

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 15, 1994. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Fran Pignone, Bill Donegan, and Mable Butler were present. Commissioner Freeman joined the meeting where indicated. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, County Comptroller as Clerk Martha Haynie, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

WORKSESSION - JENNINGS AND SNYDER CASES, REZONING AND QUASI- JUDICIAL PROCEEDINGS**Staff Report**

County Attorney Tom Wilkes introduced a worksession designed to increase the Board's awareness of two court cases, which have caused a transition in perceptions about Florida's rezoning procedures. Mr. Wilkes explained the Jennings case, a special exception for a gas station, was heard by South Florida's Third District Court of Appeals. He further explained that Brevard County's Snyder case, concerning the rezoning of a half-acre parcel, went to the Florida Supreme Court.

Commissioner Freeman joined the meeting.

Assistant County Attorney Joel Prinsell outlined the meaning and significance of the Jennings and Snyder cases. Mr. Prinsell counseled the Board on the use of ex parte communication. He presented an overview of how ex parte communication might affect a party's due process rights. He noted that a determination that an interested party was prejudiced by an ex parte communication could result in a Board decision being set aside.

Mr. Prinsell concluded with an explanation of the distinctions between the quasi-judicial and quasi-legislative concepts, a review of the common types of quasi-judicial and quasi-legislative proceedings, and a definition of due process rights.

Discussion

After the Board discussed the issues and staff responded to questions, the Board concurred on the need to expedite the meetings; however, the public must have adequate time to present their side. Chairman Chapin emphasized that staff is always available for consultation regarding ex parte communication issues.

Motion

The Board did not take any action.

DISCUSSION AGENDA**Chairman's Report**1. Economic Development Initiative.

County Chairman Chapin deferred discussion of this item until further notice.

DISCUSSION AGENDA - ADDENDUM #1**Commissioner's Report**1. Commissioner Donegan wishes to readdress the appointments to the District Alcohol, Drug Abuse and Mental Health Planning Council, which were made by the Board of County Commissioners on January 18, 1994.

Commissioner Donegan deferred this item until a later date.
(See February 8 and 22, 1994, for further discussion.)

Administrative Support Division1. Approval of Courthouse Guaranteed Maximum Price (GMP).**Staff Report**

Administrative Support Division Director James Hartmann presented background information to the Board concerning the submission of the GMP in early January 1994. He stated one GMP estimate was received from the architect's estimator and another estimate was received from the construction manager for Huber, TDS, P&D, Morse Diesel. He continued that meetings were held to reconcile the estimates which resulted in a total GMP of \$124,961,847. He concluded that this is a difference from what was presented last year of approximately \$8.5 million.

Tony Lancelot, executive vice president at Hanscomb & Associates, estimator for the architect Hansen Lind Meyer, Inc., discussed the original estimate and the changes resulting in the recent estimate. Mr. Lancelot explained increased costs are due mostly to economic conditions in the highly competitive construction industry. He also cited a need for a second tower crane as well as increased expenses concerning a more sophisticated building security package.

Mr. Hartmann reviewed the various actions that the Board might consider, stating staff recommends Option #1 from his memo of February 8, 1994, to County Chairman Chapin, as follows:

Adopt the GMP. If the Board adopts the Huber, TDS, P&D, Morse Diesel GMP, increased funding will be required. At this time, we suggest that we issue completion bonds later in the project. This should be done after the subcontracts have been awarded and we know how the project is advancing and possibly concurrent with funding the estimated \$8 million in furniture, fixtures, and equipment. This allows us to evaluate the sufficiency of the

contingency and other opportunities for savings during the course of construction.

Mr. Hartmann continued that staff also recommends execution of a contract incorporating the GMP and the concepts and conditions covered in the Huber/Morse Diesel Team Letter Agreement dated February 14, 1994.

Discussion

The Board discussed the issues and questioned staff and Mr. Lancelot about increased costs, market conditions, the competitive construction projects, and the original cost estimates. The Board examined the ramifications of delaying the project. Commissioner Donegan indicated he could not support the increased costs. Commissioners Johnson and Staley stated delay would cause prices to escalate.

County Chairman Chapin asserted she will support the project, but she plans to bring a menu of ideas to a worksession with the Huber, TDS, P&D, Morse Diesel construction manager to find mutually agreeable methods to cut construction costs in an effort to recoup the GMP increase of \$8.5 million.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Pignone, and Butler voting AYE by voice vote; Commissioner Donegan voting NO by voice vote; the Board approved Option #1, as outlined above, to adopt the Guaranteed Maximum Price (GMP), in the amount of \$124,961,847, calling for the issuance of completion bonds after subcontracts have been awarded, possibly concurrent with funding the estimated \$8 million in furniture, fixtures, and equipment; and authorizing execution of a contract incorporating the GMP and the Huber/Morse Diesel Team Letter Agreement; subject to the following conditions:

1. If for any reason the County's ability to proceed on the project is delayed so that the County cannot issue a Notice to Proceed within 30 days after the County's acceptance of the GMP, then the construction manager will agree to grant an additional 90-day period within which it will accept the County's Notice to Proceed.
2. In the event the County's Notice to Proceed is not issued within 30 days after the County's acceptance of the GMP, the construction manager will receive additional compensation at a rate of \$112,000 monthly, commencing as of the date the County accepts the GMP. Such additional compensation shall terminate upon the date the construction manager receives the County's Notice to Proceed.
3. During this additional period, the construction manager will operate under the following conditions:
 - a. The Courthouse Resource Center will remain open with its current staff of 11 and activity level, and such operations will be funded from the \$112,000 on a monthly-draw basis.

- b. The construction staff will be maintained to a level of seven (7) and will be funded from the additional \$112,000 on a monthly-draw basis.

The \$112,000 figure does not include the expenses being covered independently by the County for office leasing and utilities.

4. That under these terms the construction manager will hold to the GMP until June 15, 1994. However, if the Notice to Proceed is received after this date, the construction manager, if justified, may make a claim for adjustment under Article 7.5 of the contract.
5. That the Board of County Commissioners will meet with the Huber, TDS, P&D, Morse Diesel Construction Manager to find mutually agreeable methods to cut construction costs in an effort to recoup the GMP increase of \$8 million.

(Huber/Morse Diesel Team Letter of Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved waiving procedure to allow public comment during period for Board discussion only, regarding the above motion.

Fiscal and Human Resource Division

1. Approval to maintain the equipment financing team of: Senior Manager, Prudential Securities, Inc.; Co-Senior Manager, Pryor McClendon, Counts & Company; and Bond Counsel Ruden, Barnett, McCloskey, Smith, Schuster & Russell, and Perry & Arrington.

Staff Report

Fiscal and Human Resources Division Director Linda Tidwell summarized the request to maintain the team for equipment financings, originally planned to be accomplished through the issuance of Certificates of Participation (COPs). She explained the County now wishes to use an alternative plan for equipment financing; and since the Board approved the equipment financing team under a COPs plan, approval to maintain the team through the alternative plan is needed.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved maintaining the equipment financing team through an alternative plan as follows:

- Prudential Securities, Inc., senior manager;
- Pryor McClendon, Counts & Company, co-senior managers;
- Ruden, Barnett, McCloskey, Smith, Schuster & Russell and Perry & Arrington, bond counsel.

2. Approval of amendment extending Dealer Agreement with Morgan Stanley & Company, Inc., as the County's Agent dealer for commercial paper notes of the County, for a period not to exceed six (6) months, beginning March 1, 1994.

Staff Report

Fiscal and Human Resources Division Director Linda Tidwell explained that the County's commercial paper dealer, Morgan Stanley & Company, Inc., is under a contract that expires February 28, 1994. Ms. Tidwell continued that there are two bond financings in process, that interim financings are underway and that there is a need to advertise the RFP for the commercial paper dealer. She concluded, therefore, approval of an Amendment to Dealer Agreement is needed to grant time to finish these undertakings.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Amendment to Dealer Agreement with Morgan Stanley & Company, Inc., as the County's agent dealer for commercial paper notes of the County, for a period not to exceed six (6) months, beginning March 1, 1994.

3. Approval of one firm and two ranked alternates to enter into contract negotiations for engineering services for the stormwater retrofit drainage project for Bearhead Lake, Y4-806-MK ([Stormwater Management Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltsch requested the Board to select one firm and two ranked alternates for entering into contract negotiations for the stormwater retrofit drainage project for Bearhead Lake from the following short list:

- Dyer, Riddle, Mills & Precourt
- John B. Webb & Associates
- Professional Engineering Consultants

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioner Pignone voting NO by voice vote; the Board approved the following short list ranked as follows:

- #1 John B. Webb & Associates
- #2 Dyer, Riddle, Mills & Precourt

#3 Professional Engineering Consultants

and further, authorized staff to enter into contract negotiations for engineering services for the stormwater retrofit drainage project for Bearhead Lake.

COUNTY CONSENT AGENDA ITEM FOR DISCUSSION**Community Services & Housing Division**

Staff Report

County Administrator Jean Bennett requested that prior to approving the Consent Agenda, the Board consider a report concerning Community Services & Housing Division, Consent Agenda Item 1, regarding the Split Oak Forest, as follows:

1. Approval as follows regarding Split Oak Forest Mitigation Park, District 4 (Environmentally Sensitive Lands Acquisition Program):
 - (a) Approval and execution by County Chairman of Option Agreement for Sale and Purchase for the Split Oak Forest Mitigation Park among Kappa Investments, Inc.; Maury L. Carter and Pamela Lee Wray; Daryl M. Carter and Pamela Lee Wray; The Florida Communities Trust; Orange County, and Osceola County. *
 - (b) Approval and execution by County Chairman of Interagency Management Agreement among Orange County, Osceola County, and Florida Game and Freshwater Fish Commission establishing the mitigation administration and management responsibilities for the Split Oak Forest Mitigation Park.
 - (c) Approval and execution by County Chairman of resolution amending Resolution # 92-M-38 adding Split Oak Forest Mitigation Park to the list of properties eligible for commercial paper.
 - (d) Approval to schedule a public hearing by March 31, 1994, to consider whether to exercise the option to purchase.

Community Services and Housing Division Assistant to the Director Sherry Williams-Hooper outlined minor changes made by Osceola County to the Interagency Management Agreement among Orange County, Osceola County, and the Florida Game and Freshwater Fish Commission, shown as item (b) above, as follows:

- In Section 1 (A) the word "non FCT" has been added to some definitions which clarify the fact that the land that FCT is contributing the grant for cannot be sold.

- In Section 1 (C) a phrase, "each respective County, as appropriate, or to," has been added before "the Florida Communities Trust," to allow flexibility on how developers pay into the mitigation bank.

She concluded that staff recommends approval of these amendments.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board:

- approved the Option Agreement for Sale and Purchase for the Split Oak Forest Mitigation Park among Kappa Investments, Inc.; Maury L. Carter and Pamela Lee Wray; Daryl M. Carter and Pamela Lee Wray; The Florida Communities Trust; Orange County, and Osceola County; *
- approved the Interagency Management Agreement among Orange County, Osceola County, and the Florida Game and Freshwater Fish Commission, as amended;
- adopted a resolution amending Resolution #92-M-38 adding Split Oak Forest Mitigation Park to the list of properties eligible for commercial paper;
- approved scheduling a public hearing by March 31, 1994, to consider whether to exercise the option to purchase.

*Revised 4/28/94

(Agreements and Resolution #94-M-07 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY CONSENT AGENDA

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board removed Community Services and Housing Division Consent Agenda Item 1 for discussion; and further, approved the balance of the County Consent Agenda items as follows:

Comptroller

1. Approval to pay Clerk of the Court the amount of \$34,200 to fund payment of the year-end incentive for her personnel.
2. Receipt and filing of the Orange County Library District financial report for the fiscal year ended September 30, 1993.
3. Warrants and vouchers, having been certified that same had not been drawn on overexpended accounts:

Regular Board - Total: \$17,416,695.75

Regular Board - Total: 7,823,282.01

County Administrator

1. Approval of the requested amendments to the "Orange County Community Resource Investment Agreement" between Orange County, Florida, and Martin Marietta Technologies, Inc., and authorization for execution (Legal Department).

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval and authorization to record instruments: Lake Underhill Road, special warranty deed and partial releases of mortgages, District 4 (Real Estate Department).
2. Approval and authorization to record instruments and pay appropriate recording fees: Thamhall Way MSTU, deed and subordination of encumbrance, Parcel 101, District 4 (Real Estate Department).
3. Approval and execution by County Chairman to show acceptance of irrigation line easement and authorization to disburse warrant, record instrument, and pay appropriate recording fees: Williamsburg at Central Florida Parkway, irrigation line easement, Parcel 801, District 1 (Real Estate Department).
4. Approval and execution by County Chairman to show acceptance of irrigation line easement and authorization to disburse warrant, record instrument, and pay appropriate recording fees: Williamsburg at Central Florida Parkway, irrigation line easement, Parcel 805, District 1 (Real Estate Department).
5. Approval and execution by County Chairman to show acceptance of irrigation line easement and authorization to record instrument and pay appropriate recording fees: Williamsburg at Central Florida Parkway, irrigation line easement, Parcel 811, District 1 (Real Estate Department).
6. Approval and execution by County Chairman to show acceptance of notice of reservation and authorization to record instrument and pay appropriate recording fees: John Young Parkway (Sand Lake Road to I-4), Notice of Reservation, Parcel 102, District 6 (Real Estate Department).

Community Services & Housing Division

1. Approval as follows regarding Split Oak Forest Mitigation Park, District 4 (Environmentally Sensitive Lands Acquisition Program):
 - (a) Approval and execution by County Chairman of Option Agreement for Sale and Purchase for the Split Oak Forest Mitigation Park.

- (b) Approval and execution by County Chairman of Interagency Management Agreement among Orange County, Osceola County, and Florida Game and Freshwater Fish Commission establishing the mitigation administration and management responsibilities for the Split Oak Forest Mitigation Park.
- (c) Approval and execution by County Chairman of resolution amending Resolution #92-M-38 adding Split Oak Forest Mitigation Park to the list of properties eligible for commercial paper.
- (d) Approval to schedule a public hearing by March 31, 1994, to consider whether to exercise the option to purchase.

(As stated in the above motion, this item was removed from the Consent Agenda for discussion. See Pages 496 and 497.)

- 2. Approval and execution of adoption contracts between Orange County, Florida, and the Orlando Humane Society; and Orange County, Florida, and the Animal Welfare Foundation, Inc. (All Districts).

(Contracts are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
- 3. Approval and execution of a resolution certifying that the Bithlo affordable housing project is consistent with local plans and regulations, District 5.

(Resolution #94-M-05 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
- 4. Approval and execution of resolution for Valencia Woods Affordable Housing Subdivision authorizing the acceptance of Letters of Credit in lieu of payment for sewer capital charges, District 3.

(Resolution #94-S-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Fiscal and Human Resource Division

- 1. Award of Invitation for Bid Y4-143-RW to the three lowest responsive and responsible bidders, Mason Tractors, Orlando Ford New Holland, and Linder Industrial Machinery for a one-year term contract to purchase parts for farm/ construction equipment, \$300,000 estimated annual cost ([Fleet Management] Purchasing and Contracts Department).
- 2. Award of Invitation for Bid Y4-402-CI to the two low responsive and responsible bidders, Ringhaver Equipment Company (one wheel loader Y4-402A, \$184,820.64); and Neff Machinery, Inc., (two all-wheel-drive dump trucks Y4-402B, \$454,095.20), \$638,915.84 ([Resource Recovery Department] Purchasing and Contracts Department).

3. Award of Invitation for Bid Y4-606-HF to the low responsive and responsible bidder, Sikes Insurance Agency, for builders' risk coverage on construction of the new Courthouse, \$252,717 or \$84,239 per year ([Risk Management Department] Purchasing and Contracts Department).
4. Approval of a comprehensive wrap-up insurance program to cover the County and all contractors at the courthouse construction site, to include \$7,922,000 for worker's compensation and general liability with Aetna Life & Casualty; and \$435,000 for excess liability insurance through Lloyd's & Companies, through the County's broker, Johnson & Higgins, for a total of \$8,357,000 ([Risk Management Department] Purchasing and Contracts Department).
5. Approval of Change Order Number 1 to Contract Y4-713-NS, contaminated soil removal and disposal at the new Orange County Courthouse site to Transoil, Inc., \$396,678.36 ([Risk Management Department] Purchasing and Contracts Department).
6. Approval to enter into a formal contract Y4-807-MK with Universal/Law Mehta for materials and soils testing and threshold inspection services for the courthouse project in an amount not to exceed \$1,199,959 ([Construction Administration Department] Procurement Committee).
7. Approval and execution by the Chairman of the Arthropod Control Budget Amendment (OMB).
8. Approval of Budget Transfers #93-598, #93-599, and #94-158 through #94-163 (OMB).
(Budget Transfers #93-598, #93-599, and #94-158 through #94-163 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
9. Approval of Budget Amendments #94-29 and #94-30 (OMB).
(Budget Amendments #94-29 and #94-30 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
10. Approval of CIP Amendment #21-94 (OMB).
(CIP Amendment #21-94 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Health and Human Services Division

1. Receipt and filing of minutes of November 19, 1993, meeting of the Windermere Water and Navigation Control District Advisory Board, District 1 (Environmental Protection).
(Minutes are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Planning and Development Division

1. Approval to temporarily waive the driveway approach requirement as requested for Lots 1 and 3, Pine Ridge Hollow and accept \$1,282.50 in escrow, District 3 (Building Department).
2. Approval to temporarily waive the driveway approach requirement as requested for Lot 6, Hunters Creek, and accept \$703 in escrow, District 4 (Building Department).
3. Approval of fee waiver request for Lorrie Nassofer, District 1 (Zoning Department).

Public Works Division

1. Approval to issue Excavation Permit #94-E5-006, District 5.
2. Approval to install "Stop" and "Yield" signs:
 - a. Parkview Terrace Subdivision, a replat of Tract "E," "Parkview North," P.B. 27, Pages 50 and 51, District 1.
 - b. Waterford Lakes Subdivision, Tract N-25B, District 4.
3. Approval of resolutions to reduce the existing speed limit from 30 miles per hour to 25 miles per hour:
 - a. Condel Gardens and Watson Ranch Estates Subdivisions, District 4.
 - b. Lake Georgia Drive, District 5.

(Resolutions #94-M-03 and #94-M-04 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
4. Approval of Development Review Committee septic tank recommendations:
 - a. #DRC 94-09 - Douglas Pelich - District 1.
 - b. #DRC 94-10 - Douglas Pelich - District 1.
 - c. #DRC 94-08 - Stephen C. Cahill - District 3.

ADMINISTRATIVE SUPPORT DIVISION (CONTINUED)**ORANGE COUNTY LIBRARY DISTRICT GOVERNING BOARD**

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

7. Appointment of Darrell Julian to the Orange County Library Board of Trustees, as the City of Orlando's representative, for a term of appointment through December 31, 1995 (Agenda Development).

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with Chairman Chapin and all commissioners present and voting AYE by voice vote, the Orange County Library District Governing Board appointed Darrell Julian as the City of Orlando's representative to the Orange County Library Board of Trustees, for a term expiring December 31, 1995.

*Revised 4/28/94

RECONVENE AS BOARD OF COUNTY COMMISSIONERS

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

NONAGENDA - CITY OF ORLANDO HOUSING AUTHORITY

County Chairman Chapin noted she will provide Board members with copies of correspondence she has received regarding Orange County's appointment to the City of Orlando's Housing Authority. She explained that she will investigate this matter more closely, but it appears that the Housing Authority legislation does not call for an Orange County appointment. She further stated that persons who had served in this capacity in the past may have been doing so only on a "courtesy" basis.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Bill Donegan, and Mable Butler present. Commissioner Fran Pignone was absent. Also present were Deputy County Administrator Byron Brooks, Assistant County Attorney Joel Prinsell, Chief Deputy County Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Basil Savoy of the New Life Worship Center, followed by the Pledge of Allegiance to the Flag.

PUBLIC DISCUSSION

1. Presentation of Service Awards and pins to Pat DiVecchio, Acting Manager, Water Department, (20 years); Everett Latalian (20 years), and David A. Hall (20 years) of the Fire Department.

County Chairman Chapin presented 20-year service awards and pins to Pat DiVecchio, Acting Manager, Water Department; Everett Latalian, Fire Department; and David A. Hall, Fire Department.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF FEBRUARY 3, 1994

Zoning Department Manager Melvin Pittman presented the recommendations of the Orange County Board of Zoning Adjustment under the date of February 3, 1994.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of February 3, 1994, subject to the usual right of appeal by any aggrieved parties.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: RANDAL L. REX; PETITION TO VACATE #93-38, A 15-FOOT BY 528-FOOT PORTION OF A 15-FOOT DRAINAGE EASEMENT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 15-foot by 528-foot portion of a 15-foot drainage easement in Orange County, Florida, described as follows:

A 15-foot wide drainage easement under and upon the N 1/2 of the SW 1/4 of the NE 1/4 of Section 26, Township 21 South, Range 29 East, Orange County, Florida, lying within 7.50 feet left and 7.50 feet right of the following described center line: Begin 2,184 feet N 00°00'00" E of the southwest corner of the NW 1/4 of the SE 1/4 of said Section 26, run thence north 88°58'40" east for 408.60 feet; thence south 58°27'00" east for 120.00 feet to a point in Lake Love. This easement and right-of-way is recorded in Official Record Book 1256, Page 30.

Staff Report

Public Works Division Director George Cole reviewed the request and the recommendation for approval of the petition to vacate as submitted, subject to conditions.

Appearances

No one appeared in favor of or in opposition to the vacation.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board adopted a resolution vacating that certain 15-foot by 528-foot portion of a 15-foot drainage easement as described above, subject to the following conditions:

1. The existing drainage system being relocated.
2. The alternate easement being dedicated.

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NOTE: THE FOLLOWING FOUR PUBLIC HEARINGS WERE CONSIDERED TOGETHER, FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGE .

MSTU/BU PUBLIC HEARING - ESTABLISH SUNCREST UNIT SIX MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights and retention pond(s) maintenance at Suncrest Unit Six Subdivision on the following described property:

Subdivision Name: Suncrest Unit Six, Plat Book 32, Pages 5 through 7, Section 5, Township 22, Range 31, Lots 1 through 102, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$50 and an annual cost per lot of \$27 for retention pond maintenance.

(For the appearances, discussion, and motion see page .)

MSTU/BU PUBLIC HEARING - ESTABLISH WESTEN REPLAT MSTU/BU, STREET LIGHTS, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights at the Westen Replat Subdivision on the following described property:

Subdivision Name: Westen Replat, Plat Book 32, Page 26, Section 16, Township 21, Range 28, Lots 1 through 5, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$50.

(For the appearances, discussion, and motion see page .)

MSTU/BU PUBLIC HEARING - ESTABLISH VILLAGES AT EASTWOOD MSTU/BU, STREET LIGHTS, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights at Villages at Eastwood Subdivision on the following described property:

Subdivision Name: Villages at Eastwood, Plat Book 31, Pages 125 through 128, Section 35, Township 22, Range 31, Lots 1 through 200, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$75.

(For the appearances, discussion, and motion see page .)

MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 220 MSTU/BU, STREET LIGHTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights at Hunter's Creek Tract 220 Subdivision on the following described property:

Subdivision Name: Hunter's Creek Tract 220, Plat Book 31, Page 148, Section 32, Township 24, Range 29, Lots 1 through 24, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$129.

Appearances

No one appeared in favor of or in opposition to the requested MSTU/BUs.

Discussion

County Chairman Chapin closed the public hearings and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board adopted resolutions establishing the following

MSTU/BUS:

- Suncrest Unit Six Subdivision - annual cost per lot for street lights \$50; retention pond(s) maintenance \$27.
- Westen Replat Subdivision - annual cost per lot for street lights \$50.
- Villages at Eastwood Subdivision - annual cost per lot for street lights \$75.
- Hunter's Creek Tract 22 Subdivision - annual cost per lot for street lights \$129.

(Resolutions are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

MSTU/BU PUBLIC HEARING - AMEND GRACELAND MSTU/BU, STREET LIGHTS, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an established special purpose taxing district for street lights at Graceland Subdivision on the following described property:

Subdivision Name: Graceland, Plat Book 9, Page 107, Section 02, Township 22, Range 28, Lots 1 through 40, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$38.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board adopted a resolution amending an established MSTU/BU for Graceland Subdivision at an annual cost per lot for street lights of \$38.

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NOTE: THE FOLLOWING THREE PUBLIC HEARINGS WERE CONSIDERED TOGETHER, FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGE .

MSTU/BU PUBLIC HEARING - ESTABLISH KELLY PARK HILLS SOUTH PHASE ONE MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DIST. 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights and retention pond(s) maintenance at Kelly Park Hills South Phase One Subdivision on the following described property:

Subdivision Name: Kelly Park Hills South Phase One, Plat Book 31, Page 32, Section 17, Township 20, Range 28, Lots 1 through 35, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$52 and an annual cost per lot of \$54 for retention pond maintenance.

(For the appearances, discussion, and motion see page .)

MSTU/BU PUBLIC HEARING - ESTABLISH SADDLEBROOK A REPLAT MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights and retention pond(s) maintenance at Saddlebrook A Replat Subdivision on the following described property:

Subdivision Name: Saddlebrook A Replat, Plat Book 32, Pages 30, 31, 32, 33, 34, 35, and 36, Section 28 and 29, Township 22, Range 28, Lots 1 through 192, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$50 and an annual cost per lot of \$54 for retention pond maintenance.

(For the appearances, discussion, and motion see page .)

MSTU/BU PUBLIC HEARING - ESTABLISH FLOWERS POINTE PHASE ONE MSTU/ BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights and retention pond(s) maintenance at Flowers Pointe Phase One Subdivision on the following described property:

Subdivision Name: Flowers Pointe Phase One, Plat Book 31, Page 117, Section 20, Township 22, Range 31, Lots 1 through 9, Public Records of Orange County, Florida.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$74 and an annual cost per lot of \$54 for retention pond maintenance.

Appearances

No one appeared in favor of or in opposition to the requested MSTU/BUs.

Discussion

County Chairman Chapin closed the public hearings and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board adopted resolutions establishing the following MSTU/BUs:

- Kelly Park Hills South Phase One Subdivision - annual cost per lot for street lights \$52; retention pond(s) maintenance \$54.
- Saddlebrook A Replat Subdivision - annual cost per lot for street lights \$50; retention pond(s) maintenance \$54.
- Flowers Pointe Phase One Subdivision - annual cost per lot for street lights \$74; retention pond(s) maintenance \$54.

(Resolutions are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**MSTU/BU PUBLIC HEARING - ESTABLISH ORANGEWOOD BOULEVARD/ WILLIAMSBURG DRIVE AREA
MSTU/BU, STREET LIGHTS, DISTRICT(S) 1 AND 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for street lights for the Orangewood Boulevard/ Williamsburg Drive area on the following described property:

Subdivision Names and Parcels, Plat Book and Pages: See Tables A and B below; Sections 07, 08, 17, and 18; Township 24; Range 29; Lot(s): See Tables A and B; Public Records of Orange County, Florida.

Table "A"

Subdivision Name

Deer Creek Village Section 1

Deer Creek Village Section 2

Deer Creek Village Section 3

Deer Creek Village Section 4

Deer Creek Village Section 5

Deer Creek Village Section 6

Parkview North

Parkview Pointe Section 1

Parkview Pointe Section 1 Replat

Parkview Pointe Section 2

Somerset Village

Williamsburg Downs Shopping Center

Plat Book/Page

9 / 17

19 / 65

19 / 114

22 / 108

23 / 110

31 / 77

27 / 50

22 / 79

23 / 86

23 / 136

13 / 30

30 / 18

Lot Numbers

1 to 25

26 to 89

90 to 197

198 to 314

315 to 423

1 to 130

1 to 178

1 to 78

1 to 36

115 to 300

1 to 401

1

Table "B"

Parcel ID Number

Legal Description

07-24-29-5844-01-230

Munger Land Company E/3 7 22 and 23 from SW cor. of SE 1/4 of Section 7-24-29 run E 1250.3 ft. NLY along a curve 272.01 ft. N 5° W 123.34 ft. to POB run th. N 5° W 225 ft. S 78° W 193 ft. S 5° E 225 ft. N 78° E 193 ft. to POB 3433/641

- 08-24-29-0000-00-007 From SE cor. of Orangewood Blvd. per plat of Lk. Ridge Vlg. 10/73-75 run S 4° E 111.6 ft. for a POB th. NELY along curve 511.84 ft. N 68° E 355.46 ft. NELY along curve 1415.12 ft. E 564.87 ft. S 509.91 ft. S 55° W 2124.41 ft. N 85° W 373 ft. N 59° W 483 ft. S 75° W 111.26 ft. NLY along curve 454.57 ft. N 4° W 455.48 ft. to POB (Less rd. r/w on N) (Less part deeded in 3754/2087 in 8-24-29 SW 1/4) and (Less proposed plat of Waterview Townhomes Sec. 1 PB 28/76) 3209/2353
- 18-24-29-0000-00-001 Beg. at SE cor. of SW 1/4 of SE 1/4 run W 1370.93 ft. W 413.23 ft. N 160 ft. E 183.8 ft. N 931.34 ft. N 44° E 325.66 ft. E 1369.21 ft. S 1323.62 ft. to POB OR B and P 4465/0866, on 9-23-92, Inst. wd.
- 18-24-29-0000-00-005 That pt. of N 1/2 of sec. desc. in OR 3415/2716 thru 2720 (Less that pt. desc. in OR 3460/1191 thru 1194 and in OR 3577/2337 and less part platted in PB 22-79 and less Parkview North PB 27/50) 3832/208
- 18-24-29-0000-00-007 That pt. of N 1/2 of Sec. desc. in OR 3460/1191 thru 1194 (less beg. at int. of S r/w in Central Florida Parkway and E r/w ln. International Drive in SW 1/4 of sec. 7-24-29 run N 73° E 119.97 ft. ELY 44 ft. S 16° E 196.05 ft. SLY 26.73 ft. S 51.91 ft. W 252.99 ft. NLY 95 ft. N 68.18 ft. NELY 63.74 ft. to POB) 3962/3276 3962/3280

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$23.

Appearances

No one appeared in favor of or in opposition to the requested MSTU/BU.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board adopted a resolution

establishing an MSTU/BU for the Orangewood Boulevard/Williamsburg Drive area at an annual cost per lot for street lights of \$23.

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PUBLIC HEARING - INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS

Notice was given that the Board of County Commissioners would hold a public hearing to consider the adoption of a resolution declaring the Board's intent to use the uniform method for collection of non-ad valorem assessments levied by the Orange County Board of County Commissioners as set forth in Section 197.3632, Florida Statutes, on the following described properties:

Subdivision Name

Azalea Park Replat
Azalea Park Sec. 2
Azalea Park Sec. 3
Azalea Park Sec. 13

Bay Hill Sec. 1
Bay Hill Sec. 1A
Bay Hill Sec. 1B
Bay Hill Sec. 1C
Bay Hill Sec. 2
Bay Hill Sec. 3
Bay Hill Sec. 4
Bay Hill Sec. 5
Bay Hill Sec. 5A
Bay Hill Sec. 5B
Bay Hill Sec. 5B Replat
Bay Hill Sec. 6
Bay Hill Sec. 7
Bay Hill Sec. 8
Bay Hill Sec. 9
Bay Hill Sec. 9 Replat
Bay Hill Sec. 10
Bay Hill Sec. 11
Bay Hill Sec. 12
Bay Hill Sec. 12A
Bay Hill Sec. 13
Bay Hill Sec. 13A

Bay Cove Estates
Bayview
Orange Hill

Citrus Oaks Phase 3
Citrus Oaks Phase 4

Country Lakes

Diamond Cove Unit 1 A

Flowers Pointe Phase 1

Forrest Park Unit 1
Forrest Park Unit 2
Forrest Park Unit 3
Forrest Park Unit 4
Forrest Park Unit 5
Forrest Park Unit 6
Forrest Park Unit 7

Foxborough 2nd Addition
Foxborough 3rd Addition

Fernway - Gigel Avenue

Graceland

Greenbriar
Greenbriar Unit 2
Greenbriar Unit 3
Greenbriar Unit 4
Greenbriar Unit 6
Greenfield Manor

Hiawassee Oaks Unit 4B

Hunter's Creek Tract 220

Interlake Park

Island Cove Villas Phase 2

Island Cove Villas Phase 3

Kelly Park Hills South

Phase 1

Keene Castle - East

Fillmore Avenue

Lake Barton Shores

Section 1

Jamajo Replat

Lake Cane Villa

Lakewood at Meadow Woods

Meadow Woods Planned

Development

Meadow Woods Village 1

Meadow Woods Village 2

Meadow Woods Village 3

Meadow Woods Village 4

Meadow Woods Village 5

Meadow Woods Village 5A

Meadow Woods Village 6 and

Replat

Meadow Woods Village 7 P1

Meadow Woods Village 7 P2

Meadow Woods Village 8

Meadow Woods Village 9 P1

Meadow Woods Village 9 P2

Meadow Woods Village 10

Club Courts @ MW P1

Club Courts @ MW P2

Creekside Villas @ MW

Fairway Townhomes @ MW Replat

Forest Ridge

Golfview Villas @ MW

Greenwood Village @ MW

Island Cove Villas P1

Island Cove Villas P2

Island Cove Villas P3

Lakewood @ MW

Meadow Woods Commercial Ctr.

Park Place @ MW

Parkside Villas @ MW

Spring Lake

Willowbrook P1

Willowbrook P2

Meadow Woods Village 4 & 5
Meadow Woods Village 4
Meadow Woods Village 5

Mills Road

Normandy Shores 1st Section
Normandy Shores 2nd Section

Olympia Heights Annex

Orangewood Boulevard/
Williamsburg Drive Area

Deer Creek Village Section 1

Deer Creek Village Section 2
Deer Creek Village Section 3

Deer Creek Village Section 4
Deer Creek Village Section 5
Deer Creek Village Section 6

Munger Land Company

Parkview North
Parkview Pointe Section 1
Parkview Pointe Section 1
Replat
Parkview Pointe Section 2

Somerset Village

Williamsburg Downs Shop Ctr

Orlando Acres 1st Addition

Orlando Central Park

OCP No 31 & 54

OCP No 13

OCP No 23 & 27

OCP No 30 & 33

Prosper Colony

OCP No 1 & 2

OCP No 2A & 3

OCP No 3A & 4

OCP No 4A & 5

OCP No 6 & 7

OCP No 8 & 9

OCP No 10 & 11

OCP No 12 & 16

OCP No 17 & 18

OCP No 19 & 20

OCP No 39 & 40

OCP No 14 & 21

OCP No 22 & 24

OCP No 25 & 26

OCP No 28 & 29

OCP No 34 & 36

OCP No 42 & 43

OCP No 44 & 46

OCP No 51 & 52

OCP No 55 & 58

OCP No 59

Crownpointe Commerce Park P1
S Park Unit 4
OCP No 32 & 38
OCP No 41 & 45
OCP No 48 & 49
OCP No 50
Prosper Colony

S Park Unit 1

S Park Unit 3
OCP No 56 & 56A
OCP No 60 & 61
OCP No 61A & 62

Orlo Vista District #1
Avondale Addition
Fan San Manor
Orlo Vista Terrace
Orlo Vista Terrace Annex
San Susan

Orlo Vista District #2
Avondale
Crescent Heights

Crescent Heights 1st Addition

Orlo Vista District #3
Orlo Vista Addition

Plaza International
Plaza Int'l. Unit 1 & 1A
Plaza Int'l. Unit 2
Plaza Int'l. Unit 3
Plaza Int'l. Unit 5
Plaza Int'l. Unit 6

Plaza Int'l. Unit 7
Plaza Int'l. Unit 8
Plaza Int'l. Unit 9
Plaza Int'l. Unit 10
Plaza Int'l. Unit 11
Plaza Int'l. Unit 12

Republic and International
Drive at Sand Lake Road

Riversbend Unit 1

Rose Isle Section 1
Rose Isle Section 2
Rose Isle Section 3
Rose Isle Section 6
Rose Isle Section 7
Rose Isle Section 8
Rose Isle Section 9

Saddlebrook A Replat

Somerset Village

Southchase 1A
Parcel 5 Phase 2

Southern Acres

Suncrest Unit 6

Thamhall Way

Village/Curry Ford Woods
Unit 1
Village/Curry Ford Woods
Unit 2
Village/Curry Ford Woods
Unit 3

Villages at Eastwood

Waterford Tract N-25B

Watermill Cove
Watermill Section 2
Watermill Section 3
Watermill Section 4
Watermill Section 6

Westen Replat

Whispering Pines Estates -
Doncaster Road
Whispering Pines Estates 1st
Addition - Doncaster Road

Windermere Wylde

Winter Park Pines
Winter Park Pines Unit 1
Winter Park Pines Unit 1
Replat
Winter Park Pines Unit 2

Winter Park Pines Unit 3
Winter Park Pines Unit 4
Winter Park Pines Unit 5
Winter Park Pines Unit 6
Winter Park Pines Unit 7
Winter Park Pines Unit 8
Winter Park Pines Unit 9
Winter Park Pines Unit 10
Winter Park Pines Unit 11
Winter Park Pines Unit 12
Winter Park Pines Unit 13
Winter Park Pines Unit 14
Winter Park Pines Unit 15
Winter Park Pines Unit 16
Winter Park Pines Unit 16 1st
Addition
Winter Park Pines Unit 17
Eden Acres

Winter Park Estates Section 3

MSTU Type

Street Lights

Amend Street
Lights MSTU

Retention Pond

Amend Street Lights MSTU

Retention and
Street Lights

Retention and
Street Lights

Amend Street
Lights MSTU

Amend Street
Lights MSTU

Road Paving

Amend Street Lights MSTU

Street Lights

Retention and
Street Lights

Street Lights

Street Lights

Meadow Woods
Master Street
Lights

Retention and
Street Lights

Road Paving

Amend Street
Lights MSTU

Amend Street
Lights MSTU

Amend Street
Lights MSTU

Meadow Woods
Master Street
Lights

Amend Street Lights MSTU

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Road Paving

Street Lights

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Street Lights

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Amend Street Lights MSTU

Retention and
Street Lights

Street Lights

Retention and Street Lights

Amend Street Lights MSTU

Retention and
Street Lights

Retention and
Street Lights

Street Lights

Road Grading

Amend Street Lights MSTU

Street Lights

Street Lights

Common Area
Maintenance

Street Lights

Road Paving

Amend Street Lights MSTU

Common Area
Maintenance

Common Area Maintenance

Sec./Twp.

Range

27-22-30

21, 22, 27 & 28-23-28

27-23-28

28-23-28

28-22-28

03 & 34-22 & 23-27

10-24-28

20-22-31

07 & 18-22-29

35-20-28

07-23-30

02-22-28

07-23-30

02-22-28

32-24-29

01-23-29

36-24-29

17-20-28

24-23-29

21-22-30

21-22-30

13-23-28

25, 30, 31, & 36-24-29 & 30

24-24-29

24 & 25-24-29
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31 & 36-24-29 & 30

24-24-29

36-24-29

25, 30, 31 & 36-24-29 & 30

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31 & 36-24-29 & 30

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10-22-30

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11-22-29

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18-24-29

07-24-29

18-24-29

17-24-29

07-24-29

08-24-29

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17-22-31

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32-23-29
33-23-29

03-24-29

04-24-29

25 & 30-22-28 & 29

25-22-28

30-22-29

25-22-28

25-22-28

01-24-28

36-23-28

01-24-28

36-23-28

01-24-28

36-23-28

6-24-29

36-23-28

04-22-31

13-22-29

28 & 29-22-28

17-24-29

22-24-29

14-23-27

05-22-31

24-22-31

25-22-31

11-23-30

35-22-31

26-22-31

06-22-31

16-21-28

28-21-29

10-23-28

04-22-30

09-22-30

03-22-30

09-22-30

10-22-30

09-22-30

10-22-30

03-22-30

04-22-30

Staff Report

MSTU Supervisor Elizabeth Godwin reported this public hearing concerns Orange County's Notice of Intent to adopt a resolution to use the uniform ad valorem method of collection of non-ad valorem assessments for properties not yet scheduled for public hearings. She continued that the purpose of this hearing is to assure that if the MSTU/BUs are approved individually at separate public hearings it will be possible to include them with the November 1994 tax bills and allow service to begin. Ms. Godwin concluded that this resolution concerns only

the means by which assessments imposed by the MSTU/BUs will be collected; the assessments themselves would be imposed only at a second public hearing held prior to June 1, 1994, to establish and/or amend the MSTU/BUs.

Appearances

No one appeared in favor of or in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board adopted a resolution authorizing the Orange County Board of County Commissioners to use the uniform ad valorem method for collection of non-ad valorem assessments levied by the Orange County Board of County Commissioners as set forth in Section 197.3632, Florida Statutes, on the above-described properties.

(Property Plat Book Numbers, Page Numbers, and Boundaries are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ORANGE LAKE COUNTRY CLUB PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Orange Lake Country Club Preliminary Subdivision Plan on the following described property:

That part of Section 33, Township 24 South, Range 27 East, Orange County, Florida, being described as follows: Commence at the southwest corner of said Section 33 for a point of reference; thence run S89°45'26"E, along the south line of Section 33, 1319.07 feet; thence departing said south line run N00°13'53"W, 125.00 feet to the north right-of-way line of U.S. 192 for the point of beginning; thence run N00°13'53"W, 1202.12 feet; thence run S89°59'43"E, 860.09 feet to the west line of a 60-foot wide strip of land; thence run S00°04'47"E, along said west line, 20.40 feet to a curve concave to the east; thence run southerly along said curve having a central angle of 86°37'13", a radius of 180.00, an arc length of 272.13 feet, a chord bearing of S43°23'23"E and a chord distance of 246.94 feet; thence run S86°42'00"E, 131.49 feet to a curve concave to the west; thence run southerly along said curve having a central angle of 153°31'14", a radius of 120.00, an arc

length of 321.53 feet, a chord bearing of S09°56'23"E and a chord distance of 233.62 feet; thence run S66°49'14"W, 363.88 feet to a curve concave to the south; thence run southwesterly along said curve having a central angle of 22°39'41", a radius of 305.00, an arc length of 120.63 feet, a chord bearing of S55°29'24"W and a chord distance of 119.85 feet; thence run S44°09'33"W, 193.42 feet to a curve concave to the east; thence run southerly along said curve having a central angle of 77°15'18", a radius of 180.00, an arc length of 242.70 feet, a chord bearing of S05°31'54"W and a chord distance of 224.73 feet; thence run S33°05'45"E, 37.20 feet to a curve concave to the west; thence run southerly along said curve having a central angle of 33°19'54", a radius of 120.00, an arc length of 69.81 feet, a chord bearing of S16°25'48"E and a chord distance of 68.83 feet; thence run S00°14'09"W, 121.48 feet, to the aforesaid north right-of-way line (hereinafter referred to as point "A"); thence run N89°45'26"W, along said right-of-way line, 377.13 feet; thence run N00°14'34"E, 25.00 feet; thence run N89°45'26"W, 269.09 feet to the point of beginning.

Together with:

Commence at aforesaid point "A" for a point of reference; thence run S89°45'26"E, along aforesaid north right-of-way line, 60.00 feet to the east line of the aforesaid 60-foot wide strip of land for the point of beginning; thence run N00°14'09"E, along said east line, 121.49 feet to a curve concave to the west; thence run northerly along said curve having a central angle of 33°19'54", a radius of 180.00, an arc length of 104.71 feet, a chord bearing of N16°25'48"W and a chord distance of 103.24 feet; thence run N33°05'45"W, 37.20 feet to a curve concave to the east; thence run northerly along said curve having a central angle of 77°15'18", a radius of 120.00, an arc length of 161.80 feet, a chord bearing of N05°31'54"E and a chord distance of 149.82 feet; thence run N44°09'33"E, 193.42 feet to a curve concave to the south; thence run northeasterly along said curve having a central angle of 22°39'41", a radius of 245.00, an arc length of 96.90 feet, a chord bearing of N55°29'23"E and a chord distance of 96.27 feet; thence run N66°49'14"E, 363.88 feet to a curve concave to the west; thence run northerly along said curve having a central angle of 153°31'14", a radius of 180.00, an arc length of 482.30 feet, a chord bearing of N09°56'23"W and a chord distance of 350.43 feet; thence run N86°42'00"W, 131.49 feet to a curve concave to the east; thence run northerly along said curve having a central angle of 86°37'13", a radius of 120.00, an arc length of 181.42 feet, a chord bearing of N43°23'23"W and a chord distance of 164.63 feet; thence run N00°04'47"W, 20.32 feet; thence run S89°59'43"E, 401.00 feet; thence run N00°08'36"W, 341.25 feet; thence run N89°51'10"E, 524.32 feet to a curve concave to the north; thence run easterly along said curve having a central angle of 26°18'50", a radius of 500.35 an arc length of 229.79 feet, a chord bearing of S52°50'18"E and a chord distance of 227.78 feet; thence run S67°58'09"E, 154.04 feet; thence run N81°43'29"E, 177.03 feet; thence run N89°51'15"E, 303.17 feet; thence run S00°08'48"E, 1397.10 feet, to the aforesaid north right-of-way line; thence run S89°36'45"W, along said north

line, 178.11 feet; thence run N00°23'15"W, 20.00 feet; thence run S89°36'45"W, 800.00 feet; thence run S00°23'15"E, 20.00 feet; thence run S89°36'45"W, 163.98 feet to a curve concave to the north; thence run westerly along said curve having a central angle of 00°37'48", a radius of 33,543.05, an arc length of 368.90 feet, a chord bearing of S89°55'40"W and a chord distance of 368.89 feet; thence run N89°45'26"W, 428.89 feet to the point of beginning. The above described parcel of land contains 79.175 acres more or less.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

The following person addressed the Board in favor of the plan:

- Scott Henderson; Henderson Planning Group, Inc.; 15 South Orange Avenue, Orlando, Florida; for the applicant.

The following persons addressed the Board with general comments:

- Roger Fallon, 5701 Collins Avenue, Miami Beach, Florida; representing adjacent property owners.
- R. P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, Florida.

No one appeared in opposition to the plan.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion. Mr. Cole suggested the hearing be continued to allow staff time to consider concerns touched on by the adjacent property owners' representative.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board continued the public hearing to consider the Orange Lake Country Club Preliminary Subdivision Plan until March 8, 1994, at 1:35 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - LONG LAKE HILLS PRELIMINARY SUBDIVISION, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Long Lake Hills Preliminary Subdivision Plan on the following described property:

A parcel of land being that portion of the southeast quarter of the southwest quarter of Section 36, Township 21 South, Range 28 East, lying north of the northerly right-of-way line of Clarcona-Ocoee Road, being more particularly described as follows:

Commence at the southeast corner of said southwest quarter for a point of reference; thence run north $00^{\circ}03'50''$ west, along the east line of said southeast quarter of the southwest quarter, 233.71 feet to the point of intersection with the aforesaid northerly right-of-way line; thence, along said northerly right-of-way line, run the following courses: Thence run north $57^{\circ}10'35''$ west, 18.71 feet; thence run south $32^{\circ}49'25''$ west, 5.00 feet; thence run north $57^{\circ}10'35''$ west, 601.91 feet thence run north $49^{\circ}38'20''$ west, 99.10 feet to a point lying on a nontangent curve concave southwesterly; thence run northwesterly along said curve, having a radius length of 1068.00 feet, a central angle of $17^{\circ}37'27''$, an arc length of 328.52 feet, a chord length of 327.22 feet and a chord bearing of north $65^{\circ}59'18''$ west; thence, radial to said curve run south $15^{\circ}11'58''$ west, 11.00 feet; thence run north $74^{\circ}48'02''$ west, 435.65 feet to the point of intersection with the west line of aforesaid southeast quarter of the southwest quarter; thence departing said northerly right-of-way line, run north $00^{\circ}00'00''$ west, along said west line, 526.62 feet to the northwest corner of said southeast quarter of the southwest quarter; thence run north $89^{\circ}55'52''$ east, along the north line of said southeast quarter of the southwest quarter, 1320.66 feet to the northeast corner of said southeast quarter of the southwest quarter; thence run south $00^{\circ}03'50''$ east, along the aforesaid east line of the southeast quarter of the southwest quarter, 1161.35 feet to the point of beginning. The above described parcel of land lies in Orange County, Florida, and contains 23.772 acres, more or less.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

The following person addressed the Board in favor of the plan:

- John Herbert; American Civil Engineering Company; 207 North Moss Road, Winter Springs, Florida; for the developer.

No one appeared in opposition to the plan.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Pignone was absent; the Board approved the Long Lake Hills Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Long Lake Hills Preliminary Subdivision Plan dated, "Received December 10, 1993," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
This Preliminary Subdivision Plan approval automatically expires on February 15, 1995, in accordance with Orange County Subdivision Regulations, as amended.
2. Prior to construction plan submittal a geotechnical report will be submitted to determine if stormwater facilities will be designed for recharge.
3. Sanitary force main will be constructed by bore and jacking Clarcona Ocoee Road.
4. All perimeter lots shall be graded to avoid any adverse impact to the adjacent properties.
5. Restripe Clarcona Ocoee Road at its intersection with Street "A" to provide for left turns into the project.
6. Prior to construction plan approval, a Conservation Area Determination for the site shall be completed. This determination may result in a reduction or reconfiguration of the project. If mitigation is required, the mitigation plan shall be submitted and approved by the Planning Department prior to construction plan approval.
7. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
8. Prior to construction plan approval, the size, location, and points of connection for water mains, sewer mains, and force mains shall be determined.

PLANNING AND ZONING APPEAL - APPELLANT/APPLICANT: DAVID KERBEN, "HERMAN BUILDING, INC.," PLANNING AND ZONING #6, JANUARY 20, 1994, DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider the action of the Orange County Planning and Zoning Commission under the date of January 20, 1994, Hearing #6, on the application of David Kerben, "Herman Building, Inc.," for a change in zoning classification from R-1A to R-3, on the following described property:

Lot 21, Block "E," Jamajo Subdivision, as recorded in Plat Book "J," Page 88, of the Public Records of Orange County, Florida; which is located on the east side of Jamajo Boulevard, 1/4 mile north of East Colonial Drive (NW 1/4 of SW 1/4 21-22-30 Tract Size: 50 feet x 135 feet, District 3).

Staff Report

Planning and Development Division Director Bruce McClendon located and described the subject property, identified the surrounding zoning classifications, and noted that the Planning and Zoning Commission recommended denial of the request.

A court reporter, Patricia Finazzo; Abby McClain's Reporting Service, 141 North Magnolia Avenue, Orlando, Florida; was present. Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

The following persons addressed the Board in favor of the request:

- Claramargaret Groover, Esquire; Page Williams and Groover, P.A.; 200 South Orange Avenue, Orlando, Florida; for the appellant/applicant.
- Tammy Sobieski-Joy; owner of Women's Health Center, 1030 Herman Avenue, Orlando, Florida.
- James McCabe, McCabe Architects and Consultants, Inc. (no address given), for the appellant/applicant.

The following persons addressed the Board in opposition to the request:

- Marvin Rooks, Esquire; 147 West Lyman Avenue, Winter Park, Florida; for Jamajo Boulevard residents.
- Maria Laigut, 1202 Sassoon Street, Orlando, Florida.
- William Linde, 1031 Herman Avenue, Orlando, Florida.
- Brian Gilmartin, 1031 Jamajo Boulevard, Orlando, Florida.

- Steve Forman, 4408 Rixey Street, Orlando, Florida.
- Alan Olin, regional director, Rescue America (no address given).

County Chairman Chapin accepted the following exhibits from Claramargaret Groover, Esquire:

- Clerk's Exhibit #1, Tabbed booklet entitled David Kerben's, individually and as Trustee for Herman Building, Inc., Request for Re-Zoning and a Special Exception for Use of Lot 21, Jamajo Boulevard.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, and Donegan voting AYE by voice vote; Commissioner Butler voting NO by voice vote; Commissioner Pignone was absent; the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by David Kerben, "Herman Building, Inc.," for a change in zoning classification from R-1A to R-3 on the above-described property.

Commissioner Staley left the meeting.

County Attorney Tom Wilkes entered the meeting.

ORDINANCE PUBLIC HEARING - IMPOSING MORATORIUM ON THE PERMITTING, ESTABLISHMENT, AND CONSTRUCTION OF TICKET BOOTHS IN THE TOURIST DISTRICT FOR A PERIOD NOT TO EXCEED SIX MONTHS (2ND HEARING)

Notice was given that the Board of County Commissioners would hold the second of two public hearings after 5 p.m. to consider the following proposed ordinance:

AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; IMPOSING A MORATORIUM ON THE PERMITTING, ESTABLISHMENT AND CONSTRUCTION OF TICKET BOOTHS IN THE TOURISM DISTRICT FOR A PERIOD NOT TO EXCEED SIX MONTHS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Joel Prinsell stated that this is the second of two public hearings for the proposed ordinance. Mr. Prinsell reviewed the proposed ordinance and outlined the proposed amendments which add a Section 2 entitled

"Ticket Booth Defined," and change "Section 2. Effective Date" to "Section 3. Effective Date."

Mr. Prinsell announced a special public worksession for all interested parties on March 3, 1994, from 6 to 8 p.m., where there will be dialogue concerning standards, establishment, and permitting of new ticket booths.

Appearances

The following persons addressed the Board in favor of the request:

- Maria Triscari, executive director; Florida Center Chamber of Commerce; P.O. Box 690055, Orlando, Florida.
- Philip Wright, Central Florida Hotel and Motel Association, Inc., 7208 Sand Lake Road, Orlando, Florida.
- G. Tooley, 9000 International Drive, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Pignone and Staley were absent, the Board adopted an ordinance imposing a moratorium on ticket booths in the tourism area for a period not to exceed six months.

(Ordinance #94-5 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:20 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator