

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 29, 1994. County Chairman Linda Chapin, Commissioners Tom Staley, Mary Johnson, Fran Pignone, Bill Donegan, and Mable Butler were present. Commissioner Freeman entered 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 - RESULTS OF PROPETS PROGRAM IN ANIMAL SERVICES**

Animal Services Department Manager Georgette Thornton reviewed the ProPets (Partnership for Responsible Ownership of Pets) program, a partnership among the Central Florida Veterinary Medical Association, Orange County's Animal Services, and the marketing firm of Chesler, Garvie & Daniels. Ms. Thornton noted the success of the program relating that, in only four months, the "Just Fix It" program has reduced cat euthanasias by over 4,000 at a cost less than \$15,000.

**Commissioner Freeman entered the meeting.**

Dr. Robert Hicks, D.V.M., addressed the Board and stated that 90 percent of the private area veterinary clinics participate in the program. Dr. Hicks reported that Chesler, Garvie & Daniels and the University of Central Florida found in their household survey that lower-income households have more pets and have less understanding of the benefits of neutering/spaying. These results suggest, he concluded, that education on pet selection and maintenance will have significant payoffs.

Linda Garvie, of Chesler, Garvie & Daniels, addressed the Board and described the marketing efforts of ProPets to raise funds from private firms, secure free advertising, and write and distribute brochures to families eligible for neutering/spaying service vouchers.

Ms. Thornton noted that ProPets has received national attention; and, in accordance with the recommendation of the Animal Services Advisory Board, she requested the Board extend the program until December 1994.

Martha Lentz, director of the Orange County Humane Society, addressed the Board and informed the Board that the clinic will expand operations from two to five days. She recognized the contribution of ProPets to animal services in the County.

Discussion

The Board praised the program's results, expressed support for its continuance, and suggested that close cooperation with private veterinarians might shorten the four-month wait for neutering/ spaying at Animal Services.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved an extension of the ProPets' Pilot Program from June 1994 to December 31, 1994.

COMMUNITY SERVICES AND HOUSING DIVISION DISCUSSION AGENDA

1. Approval and execution of a resolution authorizing the adoption of Orange County's Affordable Housing Incentive Plan and required certifications within the plan, all districts.

Staff Report

Assistant County Administrator Dan Kirchner stated that for the County to be eligible for the State Housing Initiatives Partnership Program it must expedite permit processing and perform a standard review of ordinances and regulations that affect housing affordability.

Kevin Hawkins, member of the Affordable Housing Advisory Board, addressed the Board and related that staff and the advisory board have worked closely in designing the incentive plan.

Housing and Community Development Department Housing Development Coordinator Frantz Dutes reviewed the twelve recommendations of the plan.

Commissioner Freeman left the meeting.

Discussion

Commissioners Staley and Donegan cautioned that relaxing building and planning requirements might reduce home values in the long run. The Board discussed deleting some of the recommendations of the plan.

Commissioner Freeman entered the meeting.

Motion

A motion by Commissioner Butler, seconded by Commissioner Johnson, to approve Incentive Recommendations #2 and #10 was amended 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 adopted a resolution pertaining to affordable housing in Orange

County which provides an Affordable Housing Incentive Plan, with certification to the Florida Housing Finance Agency; and further, deleted Incentive Recommendations #4, #7, and #9 of Exhibit A to the resolution.

(Resolution No. 94-M-10 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

1. Approval and authorization to exercise option, execute loan, grant, conceptual approval addendum, and mortgage agreements (agreements among Orange County, Osceola County, and the Florida Communities Trust), conduct closing, disburse warrant, record instruments, and pay appropriate closing costs and any additional recording fees not to exceed \$200 in connection with the purchase of Split Oak Forest Mitigation Park/Environmentally Sensitive Lands Acquisition Program, District 4 (Real Estate Management Department).

Staff Report

Community Services and Housing Division Assistant to the Director Sherry Williams-Hooper asked for Board approval to purchase environmentally sensitive lands in the Split Oak Forest Mitigation Park.

**Motion**

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

- to exercise option, execute loan, grant, conceptual approval addendum, and mortgage agreements;
- to conduct closing, disburse warrant, record instruments;
- to pay appropriate closing costs and any additional recording fees not to exceed \$200;

in connection with the purchase of Split Oak Forest Mitigation Park/Environmentally Sensitive Lands Acquisition Program.

(Closing documents and agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA**

- 1. Award of Invitation for Bid Y4-728-EG to the low responsive and responsible bidder, C. A. Meyer Paving & Construction Company, West Orange Trail Paving and Drainage Improvements, \$1,008,343.89 ([Parks and Recreation Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch reported that, upon closer review of the bid by C. A. Meyer Paving & Construction, staff determined that the firm has met Minority and Women Business Enterprise participation requirements.

A court reporter, Carrie Lee Wolfe, Absolute Reporting Services, Inc., was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Discussion

In response to Commissioner Staley's question about the increase in the contract's amount, Mr. Geltch explained that the increase results not from a change in unit prices, but from retabulating hundreds of individual items in the contract.

**Motion**

**Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board approved awarding of Invitation for Bid Y4-728-EG to the low and responsive and responsible bidder, C. A. Meyer Paving & Construction Company, West Orange Trail Paving and Drainage Improvements, \$1,008,343.89.**

- 2. Selection of two firms and one alternate to enter into contract negotiations for continuing surveying services for environmentally sensitive land acquisition, Y4-903-MK ([Community Services and Housing Division] Procurement Committee): Hartman & Associates, Professional Engineering Consultants, Inc., Regional Engineers, Planners & Surveyors.

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested the Board select a firm and two alternates to conduct surveys for environmentally sensitive land acquisitions.

**Motion**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and**

voting AYE by voice vote; the Board approved the short list ranked as follows; and further, authorized entering into contract negotiations with the selected firm and contract execution for continuing surveying services for environmentally sensitive land acquisition, Y4-903-MK:

- #1 Regional Engineers, Planners & Surveyors
- #2 Professional Engineering Consultants, Inc.
- #3 Hartman & Associates

COUNTY CONSENT AGENDA

County Administrator Jean Bennett added the following items to the County Consent Agenda:

- Health and Human Services Item 8: Approval and execution of Certification Regarding Lobbying.
- Health and Human Services Item 11: Approval and execution of Certification Regarding Lobbying and Assurances/Non- construction Programs.

**Motion**

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

- deleted County Administrator Item 3;
- deleted Fiscal and Human Resources Item 6 for discussion;
- deleted Fiscal and Human Resources Item 15, Budget Transfer #94-206 only, for discussion;

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

**County Comptroller**

1. Approval to pay the Property Appraiser's third quarter billing in the amount of \$1,828,296.52.
2. Approval to pay Clerk of the Court's invoices in the amount of \$300,789.58.
3. Approval of minutes of the February 22, 1994, BCC meeting.
4. Acknowledge "File for the Record" documents received and filed in the Comptroller Clerk's Office as follows:

- a. Notification of Independent Special District and Public Facilities report from Greater Orlando Aviation Authority, dated February 24, 1994.
  - b. Notification of Independent Special District and Local Government Financial report, Schedule of Bonded Indebtedness for 1992-93 fiscal year from Greater Orlando Aviation Authority, dated February 24, 1994.
  - c. Notification of Independent Special District and Airport Layout Plans of Orlando International Airport and Orlando Executive Airport from Greater Orlando Aviation Authority, dated February 24, 1994.
  - d. Bond #S196792, Oath of Office, Annual Disclosure, and associated correspondence for John Cappleman, member of the Board of Trustees, West Orange Healthcare District, dated February 25, 1994.
  - e. Notification of annexation of Lake Nona from the City of Orlando, dated February 21, 1994.
5. Warrants and vouchers, having been certified that same had not been drawn on overexpended accounts:
- Regular Board: Total - \$14,729,797.64
  - Regular Board: Total - \$16,809,301.74

**County Administrator**

- 1. Approval of the Agreement Designating the Substate Grantee under the Economic Dislocated Worker Adjustment Assistance Act among Orange County, the Private Industry Council of Central Florida (PIC), Inc., and the State of Florida; and the Training and Employment Plan for Program Years 1994 and 1995 between Orange County and PIC, Service Delivery Area #11.  
  
(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
- 2. Approval of appointment of Georgette Thornton to the position of manager of Animal Services Department effective March 27, 1994.

3. Approval and execution of the Joint Agreement among the Economic Development Council; Beck, Schwartz, Bohann Productions, Inc.; and Orange County providing for economic incentives for the production of the television series "Thunder in Paradise."

**(As stated in the above motion, this item was deleted.)**

**Administrative Support Division**

1. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Turkey Lake Road (Central Florida Parkway to Sand Lake Road) (Group I), Resolution, District 1 (Real Estate Management Department).

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

2. Approval and authorization to record instruments: Windermere Post Office, Water Line Easement and Subordination of Encumbrance, District 1 (Real Estate Management Department).
3. Approval and authorization to record instrument: Woodbury Patio Homes, Temporary Drainage Easement, District 4 (Real Estate Management Department).
4. Approval and authorization to record instruments and pay appropriate recording fees: Williamsburg at Central Florida Parkway, Subordinations of Encumbrance, Parcels 801, 802, and 805, District 1 (Real Estate Management Department).
5. Approval and authorization to record instrument and pay appropriate recording fees: Pleasant Oak Pond Retrofit, Subordination of Encumbrance, Parcels 801, 802, and 702, District 2 (Real Estate Management Department).
6. Approval and execution by County Chairman of First Amendment to Option Agreement between Southchase, LTD, and Orange County for water plant and wellfield: South Regional Water Plant and Wellfield Site, Parcel 101, District 4 (Real Estate Management Department).

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

7. Approval and execution by County Chairman to reflect acceptance of the terms and conditions of Right-of-Way Utilization Permit No. M-14-93 as granted by Florida Power Corporation: Southern Regional water system improvements, District 1 (Real Estate Management Department).
8. Approval and authorization to record instruments and pay appropriate recording fees: Culver Road (north of S.R. 50), Deed and Quit Claim Deed, District 3 (Real Estate Management Department).
9. Approval and execution by County Chairman of resolution and county deed and authorization to record instrument and pay appropriate recording fees: John Young Parkway (Sand Lake Road to I-4) Parcel 137A, District 6 (Real Estate Management Department).

(Resolution No. 94-M-11 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval and execution by County Chairman of resolution and county deed and authorization to conduct closing, record instrument, and pay appropriate closing costs in connection with the transfer of Parcels 101, 101a, 105, 109, 109a, 109b, 109e, 120, 125a, and 125b to Board of Trustees of the Internal Improvement Trust Fund of the State of Florida: West Orange Trail, Districts 1 and 2 (Real Estate Management Department).

(Resolution No. 94-M-14 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Nomination of Bill MacKinnon for reappointment to the Aviation Noise Abatement Committee as a citizen member of an unincorporated noise impacted area for a term expiring on April 4, 1998 (Agenda Development).

**Community Services & Housing Division**

1. Approval to increase the Rehabilitation Deferred Loan Program from \$15,000 to \$20,000 with an additional \$1,000 for contingencies per unit; and approval to increase the Emergency Grant Program from \$5,000 to \$7,500 per unit, all districts.
2. Approval and execution to renew legal agreement between Orange County and Orange County Historical Society, Inc., District 5, countywide service area.

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

**Fiscal and Human Resources Division**

1. Award of Invitation for Bid Y4-133-CI to the low responsive and responsible bidder, K-Hart Nursery, Inc., for a one-year term contract to furnish commercial fertilizers and mulch material, \$75,695 ([Highway Maintenance Department] Purchasing and Contracts Department).
2. Award of Invitation for Bid Y4-152-SS to the low responsive and responsible bidder, ISS Landscape Management Services, Inc., for a one-year term contract to provide right-of-way landscape maintenance, estimated annual cost \$274,305.40 ([Highway Maintenance Department] Purchasing and Contracts Department).
3. Award of Invitation for Bid Y4-616-HF to the low responsive and responsible bidder, IWL Communications, Inc., to provide Ku-Band VSAT station system, \$111,901 ([Telecommunications Department] (Purchasing and Contracts Department)).
4. Award of Invitation for Bid Y4-719-CT to the low responsive and responsible bidder, Morris Contract Services, Robinsdale/Harriet Heights water system improvements, \$251,986.50 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
5. Award of Invitation for Bid Y4-721-EG to the low responsive and responsible bidder, Central Florida Environmental Corporation, East 12th Street and Highland Avenue paving and drainage improvements, \$193,025.30 ([Highway Construction Department] (Purchasing and Contracts Department)).
6. Approval of Change Order No. 2, Contract Y3-762, Cypress Grove Park, Phase 1-B with Gibbs & Register, Inc., \$92,987 ([Construction Administration Department] Purchasing and Contracts Department).

**(As stated in the above motion, this item was deleted for discussion and subsequently approved. See page 16.)**

7. Approval of Task Authorization #2, Contract Y2-804F, engineering services for Hunters Creek/Orangewood and Meadow Woods water system improvements with CH<sub>2</sub>M Hill Southeast, Inc., \$223,628 ([Public Utilities Construction Department] Procurement Committee).
8. Approval of Task Authorization #6, Contract Y3-901, environmental engineering services for the Pine Hills Landfill with Camp, Dresser & McKee, \$194,387 ([Public Works Engineering Department] Procurement Committee).

9. Approval of Amendment #5, Contract Y2-808, design services for the Convention Center, Phase IV with Helman, Hurley, Charvat, Peacock, \$384,113 ([Construction Administration] Procurement Committee).
10. Approval of Amendment #3, Contract Y2-814, geotechnical engineering and field services for the Convention Center Phase IV Expansion Project with Ardaman & Associates, \$68,610 ([Construction Administration Department] Procurement Committee).

(Contracts for Items 1-10 are on file in the Purchasing and Contracts Department.)

11. Approval of payment of intergovernmental claims in the amount of \$198,775.18 (Risk Management Department).
12. Receipt and filing of minutes of the Intergovernmental Risk Management Committee meetings of February 17 and 24, 1994 (Risk Management Department).
13. Approval to expend approximately \$665,907 from the Law Enforcement Impact Fee Fund for the purchase of 266 mobile radios (OMB).
14. Approval to expend approximately \$31,043 from the Law Enforcement Trust Fund for computers and accompanying software and workstations (OMB).
15. Approval of Budget Transfers #94-189 and #94-206 through #94-212 (OMB).

(Budget Transfers #94-189 and #94-207 through #94-212 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**(As stated in the above motion, Budget Transfer #94-206 was deleted for discussion. See page 15.)**

16. Approval of Budget Amendments #94-45 and #94-46 (OMB).

(Budget Amendments #94-45 and #94-46 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

17. Approval of CIP Amendments #32-94 through #38-94 (OMB).

(CIP Amendments #32-94 through #38-94 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Health and Human Services Division**

1. Approval and execution of Consent Order for Bob Ackerbloom, 5980 Lakehurst Drive, Orlando, Florida; District 1 (Environmental Protection).
2. Approval and execution of Consent Order for Albert Cichra, 14028 Marine Drive, Orlando, Florida; District 1 (Environmental Protection).
3. Receipt and filing of minutes of the January 28, 1994, meeting of the Windermere Water and Navigation Control District Advisory Board; District 1 (Environmental Protection).
4. Receipt and filing of minutes of the February 8, 1994, meeting of the Lake Conway Water and Navigational Control District Advisory Committee; District 4 (Environmental Protection).
5. Approval and execution of Amendment to Contract #GJ104 between Orange County and State of Florida Department of Health and Rehabilitative Services to add two additional counselor positions and change the salary assigned to this contract for the Counseling Services Supervisor position from 40 to 60 percent. This amendment will add HRS funds but will result in no additional expense to the County (Human Services).
6. Approval and execution of Amendment to Contract #GJ105 between Orange County and State of Florida Department of Health and Rehabilitative Services to add two additional homemaker positions. This amendment will add HRS funds but will result in no additional expense to the County (Human Services).
7. Approval and execution of Modification of the Community Services Block Grant between Florida Department of Community Affairs and Orange County to increase the grant by \$32,891 (the County to provide in-kind match of \$6,578, funds available); all districts (Community Affairs).
8. Approval and execution of Emergency Community Services Homeless Grant Application and Award Agreement between the Florida Department of Community Affairs and Orange County; and further, approval and execution of Certification Regarding Lobbying (effective March 1, 1994, through February 28, 1995), all districts (Community Affairs).

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

9. Approval and execution of Applications for Re-Licensing to operate Head Start Centers at Hannibal, East Orange, Callahan, Zellwood, John H.

Bridges, Palms, Taft, Mitchell, Reeves, Marden Meadows, Lake Mann, and Ivey Lane, all districts (Community Affairs).

10. Approval and execution of Modification and Ratification/ Extension of Lease between Hopkins-Sullivan Properties and Orange County, extending the lease for the Osceola Community Service Center for one year (Community Affairs).

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

11. Approval and execution of Application for Federal Assistance to provide pay increases for Head Start staff consistent with the County's merit increases, quality improvement funds for position upgrade of bus drivers, increase work day for instructional staff, and contract for nine bus chaperons; and further, approval and execution of Certification Regarding Lobbying and Assurances/Non-construction Programs, all districts (Community Affairs).

12. Approval and execution of Application for Federal Assistance to purchase one bus, playground equipment for six centers, eight modular classrooms with furnishings and equipment, and 21 computers (no additional County funds required for matching this grant), all districts (Community Affairs).

13. Approval and execution of Application for Federal Assistance of Discretionary Funds in the amount of \$944,572 for the Orange County Head Start Program to improve the quality of services (the total match required is \$309,793, which will be derived from previously budgeted County funds; no additional funds are being requested), all districts (Community Affairs).

14. Approval of increase in manning table of one Senior Clerical Specialist for the Low-Income Home Energy Assistance Contract, (no County funds required), all districts (Community Affairs).

**Planning and Development Division**

1. Approval to temporarily waive the driveway approach requirement as requested for Lot 29, The Village of Eastwood and accept \$927 in escrow, District 4 (Building Department).
2. Approval to temporarily waive the driveway approach requirement as requested for Lots 2, 3, 69, 70, and 71 at Southchase and accept \$5,045 in escrow, District 4 (Building Department).

3. Approval to temporarily waive the driveway approach requirement as requested for Lot 28, The Village of Eastwood and accept \$677.20 in escrow, District 4 (Building Department).
4. Approval of nonsubstantial change determination, Waterford Lakes PD/DRI/LUP Villages N-22, N-30, and N-31, District 4 (Zoning Department).
5. Approval of \$75,000 for funding remaining phase of Horizon West, Inc., Development Framework Study, District 1 (Planning and Development).

**Public Utilities Division**

1. Approval and execution by the Chairman of 21 Conserv II Grower Agreements for Contract 14, for the delivery and use of reclaimed water with the following growers, District 1:

- #1 Clonts Groves, Inc.
- #2 Jerry Chicone, Jr., and Kathryn C. Ustler, Trustees
- #3 Jack H. Ross Groves, Inc.
- #4 Ceres Land Partnership
- #5 Davis Grove Service, Inc.
- #6 W. C. & Dorothy E. Davis
- #7 McCommon Industries
- #8 Razbuton, Inc.
- #9 The Green Machine, Inc.
- #10 George Y. McMillan
- #11 Benjamin C. Cannon
- #12 Willie E. Overstreet
- #13 Florida Brace Corporation
- #14 David C. Strong, Trustee
- #15 Robert T. Ferris
- #16 Alex B. Veech, III
- #17 Lorrie Nassofer
- #18 John T. Lamb III and Hope H. Lamb
- #19 Forest L. Ford and Rose Anna Ford
- #20 Gene and Frances Beavers
- #21 Gary L. Hatley

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

2. Approval and payment of landfill disposal fees by the County for the construction of the Miracle House, not to exceed \$260, District 2.

**Public Works Division**

- 1. Approval to issue Excavation and Fill Permit #94-EF1-157, District 1.
- 2. Approval to install "Stop" signs on Bay Side Drive at Osprey Isle Lane, District 1.
- 3. Approval of resolution to reduce the existing speed limit from 30 miles per hour to 25 miles per hour in the Huckleberry Fields Tracts N-9 and N-10, Unit Two, District 4.

(Resolution No. 94-M-17 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION**

**Fiscal and Human Resources Division**

- 15. Approval of Budget Transfer #94-206 (OMB).

**Action**

**By consensus, the Board deferred discussion of Budget Transfer #94-206 for one week. (See April 5, 1994, for subsequent approval.)**

**NONAGENDA - RESOLUTION - TAFT INCINERATOR ISSUE**

County Chairman Chapin stated that Commissioner Pignone and others believe the Board has sent a mixed message to the State Legislature on the issue of the Taft Incinerator by deciding not to appeal a decision of an administrative hearing and declaratory judgment rendered Orange County in regard to the interpretation of Chapter 92-31, the Laws of Florida, pertaining to bio-hazardous waste incinerators. County Chairman Chapin requested that the Board consider a resolution declaring that the County seek clarification from the State legislature on the incinerator moratorium as it applies to facilities which have not obtained local construction permits.

County Attorney Tom Wilkes read the resolution to the Board.

**Motion**

**Upon a motion by Commissioner Pignone, seconded by Commissioner Chapin, and carried with all commissioners present and voting AYE by voice vote; the Board adopted a resolution affirming Orange County's intent and desire to have the Florida Legislature clarify the applicability of the Bio-Hazardous Waste Incinerator Moratorium to facilities which have not obtained local permits necessary for construction of the facility.**

(Resolution No. 94-LEG-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF MARCH 17, 1994

Planning and Development Division Director Bruce McClendon presented the recommendations of the Orange County Planning and Zoning Commission/Local Planning Agency under the date of March 17, 1994.

**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 accepted the recommendations of the Orange County Planning and Zoning Commission under date of March 17, 1994, with the exception of Items 1, 5, 7, and 8, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 1 in the name of Moolchand Ramjus, "Ram Indian American Groceries," on May 3, 1994, at 2:45 p.m.; for Item 5 in the name of Dick Davis, "Heritage Place," on May 3, 1994, at 2:45 p.m.; for Item 7 in the name of Quadrangle Development Company, on May 10, 1994, at 2:45 p.m.; and Item 8 in the name of Rohland A. June, "University Pines," on May 10, 1994, at 2:45 p.m.

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

**Fiscal and Human Resources Division**

- 6. Approval of Change Order No. 2, Contract Y3-762, Cypress Grove Park, Phase 1-B with Gibbs & Register, Inc., \$92,987 ([Construction Administration Department] Purchasing and Contracts Department).

**Motion**

Upon a motion by Commissioner Pignone, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Fiscal and Human Resources Division Consent Agenda Item 6.

County Comptroller Martha Haynie left the meeting.  
Chief Deputy Comptroller Jim Moye entered the meeting.

RESOLUTION PUBLIC HEARING - REGARDING THE JOINT ORANGE COUNTY/CITY OF ORLANDO UTILITY TERRITORIAL AGREEMENTS IN CONNECTION WITH THE LAKE NONA ANNEXATION

Notice was given that the Board of County Commissioners would hold a public hearing to consider approval of a joint planning agreement with the City of Orlando which, if approved, will be entered into by the County and the City of

Orlando pursuant to Subsection 163.3171(3) of Florida Statutes and will provide, among other things, certain restrictions on the City of Orlando's authority to annex land during the term of the agreement.

A court reporter, Sandra Moser, of Zacco & Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Staff Report

County Attorney Tom Wilkes reviewed five joint planning and utility territorial agreements between Orange County and the City of Orlando that stem from the City's Lake Nona annexation. Mr. Wilkes advocated the negotiated settlement contained within the agreements with the City to assure predictable annexations, and consequently, to allow for better planning and management of roads, utilities, safety, and finances.

Mr. Wilkes outlined the proposed Joint Planning Agreement (JPA) boundary line for the City of Orlando on a map. Enclaves and pockets in the areas of Holden Heights, Ivey Lane, Lockhart/Fairvilla, and Lake Margaret/Conway will require referenda before 1997 by terms of the agreements, he noted.

For the record, Mr. Wilkes stated that the draft Wastewater Utility Agreement with the City of Orlando contains ambiguous language, and further, that what he believes the parties have agreed to is for the City to provide wastewater service, without demanding annexation, to properties outside the city boundaries (but within the wastewater service area) consisting of homes, businesses under 2,000 square feet, or any area with health or environmental problems.

Mr. Wilkes summarized the other provisions of the Joint Planning Agreement including arrangements for splitting utility tax revenues, for providing water/wastewater service to future annexations, and for drafting a Master Road Agreement.

Discussion

In response to the Board's questions regarding the State's role in these agreements, Mr. Wilkes stated that the Florida Department of Community Affairs will not review these agreements.

Appearances

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

- Jim Muszynski, chairman, South Orange Community Council; 5537 Chenault Avenue, Edgewood, Florida.
- Duke Woodson, Esquire; Foley & Lardner; 111 North Orange Avenue, Suite 1800, Orlando, Florida; representing Daryl Carter, trustee, Pamela Ray, trustee, the Lake Hart Co-Tenancy, and Mario Carter of the "Carter property."

- Jim Hensen, president of Dr. Phillips' Companies (no address given).
- Ralph Singleton, Esquire; 520 South Magnolia Avenue, Orlando, Florida; representing property owners adjacent to the "Carter property."
- Mark Bassett, council president, City of Edgewood; 4930 Lake Gatlin Woods Court, Edgewood, Florida.
- Kenneth Cone, Orange County area manager, Florida Power Corporation; 1100 Orange Avenue, Winter Park, Florida.
- Doug Head, vice-chairman of County Watch (no address given).
- Oriana Schoenberg, director of Lake Holden Property Owners.

The following persons addressed the Board with general comments:

- Paul E. Rosenthal, 918 Candle Berry Road, Orlando, Florida.

The County Chairman accepted the following exhibits from Jim Muszynski:

- Clerk's Exhibit 1, memorandum to Board of County Commissioners from Jim Muszynski, chairman of the South Orange Community Council, regarding the Joint Planning Agreement.

The County Chairman accepted the following exhibit from Kenneth Cone:

- Clerk's Exhibit 2, "Joint Planning Agreement Concerns Prepared by Florida Power Corporation for the Orange County Commission."

Staff Report (continued)

Office and Management and Budget Manager Sharon Donoghue summarized the Orange County revenue losses resulting from the Lake Nona annexation.

Phil Brown, of Public Financial Management, addressed the Board and summarized likely effects on revenue and bonding capacity resulting from the Lake Nona annexation.

Assistant County Comptroller Mark Fostier further explained the revenue impacts, especially the distribution between the City and County of the proposed one-cent infrastructure surtax.

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 all commissioners present and voting AYE by voice vote; the Board amended the proposed Lake Nona Annexation Resolution by deleting certain lands in west Orange County from the "Joint Planning Area" (as depicted in Exhibit A to the proposed Joint Planning Agreement, which itself was Exhibit A to the Resolution) and adding certain other lands in east Orange County to the "Joint Planning Area," all as was shown on a map presented by Commissioner Freeman and the County staff to the Board at the public hearing (the original of which is on file with the Comptroller Clerk's Office), contingent upon obtaining a waiver by the owners of the Carter property of any claims against the Joint Planning Area Agreement.

Informational Note: Map illustrating the motion is marked hereto as Exhibit A. The portion of this map shown in yellow is excluded from the joint planning area. It is referred to by the commissioners as the "Dr. Phillips' property," or the Hinsen property. The portion of the map shown in red crosshatch is included in the joint planning area and is referred to by the commissioners as the "Carter property" or the "Woodson property," and also includes property referred to as the "Singleton property."

**Motion**

A motion by Commissioner Pignone to exclude from the proposed Joint Planning Agreement the request to the Legislature to grant special annexation powers by enactment of the special act proposed in the draft Joint Planning Agreement died for lack of a second.

For the record, Commissioner Pignone stated that she does not support the resolution as revenue impacts are uncertain, voters are not assured representation, and limitations are placed on future Boards with respect to annexations within the JPA boundary.

For the record, Commissioner Staley stated that he could not support the resolution without more time allotted for public reaction.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioners Staley and Pignone voting NO by voice vote; the Board adopted the Lake Nona Annexation Resolution, as amended, which among other things approved the execution and delivery of the following proposed agreements:

1. Orlando-Orange County Joint Planning Agreement;

2. City of Orlando/Orange County Wastewater Service Territorial Agreement;
3. Amended and Restated Orlando Utilities Commission/Orange County Water Service Territorial Agreement;
4. Assignment [of utility systems] among the City, Orlando Utility Commission, the County, and the Lake Nona Corporation;
5. Amendment to Orange County/Orlando Utilities Commission Cooling Water Supply Agreement.

(Resolution No. 94-M-15 is one file in the office of the Comptroller Clerk of the Board of County Commissioners.)

For the record, Commissioner Donegan stated that he will not actively lobby on the County's behalf to change State annexation laws.

**Motion**

A motion by Commissioner Pignone to exclude from the Orange County's request to the Legislature, special powers to conclude the proposed agreement outside the established annexation policies died for lack of a second.

**Motion**

A motion by Commissioner Pignone, seconded by Commissioner Staley; with Commissioners Pignone and Staley voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Johnson, Donegan, and Butler voting NO by voice vote; to amend the above motion to continue the public hearing on the proposed resolution for six weeks hence failed.

**Motion**

Upon a motion by Commissioner Butler, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board adopted the supplemental resolution regarding conveyance of Lake Nona Water utility systems.

(Resolution No. 94-M-16 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Note: See April 5, April 12, and April 19, 1994, for further discussion and Board actions on the Lake Nona Annexation.)

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 1:00 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator