

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 12, 1994. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Fran Pignone, Bill Donegan, and Mable Butler were present. Commissioner Mary Johnson entered where indicated. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. Chief Deputy Comptroller as Clerk Jim Moye entered where indicated. The Board paused for an invocation by the Reverend Jon Dunwell, Senior Pastor of the Westwood Alliance Chapel, followed by the Pledge of Allegiance to the Flag.

NONAGENDA - REFURBISH WALL

Commissioner's Report

Commissioner Pignone reported that children from the Boy's Club have volunteered to paint a shabby looking wall to the west of Fire Station #36. She requested staff to determine who is responsible for the wall and assist in improving its conditions.

PUBLIC DISCUSSION

1. Presentation of Department of Education Florida Literacy Coalition Award for the Public Works/Highway Maintenance Department GED Program.

Highway Maintenance Department Manager Fred Dybdahl explained he attended a state-wide Coalition for Literacy meeting in January 1994, where Orange County and the Public Works Highway Maintenance Department were awarded the Department of Education Florida Literacy Coalition Award. He thanked the Board for their support of the Highway Maintenance Department's job-site literacy and GED classes for employees.

Tony Lagos, adult and community education administrator for Orange County Schools, spoke of the long-term values gained by employees and employers from job-site literacy and GED programs. He commended Fred Dybdahl who recruited employees to join the program and fellow employees to be mentors and tutors for the employee students. Mr. Lagos elaborated that

Mr. Dybdahl was awarded for initiating the program and laboring to insure the its success, pointing out that 25 employees have graduated and several have been promoted to higher-ranking County positions.

2. Presentation of Arts in April awards.

County Chairman Chapin thanked all employees who entered the Arts in April contest and presented awards to the winners as follows:

<u>Category</u>		<u>Award Winner</u>
Best of the Show		William K. (Benji) Hurt, Jr.
Poster/T-Shirt Contest		William K. (Benji) Hurt, Jr.
Oil Paintings	1st Place	Jill Cross
	2nd Place	William K. (Benji) Hurt, Jr.
	3rd Place	Ed Puhr
Acrylics	1st Place	Jill Cross
Sculpture	1st Place	Jill Cross
	2nd Place	Michael A. Ward
	3rd Place	Jill Cross
Watercolor	1st Place	Michael Swann
	2nd Place	William K. (Benji) Hurt, Jr.
	3rd Place	Michael Swann
Mixed Media	1st Place	Millicent Chira
	2nd Place	Sara Jimenez
	3rd Place	Gwendolyn Sasser
Black & White		
Photo	1st Place	Kathy Stark
	2nd Place	Gil Ihrig
	3rd Place	Kathy Stark
Color Photo	1st Place	William Castien
	2nd Place	John Poleon
	3rd Place	William Castien

Judges Awards

Michael A. Ward
Kathy Stark

ORDINANCE PUBLIC HEARING - AMENDING SECTION 25-140(C), THE TOURIST DEVELOPMENT PLAN; PERTAINING TO FINANCING EXPANSION OF CIVIC CENTER

Notice was given that the Board of County Commissioners would hold a public hearing to consider the following proposed ordinance:

AN ORDINANCE PERTAINING TO FINANCING; AMENDING SECTION 25-140(c) OF THE ORANGE COUNTY CODE TO AMEND THE TOURIST DEVELOPMENT PLAN TO AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX REVENUES TO FUND THE EXPANSION OF THE ORANGE COUNTY CIVIC CENTER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Convention Center Executive Director Tom Ackert reviewed the proposed ordinance.

Appearances

No one appeared in favor of or in opposition to the proposed ordinance.

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 Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board adopted the ordinance amending the Tourist Development Plan to authorize use of Tourist Development Tax revenues to fund the expansion of the Orange County Civic Center.

(Ordinance No. 94-08 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

BOAT DOCK VARIANCE PUBLIC HEARING - APPLICANT: STUART BUCHANAN, VARIANCE FROM BOAT DOCK ORDINANCE, LAKE SHEEN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Stuart Buchanan for variances from requirements of the Orange County Boat Dock Ordinance, as follows:

1. Variance request for side setback requirement, Chapter 15; Article IX, Section 15-343(1), Orange County Code;
2. Variance request to permit construction within a drainage easement, Chapter 15; Article IX, Section 15-343(2) Orange County Code;

on property described as follows:

The east 330.00 feet of the south 114.4 feet of the north 129.4 feet of the west 3/4 of the south 1/2 of the north 1/2 of the northeast 1/4 of Section 4, Township 24 South, Range 28 East, Orange County, Florida; And also: The north 15 feet of the west 3/4 of the south 1/2 of the north 1/2 of the northeast 1/4 of Section 4, Township 24 South, Range 28 East, Orange County, Florida; Less: the east 30.00 feet thereof for Kilgore Road. Together with: An easement for ingress/egress over the west 260.00 feet of the east 290.00 feet of the south 15.00 feet of the north 144.4 feet of the west 3/4 of the south 1/2 of the north 1/2 of the northeast 1/4 of Section 4, Township 24 South, Range 28 East, Orange County, Florida; subject to: An access easement for turnaround purposes over the west 40.00 feet of the east 330.00 feet of the south 69.4 feet of the north 129.4 feet of the west 3/4 of the south 1/2 of the north 1/2 of the northeast 1/4 of Section 4, Township 24 South, Range 28 East, Orange County, Florida. Containing 1.467 acres, of which 1 acre more or less is land. Property address: 9128 Kilgore Road; said property being located adjacent to Lake Sheen.

Staff Report

Acting Environmental Protection Department Manager Nick Sassic

outlined the request and the recommendation for approval subject to conditions.

Appearances

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

- Steve Buchanan, the applicant, 9128 Kilgore Road, 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 Commissioner Freeman, seconded by Commissioner Pignone, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the request by Stuart Buchanan for variances from requirements of the Orange County Boat Dock Ordinance, as shown above, subject to the following conditions:

1. Prior to construction, the applicant shall enter into an indemnification/subordination agreement with Orange County regarding the boardwalk crossing the drainage easement.
2. Minimum height of the deck must be one foot over the normal high water elevation (NHWE) of 99.5 feet msl.
3. Construction shall be in accordance with stamped, approved drawings.
4. Turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth etc.) unless it can be demonstrated that State water quality standards on turbidity are not being violated. If turbid water is found outside of the work area or confining screens, the Department shall be notified, construction shall stop and may not resume until corrected to the satisfaction of the Department.
5. A separate permit from the Florida Department of

Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: MARY R. DEMETREE; PETITION TO VACATE 94-04, TWO, 10-FOOT SIDE-LOT UTILITY EASEMENTS; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of those certain two 10-foot side-lot utility easements in Orange County, Florida, described as follows:

Commence at the southeast corner of Lot 2, Collegiate Village Commercial according to the plat thereof as recorded in Plat Book 29, Page 62, in the Public Records of Orange County, Florida; thence N01°55'41"W, along the east line of said Lot 2, a distance of 10.00 feet to the point of beginning; thence S88°04'19"W, a distance of 10.00 feet; thence N01°55'41"W, parallel with the east line of said Lot 2, a distance of 155.00 feet, thence N88°04'19"E a distance of 10.00 feet to a point on said east line of Lot 2, thence N88°04'19"E a distance of 10.00 feet, thence S01°55'41"E parallel with the east line of Lot 2, a distance of 155.00 feet; thence S88°04'19"W, a distance of 10.00 feet to the point of beginning. Contains 0.071 acres more or less.

Staff Report

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

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 Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board adopted a resolution vacating those certain two

10-foot side-lot utility easements as described above.

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

Commissioner Staley left the meeting.

PUBLIC HEARING - APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION - APPELLANT: BOBBY BRIGMOND, SEPTIC TANK VARIANCE REQUEST #DRC94-17, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider an appeal filed by Bobby Brigmond concerning the DRC's determination of denial of a request for a variance from Section 37-540(h) of the OSDS Ordinance, Septic Tank Variance #DRC94-17, for Lot 14, Block C, of Fleming Heights.

Staff Report

Public Works Division Director George Cole reviewed the request and the DRC's determination of denial.

Appearances

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

- Bobby Brigmond, the applicant, 743 Lake Hiawasse Drive, Orlando, Florida.
- Perry Brigmond (no address given).

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 Commissioner Butler, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Staley and Johnson were absent; the Board overruled the decision of the DRC and approved the request by Bobby Brigmond for a variance from Section 37-540 (h) of the OSDS Ordinance, Septic Tank Variance Request #DRC94-17.

NONAGENDA - SEPTIC TANK VARIANCE REQUEST #DRC94-16

Commissioner's Report

Commissioner Donegan asked Public Works Division Director George Cole to review the circumstances concerning Septic Tank Variance Request #DRC94-16. Commissioner Donegan stated the DRC decision was appealed by applicant Gregg Emch; and on April 5, 1994, the Board upheld the DRC decision and denied the variance. He continued, that in light of the above-referenced decision for Mr. Brigmond, it may be appropriate to reconsider Septic Tank Variance Request #DRC94-16.

County Chairman Chapin requested Mr. Cole to report back to the Board in one week.

County Attorney Tom Wilkes left the meeting

Assistant County Attorney Paul Chipok joined the meeting.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE PD/PHASE 1A PARCELS 12, 14, 15 PRELIMINARY SUBDIVISION PLAN (CONTINUED FROM JANUARY 18, 1994, AND FEBRUARY 22, 1994), DISTRICT 4

By consensus, the Board of County Commissioners reopened the public hearing to consider the Southchase Phase 1A/Parcels 12, 14, and 15 Preliminary Subdivision Plan continued from the February 22, 1994, Board meeting.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to conditions, with the addition of Condition #10 concerning scheduling the preconstruction conference.

Appearances

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

- Craig Batterson, Professional Engineering Consultants (no address given), for the applicant.

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 Pignone, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Staley and Johnson were absent; the Board approved the Southchase Phase 1A/Parcels 12, 14, 15 Preliminary Subdivision Plan on the above-described property, subject to the following conditions as amended:

1. Development shall conform to the Southchase Phase 1A/Parcels 12, 14, 15 Preliminary Subdivision Plan dated, "Received September 7, 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 April 12, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Street widths shall comply with County Subdivision Regulations.
3. Wetland buffer tracts shall be owned and maintained by a mandatory homeowners' association with drainage easements dedicated to Orange County.
4. Prior to the issuance of a Certificate of Completion, Balcombe Road (3-lanes) shall be constructed to the project entrance.
5. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage

Plan for the Southchase PD.

6. Prior to construction plan approval, subordination from Florida Power Corporation and Orlando Utilities Commission shall be obtained to permit construction within existing easements.
7. A five-foot sidewalk shall be provided along Balcombe Road fronting the length of this project.
8. 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.
9. Waiver of Section 34-1254(2) to allow Lots 33 through 45 to utilize the typical building setbacks (i.e., front, rear, and side yard setbacks) in lieu of the 75-foot building setback from the expressway, since these lots abut the expressway retention facility.
10. Preconstruction conference cannot be scheduled until the 6th Amended Development Order for the Southchase project has been executed and recorded.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE/PARCEL 6A PRELIMINARY SUBDIVISION PLAN (CONTINUED FROM FEBRUARY 22, 1994), DISTRICT 4

By consensus, the Board of County Commissioners reopened the public hearing to consider the Southchase Phase 6A Preliminary Subdivision Plan continued from the February 22, 1994, Board meeting.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation for approval subject to conditions. He stated the developer, U.S. Homes, has requested this public hearing to be continued for one month.

Commissioner Staley joined the meeting.

Appearances

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

- Keith Waters, Esquire; Bogin, Munns & Munns; 250 North Orange Avenue, Orlando, Florida; for the Southchase Parcel 6 Homeowners' Association.
- Alex Deazuero, 12606 Chelmsford Court, Orlando, Florida.
- Gena Blackketter, 12512 Westhope Drive, Orlando, Florida.
- Toby Breder, 12452 Braxted Drive, Orlando, Florida.

The following person addressed the Board with general comments:

- R. P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Pignone, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board continued the public hearing to consider the Southchase Phase 6A Preliminary Subdivision Plan until May 10, 1994, at 4:00 p.m.

PUBLIC HEARING - DOMESTIC WASTEWATER RESIDUALS LAND APPLICATION PERMIT - APPLICANT: CITY OF WINTER GARDEN, REQUEST FOR PERMIT AND VARIANCE FROM ORANGE COUNTY CODE, CHAPTER 37, ARTICLE XVI, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by the City of Winter Garden for Domestic Wastewater Residuals Land Application Permit for a proposed 26-acre domestic wastewater residual disposal site, located approximately 1/3 mile north of West Road and on the east side of County Road 437; and further, to consider a request for a variance from the requirements of Chapter 37, Article XVI, Orange County Code on the following property:

Forman Parcel: the NE 1/4 of Section 6, Township 22S, Range 28E, Orange County Florida.

Staff Report

Acting Environmental Protection Department Manager Nick Sassic reported the City of Winter Garden has requested that this hearing be continued to May 3, 1994.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Pignone, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board continued the public hearing to consider the City of Winter Garden's request for permit and variance from Orange County Code, Chapter 37, Article XVI, until May 3, 1994, at 1:35 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: LANDSTAR DEVELOPMENT CORPORATION, "MEADOW WOODS PD/DRI," PLANNING
AND ZONING #8, JANUARY 20, 1994; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider Landstar Development Corporation, "Meadow Woods PD/DRI," request in a PD zone to amend the Land Use Plan as follows:

- 1) Conversion of land use designation of Parcel 51 from Low Density Residential (128 acres) to Medium Density Residential (83.4 acres), High Density Residential (30.8 acres), and Community Commercial (13.8 acres);
- 2) Relocation of hotel units from Parcel 50.2 to Parcel 15.2;
- 3) Elimination of frontage roads parallel to the Southern Connector, determination of nonsubstantial deviation of the Development of Regional Impact, and change the Development Order to reflect the changes;

on the following described property:

All of Sec. 24, Twp. 24 S, Rge. 29 E, lying E of the Seaboard Coastline Railroad R/W, less R/W for Wetherbee Rd.; and all of Sec. 25, Twp. 24 S, Rge. 29 E, lying E of Seaboard Coastline Railroad, including Grove Parcel described as follows: Comm. at the E 1/4 cor. of sd. Sec.

25; th. N67°W 401.50 ft. for the POB; th. S20°W 1127.51 ft.; th. N71°W 1332.42 ft.; th. N18°E 1578.03 ft.; th. S53°E 1438.18 ft. to the POB; and all of Sec. 26, Twp. 24 S, Rge. 29 E, lying E of Seaboard Coastline Railroad; and all of Secs. 35 & 36, Twp. 24 S, Rge. 29 E, lying E of the Seaboard Coastline Railroad R/W and lying E of the E'ly R/W of Sunshine State Parkway; Less: Beg. at the SW corner of Sec. 36; th. N89°W 151.06 ft.; th. N55°W 1781.41 ft.; th. N10°E 650 ft.; th. N09°W 832.47 ft.; th. N34°E 696.51 ft.; th. N42°E 842.38 ft.; th. N26°E 733.92 ft.; th. N 25.62 ft.; th. N 99.48 ft.; th. N48°E 680.89 ft.; th. N89°E 2441.37 ft.; th. S 550 ft.; th. S 2111.37 ft.; th. S89°E 1432.53 ft. to a point on a curve; th. S'ly 554.19 ft. along the arc of a curve, concave W'ly, having a radius of 1190 ft., a central angle of 26°40'59", a chord brg. of S01°17'43"W, and a chord distance of 549.20 ft.; th. radially S75°21'28"E 550 ft. to a pt. on a curve, concave W'ly having a radius of 1740 ft. and a central angle of 09°21'26"; th. S'ly 284.17 ft. along arc of sd. curve to the pt. of tangency thereof; th. S23°W 500 ft. to a pt. of curvature of a curve, concave E'ly, having a radius of 2010 ft. and a central angle of 24°; th. S'ly 841.95 ft. along the arc of sd. curve to the S line of Sec. 36; th. S89°W 4090.71 ft. to the POB; and all of Sec. 30, Twp. 24 S, Rge. 30 E, including Grove Parcel: Commence at NE cor. of sd. Sec. 30; th. S 1638.56 ft. for POB; th. S 187.05 ft.; th. S17°W 307.29 ft.; th. S28°W 1917.78 ft.; th. S01°W 215.66 ft.; th. S59°W 629.92 ft.; th. N57°W 147.22 ft.; th. N07°E 1232.94 ft.; th. N69°W 1129.73 ft.; th. N07°W 1783.45 ft.; th. S74°E 2900.78 ft. to POB; and all of Sec. 31, Twp. 24 S, Rge. 30 E; which is located on the southeast corner of Orange Avenue and Wetherbee Road, extending south to Osceola County line. (All 24-24-29, All 25-24-29, All 26-24-29, All 35-24-29, All 36-24-29, All 30-24-30, All 31-24-30 Tract Size: 2883 +/- acres District #4)

Staff Report

Planning Department Manager David Heath explained the location of the subject property, the zoning classifications in the area, and the recommendation for approval of the following:

- The PD amendment and revised land use plan.

- The Fourth Amendment to the Development Order and nonsubstantial change to the Development of Regional Impact (DRI).
- The developer's agreement on the frontage road issue.

Appearances

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

- Steve Miller, Miller-Sellen Associates, Inc.; 214 East Lucerne Circle, Orlando, Florida; for the applicant.
- Susan Spradley, Esquire; Gray, Harris & Robinson, P.A.; 201 East Pine Street; Orlando, Florida; for the applicant.

No one appeared in opposition to the request.

The County Chairman accepted the following exhibits from Susan Spradley:

- Clerk's Composite Exhibit #1.

Discussion

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

For the record, Commissioner Pignone commended everyone who worked on the settlement regarding the transportation frontage road issue.

For the record, Commissioner Pignone questioned staff as to whether adjacent property owners had been properly notified concerning the applicant's land use request to change 128 acres of low density to 83.4 medium density, 30.8 high, and 13.8 commercial.

For the record, Commissioner Pignone requested confirmation that staff has reviewed the documents entered into the record by the applicant as Clerk's Composite Exhibit #1.

Planning Department Manager David Heath verified that adjacent property owners were notified concerning the request for a change in the land use; and further, that staff reviewed Clerk's Composite Exhibit #1.

Motion

Upon a motion by Commissioner Pignone, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the request of Landstar Development Corporation, "Meadow Woods PD/DRI," in a PD zone to amend the Land Use Plan as follows:

- 1) Conversion of land use designation of Parcel 51 from Low Density Residential (128 acres) to Medium Density Residential (83.4 acres), High Density Residential (30.8 acres), and Community Commercial (13.8 acres);
- 2) Relocation of hotel units from Parcel 50.2 to Parcel 15.2;
- 3) Elimination of frontage roads parallel to the Southern Connector, determination of nonsubstantial deviation of the Development of Regional Impact, and change the Development Order to reflect the changes;

and further approved:

- 1) The Fourth Amendment to the Development Order and nonsubstantial change to the Development of Regional Impact (DRI).
- 2) The Developer's Agreement on the frontage road issue.

(Fourth Amendment to the Development Order and Developer's Agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Assistant County Attorney Paul Chipok left the meeting.

County Attorney Tom Wilkes joined the meeting.

WORKSESSION: PROPOSED CODE ENFORCEMENT CITATION ORDINANCE

Staff Report

Zoning Department Manager Melvin Pittman reported the proposed Code Enforcement Citation Ordinance was recommended in the Code Enforcement study report presented to the Board in October 1992. He explained the ordinance is intended to be a supplemental enforcement tool for use by the Code Enforcement officers in achieving compliance to codes. Mr. Pittman reviewed the advantages and disadvantages of the ordinance. He suggested May 10, 1994, as

a possible date for the public hearing of the proposed ordinance.

Assistant County Attorney Carol Levin-Reiss touched on the role of the citation officer, the process used in issuing the notices and citations, and associated penalties. She concluded by stating all fines collected will be returned to the County minus a \$10 administration fee for the Clerk of the Court.

Discussion

The Board discussed the particulars of the ordinance, the need to proceed carefully in the matter of directional signs, and the illegal signs being placed on utility poles and in rights-of-way. The Board members expressed satisfaction that these long-time problems were now being addressed.

Commissioner Freeman suggested an addition to the proposed ordinance to read as follows:

"Notwithstanding anything in this ordinance to the contrary, it shall be the responsibility of any utility company to monitor all facilities belonging to said utility company and correct violations of Chapter 31.5 of the Orange County Code regarding unlawful signage within County rights-of-way."

County Attorney Tom Wilkes declared the utility pole sign problems might be handled through an amendment to the sign ordinance.

County Chairman Chapin requested staff to review the alternatives and report to the Board.

In response to concerns from the business community, County Chairman Chapin directed Zoning Department Manager Melvin Pittman to meet with representatives of business and industry to discuss the issues before the public hearing.

Motion

By consensus, the Board approved scheduling a public hearing concerning the proposed Code Enforcement Citation Ordinance on May 10, 1994.

COMMUNITY SERVICES AND HOUSING DIVISION DISCUSSION AGENDA

1. Approval and execution of Resolution adopting the amendment to the Local Housing Assistance Plan (LHAP), all districts.

Staff Report

Community Services and Housing Division Director Dan Kirchner explained the LHAP is the funding element of the County's State Housing Initiatives Partnership Program (SHIP).

Housing and Community Development Department Assistant Manager Mitchell Glasser noted the LHAP describes the strategies which will utilize SHIP funds to reduce the cost of housing for low income individuals and families. Mr. Glasser pointed out a correction in the resolution on lines 29 through 31 to change the section number to Section 420.9072 Florida Statutes.

Commissioner Johnson joined the meeting.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution amending the Local Housing Assistance Plan pursuant to the State Housing Initiatives Partnership Act (SHIP), extending the plan to include State Fiscal Year 1994/95, as amended.

(Resolution 94-M-20 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

FISCAL AND HUMAN RESOURCE DIVISION DISCUSSION AGENDA

1. Selection of one firm and one alternate for entering into contract negotiations for engineering services for Lake Margaret Drive/Conway Road Intersection Drainage Retrofit, Y4-808-MK, ([Stormwater Management Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested the Board select one firm and one alternate for entering into contract negotiations for engineering services for Lake Margaret Drive/Conway Road intersection drainage retrofit, RFP Y4-808-MK from the following short list:

- Consultants-Southeast, Inc.
- Professional Engineering Consultants, Inc.
- WBQ Design and Engineering, Inc.

Motion

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

- #1 WBQ Design and Engineering, Inc.
- #2 Professional Engineering Consultants, Inc.
- #3 GAI Consultants-Southeast, Inc.

and further, authorized staff to enter into contract negotiations for engineering services for Lake Margaret Drive/Conway Road intersection drainage retrofit.

COUNTY ATTORNEY DISCUSSION AGENDA

1. Ratification of County Chairman's extension of time for Joint City/County meeting.

Staff Report

County Attorney Tom Wilkes reported the City of Orlando has agreed to cancel the joint meeting set for April 7, 1994, and relinquish its request for a termination clause in the event that the Lake Nona annexation is invalidated. Instead, Mr. Wilkes explained, the City has asked that the County intervene on its behalf with respect to the Florida Power annexation litigation in the Lake Nona voluntary annexation lawsuit. He concluded that staff recommends ratifying the extension of the deadline to hold a joint meeting to May 2, 1994, contingent upon the City's approval of the Joint Planning Area Agreement without any language which would give the City the ability to terminate the Joint Planning Area Agreement, the Water Territorial Agreement with Orlando Utility Commission, or the Wastewater Territorial Agreement between Orange County and the City.

Discussion

The Board members expressed concern at the number of calls received regarding this issue. They agreed that the public is unclear on the Board's intent.

In response, Planning and Development Division Director Bruce McClendon suggested the Board members refer annexation calls to Planning Department Manager David Heath or to Chief Planner Chris Testerman.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, 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 ratified the Chairman's extension of the City's deadline to hold a joint meeting on the Lake Nona annexation until May 2, 1994, contingent upon the City's approval of the Joint Planning Area Agreement without any language which would give the City the ability to terminate the Joint Planning Area Agreement, the Water Territorial Agreement with Orlando Utility Commission, or the Wastewater Territorial Agreement between Orange County and the City.

COMMISSIONER'S DISCUSSION AGENDA - REQUEST TO RESCIND

1. Widening of Apopka-Vineland Road south of Sand Lake Road.

Commissioner's Report

Commissioner Freeman expressed his intent to readdress the widening of Apopka-Vineland Road, south of Sand Lake Road. He stated his constituents have emphasized opposition to the design, which calls for four lanes and a median and will allow for conversion to six lanes in the future. Commissioner Freeman informed the Board that he has requested representatives of the community to speak to the Board about their concerns.

Manny Regateiro, president of the Bay Vista Homeowners' Association, addressed the Board and called for a redesign of

the present plans, stating traffic surveys do not justify six lanes.

Irene Hemmert, 8707 Camier Cove, Orlando, Florida, addressed the Board and focused on children's safety.

Richard Spears, 9132 Richvine Trail, Bay Hill Subdivision, addressed the Board and provided an outline of the changes his area desires, noting the Bay Hill subdivision wall has been hit by cars three times during school hours.

John Puhek, Orange County Bicycle Advisory Board, addressed the Board and stated a redesign to four lanes would allow plenty of access for bikeways.

Highway Construction Department Manager William Wythe presented a synopsis of the events leading to the decision to widen Apopka-Vineland Road. He touched on the preliminary engineering studies, traffic studies and projections, and the public meetings that were held. He concluded the design was approved by the Board on March 26, 1991, right-of-way acquisitions are now under way, and construction is anticipated to begin in September of 1994.

Public Works Division Director George Cole suggested that traffic studies indicate residents will generate the need for six lanes, and he doesn't believe the Western Beltway will relieve traffic. Mr. Cole affirmed staff's recommendation to proceed as originally approved, declaring a redesign would result in almost a year's delay and approximately \$3 million in additional costs if the road is redesigned for only four lanes.

Discussion

The Board discussed the issues and staff responded to questions.

Action

Commissioner Freeman announced his intention to make a motion to rescind the Board's action of March 26, 1991, approving the design for the widening of the Apopka-Vineland Road at the next regular Board meeting.

Commissioner Freeman left the meeting.

NOTE: The following four public hearings were heard as one; see motion on page 88.

PUBLIC HEARING - APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION -
APPELLANT: DOUGLAS PELICH, SEPTIC TANK VARIANCE REQUEST #DRC94-20

PUBLIC HEARING - APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION -
APPELLANT: DOUGLAS PELICH, SEPTIC TANK VARIANCE REQUEST #DRC94-21

PUBLIC HEARING - APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION -
APPELLANT: DOUGLAS PELICH, SEPTIC TANK VARIANCE REQUEST #DRC94-22

PUBLIC HEARING - APPEAL OF DEVELOPMENT REVIEW COMMITTEE (DRC) DECISION -
APPELLANT: DOUGLAS PELICH, SEPTIC TANK VARIANCE REQUEST #DRC94-23

Notice was given that the Board of County Commissioners would hold public hearings to consider appeals filed by Douglas Pelich concerning the DRC's determinations of denial for Septic Tank Variances #DRC94-20, #DRC 94-21, #DRC94-22, and #DRC94-23, requests for variances from Section 37-539(1) of the OSDS Ordinance, for single family and duplex residential structure with private potable well; and Section 37-540(f), requiring OSDS be located in the front yard for lots less than or equal to one-half acre.

Staff Report

Public Works Division Director George Cole reviewed the requests and the DRC's determinations of denial.

Appearances

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

- Chris Reeder, 5424 Palm Lake Circle, Orlando, Florida, for the applicant.

No one appeared in opposition to the request.

Discussion

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

Commissioner Freeman rejoined the meeting.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Pignone, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board upheld the decision of the DRC and denied the requests by Douglas Pelich for a variances from Section 37-539(1) and 37-540(f) of the OSDS Ordinance, Septic Tank Variance Requests #DRC94-20, #DRC94-21, #DRC94-22, and #DRC94-23.

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA - ADDENDUM 1

1. Appointment of two individuals to the Code Enforcement Board to replace Martin Goodman and Paul McCormick (Agenda Development).

The Board made nominations for two vacancies to the Code Enforcement Board as follows:

Replacing Paul McCormick, in the category of engineer, for a term expiring December 31, 1996, and Martin Goodman, in the category of architect, for a term expiring December 31, 1995:

- Commissioner Johnson - Bill Kirk
- Commissioner Staley - William Robert Humbel
- Commissioner Pignone - Craig Andrews
- Commissioner Freeman - Stephen Karl Wiedenbeck
- Commissioner Butler - Thelma McNeil

AYE votes cast by voice vote as follows:

- Bill Kirk - County Chairman Chapin,
Commissioners Johnson and Freeman
- William Robert Humbel - County Chairman Chapin,
Commissioners Staley, Donegan, and
Butler

Craig Andrews - Commissioners Staley and Pignone
Stephen Karl Wiedenbeck - Commissioners Freeman, Johnson,
Pignone, and Donegan
Thelma McNeil - Commissioner Butler

Mr. Wiedenbeck and Mr. Humbel received a majority; no further votes were cast.

COUNTY CONSENT AGENDA

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 County Consent Agenda items as follows:

County Comptroller

1. Approval to pay Lynx invoices in the amount of \$823,463.41 for April 1994.
2. Approval of the minutes of the March 15, 1994, Board of County Commissioners meeting.
3. Acknowledge "File for the Record" documents received and filed in the Comptroller Clerk's Office as follows:
 - a. Notice of Intention to file Petition for Writ of Certiorari from the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, dated March 17, 1994.
 - b. Copy of the 1992-93 Annual Financial Report of Units of Local Government for the West Orange Healthcare District, dated March 14, 1994.
 - c. The following documents received from South Florida Water Management District, dated March 14, 1994:

- (1) Comprehensive Annual Financial Report and related Management Letter for fiscal year ended September 30, 1993.
 - (2) Annual Financial Report of Units of Local Government of the South Florida Water Management District for fiscal year ended September 30, 1993.
 - (3) List of the District's scheduled Governing Board meetings.
 - (4) Map of the District showing all county boundaries.
- d. Notice of Florida Public Service Commission Hearing re: Investigation into Proper Tariffing of Telephone Service for Elevators and common areas within residential facilities, dated March 14, 1994.
 - e. Annual Financial Report for 1993, Financial Statement for 1993 and Schedule of Bonded Indebtedness for 1993 from Orange Soil and Water Conservation District, dated March 16, 1994.
 - f. Orange County Industrial Development Authority Financial Report for the year ended September 30, 1993, dated March 23, 1994.
 - g. Orange County Housing Finance Authority Financial Statements and additional information for the year ended September 30, 1993, dated March 23, 1994.

County Administrator

1. Adoption of a resolution to activate the Florida Development Finance Corporation (County Attorney).

(Resolution No. 94-M-21 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: 917 Mercy Drive, Drainage Easements, Sidewalk Easement and Subordination of Encumbrance, District 6 (Real Estate

Management Department).

2. Approval and execution by County Chairman of Quit Claim Deed and approval and authorization to record corrective deed and quit claim deed and pay appropriate recording fees: Reams Road realignment, Deed and Quit Claim Deed, District 1 (Real Estate Management Department).
3. Approval and execution by County Chairman of underground easement between Orange County and the City of Orlando: Orange County Animal Services Center, Underground Easement. District 6 (Real Estate Management Department).
4. Approval and execution of a lease extension modification agreement between Magnolia Partnership, Ltd., and Orange County: Information Services Division, Lease Extension Modification Agreement, District 3 (Real Estate Management Department).

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

5. Approval of a resolution creating the Orange County Agricultural Advisory Board (Agenda Development).

(Resolution 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 Y4-155-CI to the low responsive and responsible bidder, Ritz Safety Equipment, for a one-year term contract to furnish clinical/medical gloves, \$55,952 estimated annual cost ([Fire/Rescue Division] Purchasing and Contracts Department).
2. Award of Invitation for Bid Y4-621-CI, Lot #2 to the low responsive and responsible bidder, Boebinger International Truck Sales, Inc., for one roll-off truck, \$75,998 ([Resource Recovery Department] Purchasing and Contracts Department).
3. Award of Invitation for Bid Y4-726-NS to the low responsive and responsible bidder, Zap Electric, Bear Creek Lighting

Project, \$263,132.13 ([Parks and Recreation Department] Purchasing and Contracts Department).

4. Approval of Task Authorization #25, Contract Y2-902, South Water Reclamation Facility final design and bidding services with Boyle Engineering Corp., \$307,216 ([Public Utilities Engineering Department] Procurement Committee).
5. Approval of Task Authorization #26, Contract Y2-902, Econ Water Treatment Plant Co2 Addition, Eastern Water Services Area Water Quality Enhancement Modification with Boyle Engineering Corporation, \$119,232 ([Public Utilities Department] Procurement Committee).
6. Approval of Task Authorization #2, Contract Y3-123E, Old Winter Garden Road (Ivey Lane to Kirkman Road) order-of- taking with Clayton Roper & Marshall, Inc., \$139,843 ([Highway Construction Department] Purchasing and Contracts Department).
7. Approval of Budget Amendments 94-47 through 94-49 (OMB).

(Budget Amendments 94-47 through 94-49 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
8. Approval of CIP Amendment #40-94 (OMB).

(CIP Amendment 40-94 is 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 renewal of Non-Emergency Transportation License for Bellco Wheelchair and Stretcher Service, all districts (Medical Examiner/Emergency Medical Services).
2. Receipt and filing of the minutes of the February 25, 1994, meeting of the Windermere Water and Navigation Control District Advisory Board, District 1 (Environmental Protection).

3. Receipt and filing of the minutes of the January 26, 1994, February 9, 1994, and February 23, 1994, meetings of the Lake Sue Water Advisory Board, District 5 (Environmental Protection).
4. Approval and execution of Contract for Off-Site Preparation of meals for Lake Weston Elementary School, District 2 (Community Affairs).

Planning and Development Division

1. Approval to temporarily waive the driveway approach requirement as requested for Lot 313, Sand Lake Point and accept \$2,141 in escrow, District 1 (Building Department).
2. Approval to temporarily waive the driveway approach requirement as requested for Lots 139, 140, 141, Saddle Brook and accept \$4,889.50 in escrow, District 1 (Building Department).

Public Utilities Division

1. Approval of reimbursement of moving expenses not to exceed \$1,500 to Ray Hanson, Assistant Manager, Wastewater Department.
2. Approval of the Joint Participation Agreement (JPA) between Florida DOT/Orange County for the South Orange Blossom Trail from Sand Lake Road to Holden Avenue, Districts 4 and 6.

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

County Chairman Chapin left the meeting.

Chief Deputy Comptroller Jim Moye joined the meeting.

PUBLIC DISCUSSION

No one appeared for the Public Discussion period.

DISCUSSION AGENDA (Continued)

1. The State Housing Initiatives Partnership Act (S.H.I.P.) Expenditures.

This is a duplicate of an earlier item; see page 83.

2. Request for ordinance limiting nighttime illumination.

Commissioner's Report

Commissioner Donegan reported he was approached by the Central Florida Astronomical Society relating to the telescope at the Robinson Observatory at the University of Central Florida where the problems with nighttime illumination are interfering with the visibility of the nighttime skies. Commissioner Donegan requested the appointment of a task force to consider a proposed ordinance to limit nighttime illumination in an area bounded by Seminole County, Alafaya Trail, the Beeline, and Brevard County.

Robert Pickman, president of the Central Florida Astronomical Society, presented a plan for a lighting district to protect the educational abilities of the UCF Robinson observatory. Mr. Pickman illustrated his point with a slides of satellite pictures showing Orlando at night, saying expansion of the city has deprived the community of observing the night skies. He explained an ordinance to limit nighttime lights would not only assure use of the telescope, but would also conserve energy and the environment.

John Leech, retired Air Force colonel, discussed solutions concerning the proper amount of light, controlling the output of lighting through fixture choice, time control, and proper placement of lights.

Robert Peterson (no affiliation mentioned) compared costs of lighting systems.

Jeff Saulins (no affiliation mentioned) wrapped up by stating the proposal is like putting a lamp shade on our lights and illustrated that the fixtures they are asking for are already in use in many areas.

Staff Report

In response to questions, Traffic Engineering Department Manager Mark Massaro presented an analysis of similar ordinances in other communities, answered staff's concerns for safety and security, administration, the outdoor advertisement industry, and retrofit of subdivision lighting.

Discussion

The Board discussed the UCF telescope, solar light, mercury vapor light, and the area considered in the proposed ordinance.

Motion

Upon a motion by Commissioner Donegan, seconded by Vice-chairman Staley, and carried with all commissioners present and voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the formation of a task force comprised of members from various entities as follows:

- Commissioner Donegan and staff
- Law Enforcement
- Orange County School Board
- Florida Department of Transportation
- University of Central Florida
- Central Florida Astronomical Society
- Two homeowner's groups
- Home Builder's Association
- Realtor
- Florida Power Corporation
- Orlando Utilities Commission
- Outdoor Advertising Association

to study the need for a nighttime illumination ordinance; and further, to report to the Board within five months with recommendations regarding the proposed ordinance.

3. Orange County, Florida/A to Z Recycling & Salvage, Inc.; proposed settlement agreement.

Staff Report

Assistant County Attorney Alison Yurko presented a chronology of events leading to the the Settlement Agreement between A to Z Recycling and Salvage, Inc., a junkyard located in

Bithlo, and Orange County. Ms. Yurko explained that there was no one present from A to Z, and she did not know if they intended to sign the Settlement Agreement. In conclusion, she requested Board approval of the Settlement Agreement contingent upon A to Z Recycling and Salvage, Inc., signing the agreement within 10 days. Additionally, Ms. Yurko requested authority to finalize the exhibits and make nonmaterial changes to the agreement.

Discussion

The Board discussed the issues and staff responded to questions.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with all commissioners present and voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the settlement agreement between A to Z Recycling and Salvage, Inc., and Orange County; contingent upon execution by Ralph Bates and Bonnie Bates, owners of A to Z Recycling and Salvage Inc., within 10 days; and further, authorizing staff to finalize the exhibits and make non-material changes.

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

NONAGENDA - VERA CARTER ENVIRONMENTAL CENTER

Commissioner's Report

Commissioner Freeman requested staff to determine why the Vera Carter Environmental Center, located in the Tibet-Butler Preserve, is closed on weekends; a time when people would be likely to visit.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:50 p.m.