18-073](#) Selection of one firm and two ranked alternates to provide Engineering Services for Storey Park (Innovation Place) Master Pump Station Project, Request for Proposals Y18-802-PH, from the following four firms, listed alphabetically:

-CPH, Inc.
-Hazen and Sawyer, P.C.
-Reiss Engineering, Inc.
-Wright-Pierce, Inc.

([Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Thompson, to appoint Wright-Pierce, Inc., 495 points, as the selected firm; and further, appoint Hazen and Sawyer, P.C., 445 points, and CPH, Inc., 433 points, as the selected ranked alternates. The motion carried by the following vote:

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

B. COUNTY MAYOR

1. [18-074](#) Open discussion on issues of interest to the Board.

Commissioner Nelson wished to discuss Nitrogen Reduction Plan Costs for the Wekiva Basin.

The Board took no action.

III. WORK SESSION AGENDA

A. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [18-075](#) Public Boat Ramps. All Districts.

The Board took no action.

IV. RECOMMENDATIONS

1. [18-076](#) December 21, 2017 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to approve the recommendations, with the exception of Case # RZ-17-12-048, Eric Papalini, which was pulled from the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

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

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to approve the recommendation for Case # RZ-17-12-048, Eric Papalini; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

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

Abstain: 1 - Commissioner Siplin

V. PUBLIC HEARINGS

1. [18-001](#) Municipal Service Benefit Unit

Ambergate, establish for maintenance of retention ponds and streetlighting;
District 2

Consideration: Establish by resolution a Municipal Service Benefit Unit for maintenance of retention ponds and streetlighting at Ambergate

Location: District 2; Section 14, Township 21, Range 28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Nelson, 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

2. [18-002](#) Municipal Service Benefit Unit

East - Tract 5, establish for maintenance of retention ponds and streetlighting; District 4

Consideration: Establish by resolution a Municipal Service Benefit Unit for maintenance of retention ponds and streetlighting at East - Tract 5

Location: District 4; Section 12, Township 23, Range 21; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Thompson, 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. [18-003](#) Municipal Service Benefit Unit

Lake Ruby, amend for general lake cleaning, water quality improvement, maintenance and aquatic plant control services; District 1

Consideration: Amend by resolution a Municipal Service Benefit Unit for general lake cleaning, water quality improvement, maintenance and aquatic plant control services at Lake Ruby

Location: District 1; Section 15, Township 24, Range 28; 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

4. [18-004](#) Municipal Service Benefit Unit

Trails at Moss Park, establish for maintenance of retention ponds and streetlighting; District 4

Consideration: Establish by resolution a Municipal Service Benefit Unit for maintenance of retention ponds and streetlighting at Trails at Moss Park

Location: District 4; Sections 9, 10 and 15, Township 24, Range 31; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Thompson, 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

5. [17-1334](#) Preliminary Subdivision Plan

James H. McNeil, Jr., Akerman, LLP, Heartwood Planned Development / Heartwood Preliminary Subdivision Plan, Case # PSP-17-01-012; District 5 (Continued from November 28, 2017)

Consideration: Heartwood Planned Development / Heartwood Preliminary Subdivision Plan, Case # PSP-17-01-012, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 40.62 acres in order to construct thirty-eight (38) single-family residential dwelling units. This project is proposed to be gated under Orange County Code Sections 34-280, 34-290, and 34-291. The request also includes the following waiver from Orange County Code:

1. A waiver from Orange County Code Section 34-209 is granted to allow a six (6) foot high simulated aluminum / wrought iron fence with columns in lieu of a six (6) foot high masonry wall on Tracts A and B along Lake Pickett Road.

Location: District 5; property generally located South of Lake Pickett Road / West of Lake Louise; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jim McNeil
- Tom Narut

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

- Exhibit 1, from Jim McNeil
- Exhibit 2, from Tom Narut

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 Jim McNeil.

County staff indicated Condition # 8 in the staff report is concerning the gated community. If the Board does not approve the project as a gated community Condition # 8 would be deleted and the following conditions would need to be added:

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 Department 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 section. 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.

Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.

County staff recommended the following additional new conditions of approval:

22. Applicant shall provide a twenty foot (20') wide HOA tract between Lots 16 and 17 as shown on the PSP which shall be owned and maintained by the HOA. There shall be a twenty foot (20') wide utility easement over the twenty foot (20') wide HOA tract.
23. Applicant shall provide a twenty foot (20') wide easement for landscape/wall within the rear of lots 9-17 as shown on the PSP.
24. Subdivision lighting will be consistent with Orange County lighting requirements and shall contain full cutoff fixtures.
25. The covenants and restrictions for this subdivision shall include an acknowledgement that a Lake Louise MSTU/BU may be proposed at sometime within the future. Participation within such an MSTU/BU shall be subject to the County's rules and procedures for establishing Lake MSTU/BU's.
26. Applicant will construct a westbound left turn lane on Lake Pickett Road at the entrance to the subdivision.
27. Applicant shall install solar powered "Electronic Speed Feedback Sign" assemblies with curve warning signs on Lake Pickett Road approaching the curves, one on the eastbound approach adjacent to the project access and one on the westbound approach to the north curve. This installation requirement shall be subject to the approval of the Orange County Traffic Engineer.
28. Milling and resurfacing of the existing roadway through the project limits will be required as determined through the County permitting process. Friction course (FC 9.5) is required to be applied to the resurfaced roadway, newly constructed westbound left turn lane, and associated transitions through the south curve adjacent to the project access.
29. Applicant will construct 4-foot paved shoulders on both sides of the roadway on approach to the south curve and departing the south curve. The shoulder will commence no less than 100 feet prior to the point of curvature of the south curve and terminate no less than 100 feet past point of tangent after the curve.
30. Applicant will install profiled thermoplastic pavement markings (rumble striping) for both edgelines and centerlines within the limits of resurfacing. Centerline striping will include reflective pavement markings (rpms).
31. Applicant will install four (4) light poles with roadway lighting at the project entrance

intersection (within the County's ROW). The entrance roadway lighting shall be included in the HOA's lighting maintenance contract with the utility company.

Commissioner Bonilla addressed the Board and presented a powerpoint. Board discussion ensued.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to continue the public hearing until a traffic study can be completed to determine the traffic impacts to the Heartwood Community. The motion failed by the following vote:

Nay: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Vanderley, Commissioner Bonilla, and Commissioner Siplin

Commissioner Bonilla read into the record her recommended new conditions of approval for Heartwood Planned Development/Heartwood Preliminary Subdivision Plan.

1. Remove the gates and provide a public subdivision. (Not consistent with Article VIII Section 34-280)
2. Provide a 50' wide ROW for road connection to Amityville Dr. to the south (To become consistent with COMP policy T3.2.2)
3. Provide a minimum of three (3) speed humps within the subdivision.
4. Upsize potable water line from Lake Pickett Road through the subdivision's internal roads to Amityville Dr. to the south to provide the neighboring community the option to connect water service. (Allow implementation of PW1 .5.3 of Comp plan)
5. Match the 40' width landscape Tract "A" within the Fontana Estates Subdivision with a "Wall and Landscaping Easement" behind lots 9 through 17 of the Heartwood Subdivision.
6. Applicant will construct a westbound left turn lane on Lake Pickett Road at the entrance to the subdivision.
7. Applicant shall install solar powered "Electronic Speed Feedback Sign" assemblies with curve warning signs on Lake Pickett Road approaching the curves, one on the eastbound approach adjacent to the project access and one on the westbound approach to the north curve. This installation requirement shall be subject to the approval of the Orange County Traffic Engineer.
8. Milling and resurfacing of the existing roadway through the project limits will be required as determined through the County permitting process. Friction course (FC 9.5) is required to be applied to the resurfaced roadway, newly constructed westbound left turn lane, and associated transitions through the south curve adjacent to the project access.
9. Applicant will construct 4-foot paved shoulders on both sides of the roadway on approach to the south curve and departing the south curve. The shoulder will commence no less than 100 feet past point of tangent after the curve.
10. Applicant will install profiled thermoplastic pavement markings (rumble striping) for both edge lines and centerlines within the limits of resurfacing. Centerline striping will include reflective pavement markings (rpms).
11. Applicant will install four (4) light poles with roadway lighting at the project entrance intersection (within the County's ROW). The entrance roadway lighting shall be included in the

HOA's lighting maintenance contract with the utility company.

12. Applicant will install a post-mounted flashing beacon for westbound Lake Pickett drivers as they approach the south curve. The flashing beacon would be activated by vehicles approaching Lake Pickett Road from the Heartwood project access. (The idea is to warn drivers when a vehicle is leaving the subdivision).
13. A waiver from Orange County Code Section 34-209 to allow a six (6) foot high simulated aluminum/wrought iron fence with columns in lieu of a six (6) foot high masonry wall on Tracts A and B along Lake Pickett Road. A continuous hedge along the fence, except where understory trees are planted 30; on center, along Tracts A and B shall be installed.
14. Provide a six (6) foot high simulated aluminum/wrought iron fence with columns within a 40' wide Wall and Landscape Easement along Amityville Dr. frontage. The wall shall be placed along the northern side of the Wall and Landscape Easement with a continuous hedge along the fence.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin to approve the request for Heartwood Planned Development/Heartwood Preliminary Subdivision Plan; and further, approve new conditions of approval as recommended by District Commissioner. No vote was taken at this time.

Board discussion ensued.

Upon the Board's review of Commissioner Bonilla's recommended conditions of approval, it was determined that conditions # 6 through # 11 were included with staff's recommendations and appear as staff's new conditions of approval # 26 through # 31.

County staff indicated Commissioner Bonilla's condition of approval # 12 has been modified; and further, will be renumbered as new condition # 32 to read as follows:

32. Applicant will install a post-mounted flashing beacon for westbound Lake Pickett drivers as they approach the south curve. The flashing beacon would be activated by vehicles approaching Lake Pickett Road from the Heartwood project access.

Commissioner Bonilla's recommended condition of approval # 13 is condition # 21 in the staff report. Board discussion ensued.

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

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

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin to make a finding of consistency with the Comprehensive Plan (CP); further, approve the Heartwood Planned Development/Heartwood Preliminary Subdivision Plan subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report;

and further, include the modified conditions offered by the District Commissioner; whereas staff recommendations be inconsistent with conditions offered by the District Commissioner, the District Commissioner's modifications would prevail. The motion failed by the following vote:

Aye: 1 - Commissioner Bonilla

Nay: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Vanderley, and Commissioner Siplin

Board discussion ensued.

A motion was made by Commissioner Bonilla to approve the Heartwood Planned Development/Heartwood Preliminary Subdivision Plan subject to the District Commissioner's new conditions of approval as modified by the Commissioner; subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report with deletion of Condition # 8 and the addition of the following new conditions as follows:

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 Department 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 section. 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.

Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association. The motion died for lack of a second.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson to make a finding of consistency with the Comprehensive Plan (CP); further, approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further approve, new conditions of approval # 22 through # 32. Board discussion ensued. Commissioner Bonilla offered a friendly amendment to the motion which was not accepted by Commissioner VanderLey.

A motion was made by Commissioner Bonilla to amend the main motion to include a pedestrian and bike interconnectivity to the gated private subdivision. The motion failed for lack of a second.

Mayor Jacobs called for a vote on the main motion offered by Commissioner VanderLey, seconded by Commissioner Nelson.

A motion was made by Commissioner VanderLey, seconded by Commissioner Nelson to make a finding of consistency with the Comprehensive Plan (CP); further, approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; further, approve new conditions of approval # 22 through # 32; and further, approve Community, Environmental Development Services Department Consent Item # 3, Right-of-Way and Proportionate Share Agreement for Heartwood Right-of-Way for Lake Pickett Road Improvements and Proportionate Share Contribution for Chuluota Road from Colonial Drive to Lake Pickett Road by and between Home Dynamics Corporation and Orange County for the dedication of 9,945 square feet of right-of-way as a donation, 10,089 square feet of right-of-way for \$17,350 in transportation impact fee credits and a proportionate share payment in the amount of \$156,558. District 5. 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

and

I. CONSENT AGENDA (Deferred)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

3. [18-059](#) Approval and execution of Right-of-Way and Proportionate Share Agreement for Heartwood Right-of-Way for Lake Pickett Road Improvements and Proportionate Share Contribution for Chuluota Road from Colonial Drive to Lake Pickett Road by and between Home Dynamics Corporation and Orange County for the dedication of 9,945 square feet of right-of-way as a donation, 10,089 square feet of right-of-way for \$17,350 in transportation impact fee credits and a proportionate share payment in the amount of \$156,558. District 5. (Roadway Agreement Committee)

The item was approved.

V. PUBLIC HEARINGS

6. [18-007](#) Preliminary Subdivision Plan

Adam Smith, VHB, Inc., Waterleigh Planned Development (PD) / Waterleigh Phases 2C-1, 2C-2, 2C-3, and a portion of Parcel 21 Preliminary Subdivision Plan (PSP), Case # PSP-17-05-170; District 1

Consideration: Waterleigh Planned Development (PD) / Waterleigh Phases 2C-1, 2C-2, 2C-3, and a portion of Parcel 21 Preliminary Subdivision Plan (PSP), Case # PSP-17-05-170, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 132.12 acres in order to construct sixty-four (64) single-family residential dwelling units. The request also includes the following waiver from Orange County Code:

1. A waiver from Orange County Code Section 34-152(c) to allow Lots 496-501 and 514-519 to front a new in lieu of the 20 foot access to a dedicated public paved street. Legal access to these lots shall be through a platted ingress/egress easement and/or alley tract.

Location: District 1; property generally located West of Avalon Road / South of Old YMCA Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Adam Smith.

A motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; and approve the 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

7. [18-008](#) Preliminary Subdivision Plan

Heather Isaacs, Greenway Park DRI, LLC, Ginn Property Planned Development (PD) / Greenway Park 1A Townhomes Preliminary Subdivision Plan (PSP), Case # PSP-17-09-276; District 4

Consideration: Ginn Property Planned Development (PD) / Greenway Park 1A Townhomes Preliminary Subdivision Plan (PSP), Case # PSP-17-09-276, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 19.12 acres in order to construct one hundred fifty-eight (158) attached single-family residential dwelling units.

Location: District 4; property generally located North of Lake Nona Boulevard / East of Wyndham Lakes Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: John Townsend.

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 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

8. [18-009](#) Preliminary Subdivision Plan

Scott Gentry, Kelly, Collins & Gentry, Inc., Hamlin Planned Development (PD) / Hamlin East Proton Therapy Center Preliminary Subdivision Plan / Development Plan (PSP/DP) Case # PSP-17-08-253; District 1

Consideration: Hamlin Planned Development / Hamlin East Proton Therapy Center Preliminary Subdivision Plan / Development Plan (PSP / DP), Case # PSP-17-08-253, submitted in

accordance with Sections 34-69, 30-89, and 38-1381 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 60.78 acres in order to create three (3) lots and construct a 38,000 square foot health care facility on Lot 2. The request also includes the following waiver from Orange County Code: 1) A waiver from Orange County Code Section 38-1501 to allow a five (5) foot setback from the Normal High Water Elevation (NHWE), in lieu of the required fifty (50) foot setback from the NHWE.

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

The following person addressed the Board: Scott Gentry.

Modified Condition of Approval # 26:

26. This project shall join the Master Street Lighting Municipal Service Benefit Unit (MSBU) for standard operation and maintenance of New Independence Parkway and Hamlin Groves Trail street lighting, unless the operation and maintenance of streetlighting and inventory including leasing, fuel, and energy costs for this project are contracted through the Hamlin POA. . 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 Department 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 section. 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.

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 listed under the Development Review Committee recommendation in the Staff Report; and further, modify Condition of Approval # 26. The motion carried by the following vote:

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

9. [18-005](#) Rezoning

Ian McCook, Nvision Development Management Services, River Run at Valencia Planned Development (PD), Case # LUP-17-05-172; District 3
(Continued from January 9, 2018)

Consideration: Request to rezone 12.3 gross acres from R-CE to PD, in order to construct a 456 bed / 114 unit student housing project. The request also includes the following waivers from Orange County Code:

- 1) A waiver from Section 38-1259(b) Student Housing to allow for reduced distance from single-family residential along the northern border of 150 feet in lieu of 400 feet for the 4-story student housing buildings and 25 feet in lieu of 400 feet for the single-story clubhouse; along the southern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings; and along the eastern boundary 25 feet in lieu of 400 feet for 4-story student housing buildings.
- 2) A waiver from Section 38-1259(h)(b) to allow a maximum building height of four (4) stories and sixty (60) feet in lieu of three (3) stories and forty (40) feet.
- 3) A waiver from Section 38-1258(f) to eliminate the 6' high masonry, brick or block wall where the conservation area is located along the northernmost border. Location of the conservation area will be shown on the development plan.
- 4) A waiver from Section 38-1259 Student Housing, Subsection (G) to align with density calculation in the Comprehensive Plan, Policy FLU1.1.2, Subsection (F) whereas student housing density is calculated as four bedrooms equal one multi-family unit, in lieu of one bedroom counting as one-half dwelling unit; pursuant to Orange County Code, Chapter 30.

Location: District 3; property located at 113 S. Econlockhatchee Trail; or generally north of State Road 417 and east of N. Econlockhatchee Trail; Orange County, Florida (legal property description on file)

The following person addressed the Board: Ian McCook.

A motion was made by Commissioner Clarke, seconded by Commissioner Nelson, to continue the public hearing until February 6, 2018, 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

10. [18-006](#) Substantial Change

Jonathan Huels, Lowndes, Drosdick, Doster, Kantor, and Reed, P.A., Vista Centre Lots 6 and 7 Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-12-418, amend plan; District 1

Consideration: A PD substantial change request to add up to 300 multi-family units to PD Lot 7, Parcel 22-24-28-8915-00-070, by using an equivalency matrix and to modify Board of County Commissioners condition of approval from April 23, 1991, to reduce the required building setback along the north property line adjacent to Lake Street from 60 feet to 40 feet. In addition, the applicant has requested the following waivers from Orange County Code for Parcel 22-24-28-8915-00-070 within Lot 7 only:

- 1) A waiver from Section 38-1258(i) to allow multi-family development located adjacent to a right-of-way to be un-fenced when a single-family zoned property is located across the right-of-way, in lieu of the requirement that it be fenced;
- 2) A waiver from Section 38-1287(2) to allow for a zero (0) foot ease side building setback internal to the PD, in lieu of thirty (30) feet for the apartment development; and
- 3) A waiver from Section 38-1300 to allow for buildings sixty (60) feet in height when located

within one hundred (100) feet of single-family zoned property, in lieu of a thirty-five (35) foot maximum height; 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 located at 8175 Palm Parkway, west of Palm Parkway, south of Lake Street; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jonathan Huels.

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

11. [18-010](#) Ordinance

Amending Orange Code, Article II, Chapter 23, regarding impact fee update for law enforcement services

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY LAW ENFORCEMENT IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE II, CHAPTER 23, OF THE ORANGE COUNTY CODE; PROVIDING AN EFFECTIVE DATE, AND DIRECTING THE CLERK OF THE BOARD TO PUBLISH A TIMELY NOTICE STATING THAT THE BOARD HAS ADOPTED THIS ORDINANCE IMPOSING INCREASED IMPACT FEES, WITH ANNUAL INDEXING

The following persons addressed the Board:

- Steve Tindale
- Daniel Divine
- Raleigh Steinhauer
- Bill Silliman

A motion was made by Mayor Jacobs, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; further, allow staff to correct any non-substantial grammatical or scrivener's errors; further, adopt Ordinance 2018-01 amending the Orange County Law Enforcement Impact Fee Ordinance codified at Article II, Chapter 23, of the Orange County Code; providing an effective date; further, direct the Clerk of the Board to publish a timely notice stating the Board has adopted this Ordinance imposing increased impact fees, with annual indexing; further, before the end of the calendar year the Board will reexamine the indexing to determine if indexing should be modified; and further, revisit how much of the fee is based on items that are less than \$1,000 and what that would do to the impact fee. 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. [18-011](#) Ordinance

Amending Orange County Code, Article III, Chapter 23, regarding impact fee update for fire/rescue services

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY FIRE RESCUE IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE III, CHAPTER 23, OF THE ORANGE COUNTY CODE; PROVIDING AN EFFECTIVE DATE, AND DIRECTING THE CLERK OF THE BOARD TO PUBLISH A TIMELY NOTICE STATING THAT THE BOARD HAS ADOPTED THIS ORDINANCE IMPOSING INCREASED IMPACT FEES, WITH ANNUAL INDEXING

The following persons addressed the Board:

- Steve Tindale
- Raleigh Steinhauer

A motion was made by Commissioner VanderLey, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; further, allow staff to correct any non-substantial grammatical or scrivener's errors; further, adopt Ordinance 2018-02 amending the Orange County Fire Rescue Impact Fee Ordinance codified at Article III, Chapter 23, of the Orange County Code; providing an effective date; and further, direct the Clerk of the Board to publish a timely notice stating the Board has adopted this Ordinance imposing increased impact fees, with annual indexing. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

Commissioner Nelson suggested the Board amend the motion to reflect the same language as the motion previously voted on for Public Hearing # 11. Board discussion ensued. The Board before the end of the calendar year, will reexamine the indexing to determine if indexing should be modified, and revisit how much of the fee is based on items that are less than \$1,000 and what that would do to the impact fee.

A motion was made by Commissioner VanderLey, seconded by Commissioner Siplin, to amend the main motion to include the following: to allow for the Board to revisit indexing items under \$1,000; and further, determine whether the Board should reconsider the Generally Accepted Accounting Principles (GAAP) or look at a different methodology of indexing before the end of the calendar year. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

13. [18-012](#) Ordinance

Amending Orange County Code Article VI, Chapter 23, regarding impact fee

update for parks and recreation services

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY PARKS AND RECREATION IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE VI, CHAPTER 23, OF THE ORANGE COUNTY CODE; PROVIDING AN EFFECTIVE DATE, AND DIRECTING THE CLERK OF THE BOARD TO PUBLISH A TIMELY NOTICE STATING THAT THE BOARD HAS ADOPTED THIS ORDINANCE IMPOSING INCREASED IMPACT FEES, WITH ANNUAL INDEXING

The following persons addressed the Board:

- Steve Tindale
- Raleigh Steinhauer

A motion was made by Commissioner Nelson, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; further, allow staff to correct any non-substantial grammatical or scrivener's errors; further, adopt Ordinance 2018-03 amending the Orange County Parks and Recreation Impact Fee Ordinance codified at Article VI, Chapter 23, of the Orange County Code; providing an effective date; further, direct the Clerk of the Board to publish a timely notice stating that the Board has adopted this ordinance imposing increased impact fees, with annual indexing; further, allow for the Board to revisit the Generally Accepted Accounting Principles (GAAP) by the end of the calendar year; further, examine indexing; further, define level of service; and further, examine park zones. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

14. [18-013](#) Ordinance

Amending Orange County Code Chapter 38 Zoning regulations, regarding the sale of alcoholic beverages and relating to distances between places selling alcoholic beverages and religious institutions, schools, and adult entertainment establishments (Continued from January 9, 2018)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, REGARDING THE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 38-1414 OF THE ORANGE COUNTY CODE RELATING TO PROHIBITED AREAS FOR THE SALE OF ALCOHOLIC BEVERAGES; AMENDING SECTION 38-1415 OF THE ORANGE COUNTY CODE RELATING TO DISTANCES BETWEEN PLACES SELLING ALCOHOLIC BEVERAGES AND RELIGIOUS INSTITUTIONS, SCHOOLS AND ADULT ENTERTAINMENT ESTABLISHMENTS; AND PROVIDING AN EFFECTIVE DATE

The following persons addressed the Board:

- Joseph Lollo
- Alex Nikitin
- Steve Park

- Bryan Knightly
- Keval Patel
- Jennifer Lee
- Chris Knightly
- Ian Kanaby
- Chuck Whittall
- Art Segura
- Sergey Pershin
- Catalina Gavriluc
- Elena Vasiloi
- Admoun Dakhil
- Hiteshkum Patel
- Chris Roper
- George Knightly
- Jay Patel

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

Board discussion ensued.

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to continue the public hearing until February 6, 2018, at 2 p.m. for decision only. The motion carried by the following vote:

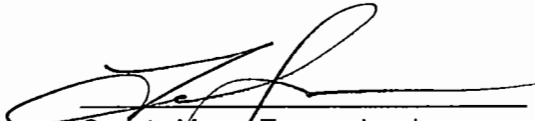
Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

✓ **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: 7:35 p.m.

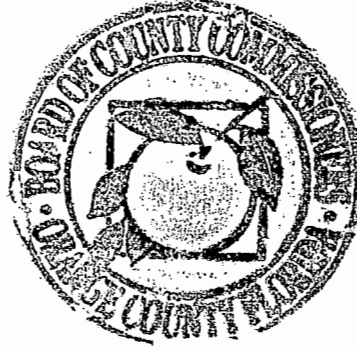
ATTEST:

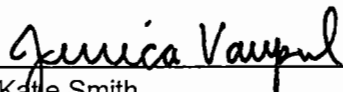

County Mayor Teresa Jacobs

Date: FEB 08 2018

ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk




for Katie Smith
Deputy Clerk

* * *

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

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

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

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

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