

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 29, 1994. Vice-chairman Tom Staley, Commissioners Clarence Hoenstine, Bill Donegan, and Mable Butler were present. County Chairman Chapin and Commissioner Mary Johnson were absent. Commissioner Bob Freeman joined the meeting where indicated. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, Assistant County Attorney John Gehrig, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the Vice-chairman Chairman called the meeting to order at 9 a.m.

JOINT WORKSESSION WITH ZONING, BUILDING, LEGAL DEPARTMENTS AND CODE ENFORCEMENT BOARD AND PRESENTATION OF CODE ENFORCEMENT BOARD ANNUAL REPORT

Mark Rudd, chairman of the Orange County Code Enforcement Board (CEB), addressed the Board and reported on the activities of the CEB. Mr. Rudd presented information regarding the CEB's membership, its duties and responsibilities, legal representation, and its support staff.

Commissioner Freeman joined the meeting.

Mr. Rudd suggested that the Board implement a program to utilize the CEB fine fund to lend money to homeowners on fixed incomes who cannot afford to make required repairs to clear violations.

Discussion

Commissioner Butler explained the County's Housing Rehabilitation Program and suggested that the CEB schedule a joint worksession with the Orange County Community Development Department which oversees that program.

Zoning Department Manager Melvin Pittman pointed out that code enforcement officers inform property owners of County programs which are available to them.

Mr. Pittman presented the annual report of the Code Enforcement Board. He reviewed the findings of the 1992 Code Enforcement Report and outlined its recommendations. Mr. Pittman explained how the recommendations have been implemented.

Further, Mr. Pittman pointed out the duties of the Building Board of Adjustments and Appeals, the Code Enforcement Board, the Board

of Zoning Adjustments, and the Planning and Zoning Commission and explained how the boards participate in code enforcement.

In conclusion, Mr. Pittman discussed the department's goals for code enforcement in the coming fiscal year. Following the presentation, Mr. Pittman responded to questions from the Board.

Motion

The Board did not take any action.

ANNUAL REPORT - ADMINISTRATIVE SUPPORT DIVISION

Staff Report

Administrative Support Division Director Jim Hartmann presented division staff members from each division department who reported on their department's responsibilities and job duties as follows:

- Mike Hicks, Construction Administration Department
- Bud Hosier, Facilities Management Department
- Harold E. "Sonny" Dudley, Sr., Facilities Management Department
- Doug Brock, Fleet Management Department
- Harrison J. Smith, III, Fleet Management Department
- Sam Anderson, General Services Department
- Alexis La Toni, Graphic Reproduction Department
- John Terwilliger, Real Estate Management Department
- Sabrina Miller, Real Estate Management Department

Mr. Hartmann responded to comments and issues raised by the Board.

Motion

The Board did not take any action.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board deleted County Comptroller Consent Agenda Item 5 and approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the amount of \$297,673.84 (Administrative/Fiscal Division).
2. Approval to make monthly budget draws to the Sheriff which

were amended due to an increase in the Bailiff's budget as a result of the Court Security Officer Program (Administrative/ Fiscal Division).

3. Authorization to make monthly budget fee payments to the County Comptroller (Administrative/Fiscal Division).
4. Authorization to make monthly budget draws to the County Comptroller for fees in providing collection and audit services to the BCC for the Public Service Tax (Administrative/ Fiscal Division).
5. Acknowledgment and filing of the audit of the Apopka Improvement Association (Administrative/Fiscal Division).

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

6. Acknowledgment and filing of the Review of Time Accounting Procedures, Production Crew Rigging Personnel, Orange County Convention Center (Administrative/Fiscal Division).
7. Approval to donate two surplus typewriters to the Union County Clerk of Courts (Property Accounting Department).
8. Approval of the minutes of the October 25 and November 1, 1994, meetings of the Board of County Commissioners (Comptroller Clerk's Office).
9. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the BCC, as follows:
 - a. An ordinance adopted by City Council, Documentary #27962 from City of Orlando, dated October 24, 1994.
 - b. Financial statements and schedules for years ended June 30, 1994 and 1993, with Report of Independent Certified Public Accountants for the Orlando-Orange County Expressway Authority, dated October 20, 1994.
 - c. Petition for Writ of Certiorari, R.B.S.J.R., Inc., Petitioner vs. Board of County Commissioners of Orange County, Respondent, dated October 20, 1994.
 - d. Invoice No. 07453 in the amount of \$4,800 for Cooperative Forest Assistance assessment for the County Forester from Florida Department of Agriculture and

Consumer Services, dated October 21, 1994.

(Comptroller Clerk's Office)

10. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts as follows:
 - Week of November 22, 1994, to November 28, 1994; total of 13,528,242.37.

County Administrator

1. Approval of the settlement agreement between Orange County and a property owner regarding Octavia Underhill v. Orange County and Westwind Homeowners Association.
2. Adoption of a resolution rescinding Orange County's December 15, 1992, resolution withdrawing the authority for Orange County to execute an interlocal agreement with Osceola County and the Osceola County Industrial Development Authority relating to the issuance of Osceola County Industrial Development Authority Revenue Bonds (County Attorney).

(Resolution No. 94-B-09 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval and execution by the County Chairman of a resolution and authorization to initiate condemnation proceedings: Ivey Lane, Elston Lane, and Columbia Street (Bruton Blvd. to Old Winter Garden Road [Resolution #2]), Resolution, District 6 (Real Estate Management Department).
2. Approval and execution by the County Chairman of a resolution and authorization to initiate condemnation proceedings: Old Winter Garden Road (Ivey Lane to U.S. 441 [Group 2]), Resolution, District 6 (Real Estate Management Department).
3. Approval and execution by the County Chairman to show acceptance and authorization to record instrument and pay appropriate recording fees: Woodbury Pines, Assignment of Drainage Easements, District 4 (Real Estate Management Department).

Page revised 2/24/95

4. Approval of purchase price above appraised value and execution by the County Chairman of an agreement between Dr. Phillips, Inc., and Orange County, Florida, and authorization to disburse warrants, conduct closing, record related instruments, and pay appropriate recording fees not to exceed \$30: Turkey Lake Road (I-4 to Sand Lake Road), Warranty Deed and Drainage Easement, Parcels 122/922/822, District 1 (Real Estate Management Department).
5. Approval and execution by the County Chairman of a lease agreement between TRST Orlando, Inc., and Orange County, Florida: relocate MIS/GIS Department, Lease Agreement, District 3 (Real Estate Management Department).
6. Approval and execution by the County Chairman of a lease agreement between TRST Orlando, Inc., and Orange County, Florida: temporarily relocate County Comptroller's Records Administration Division, Lease Agreement, District 3 (Real Estate Management Department).
7. Approval and execution by the County Chairman of a lease agreement between Orlando Central Park, Inc., and Orange County, Florida: house the Orange County Sheriff's Training Section/Professional Standards, Lease Agreement, District 6 (Real Estate Management Department).

(Agreements for Items 4 through 7 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)*

8. Approval and authorization to disburse warrant, record instrument and pay appropriate recording fees: South Orange Blossom Trail wastewater relocation and improvements (Holden Avenue to Sand Lake Road), Temporary Construction Easement, Parcel 702, District 6 (Real Estate Management Department).

Division of Information Technologies

1. Authorization for the Orange County Chairman to issue an accounting order preserving the County's right to order refunds and/or rate rollbacks for Time Warner Cable subscribers for any overcharges of previously paid rates determined to be in excess of the permitted tier charge or above the actual cost of equipment (Cable Communications Department).

Page revised 2/24/95

***Fire and Rescue Services Division**

1. Ratification of Project Plowshares Memorandum of Understanding with the U.S. Army Simulation, Training, and Instrumentation Command (Division Office).

Fiscal and Human Resources Division

1. Approval of Task Authorization 10, Contract Y3-903A, continuing geotechnical services, with Applied Earth Sciences, Inc., \$100,870 ([Environmental Protection Department] Purchasing and Contracts Department).
2. Approval of Change Order 6, Contract Y4-704, Mid-State Paving Company, Inc., for Pine Hills Road roadway and utility improvements, \$16,494.80 ([Highway Construction Department] Purchasing and Contracts Department).
3. Approval to enter into contracts with four firms: Comet Bus Line, Gray Line, Laidlaw Transit, and Mears Transportation Group for providing shuttle bus service at the Orange County Convention Center, RFP Y4-1007-HF. Estimated amount \$50,000 ([Convention Center] Purchasing and Contracts Department).

(Contracts are on file in the Purchasing and Contracts Department.)

4. Approval of the proprietary lease/purchase procurement of a site license upgrade and corresponding four-year maintenance/ support agreement of the Oracle database software being utilized for the GIS information systems, \$945,750 and \$855,343 respectively ([Management Information Services] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y5-702 to the low responsive and responsible bidder, Fire Alarm Service Corporation, fire alarm modifications to meet ADA requirements, \$56,805 ([Construction Administration] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y5-703 to the low responsive and responsible bidder, Major Safety of Florida, Inc., demolition of one wastewater treatment facility and four water treatment facilities, \$51,924 ([Public Utilities Engineering] Purchasing and Contracts Department).

Page added 2/24/95

7. Approval to award Invitation for Bid Y5-115-GJ, to the low responsive and responsible bidder, G. A. Food Service, Inc., to furnish prepared meals for the Head Start centers Child Care Food Program, \$437,480.15 ([Community Affairs] Purchasing and Contracts Department).

THIS PAGE INTENTIONALLY LEFT BLANK

8. Approval to enter into a contract with the Center for Drug Free Living to provide substance abuse counseling to the homeless population, Contract Y5-2050, \$65,000 ([Human Services] Purchasing and Contracts Department).

(Contract is on file in the Purchasing and Contracts Department.)

9. Confirmation of the County Chairman's staff reappointments for the month of November 1994:

- Tom Ackert, Executive Director, Convention Center, Administration
- Veronica Anderson, Manager, Minority/Women Business Enterprise, Fiscal and Human Resource Division
- Robert Pickerill, Manager, Citizens' Commission for Children, Health and Community Services Division
- David Staymates, Manager, Management Information Services, Division of Information Technologies
- Jacqueline Torbert, Manager, Utilities Laboratory, Public Utilities Division

(Human Resources Department).

10. Approval of the amendment to the resolution which documents FY 1994-95 CIP projects to be funded by commercial paper (OMB).

(Resolution No. 94-M-67 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Approval of Budget Amendments 95-05 through 95-10 (OMB).

(Budget Amendments 95-05 through 95-10 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

12. Approval of CIP Amendments 06-95 and 07-95 (OMB).

(CIP Amendments 06-95 and 07-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

13. Approval of payment of Intergovernmental claims (November 3 and November 10, 1994) totaling \$324,658.92 (Risk Management Department).

14. Receipt and filing of the October 27 and November 3, 1994, minutes of the Intergovernmental Risk Management Committee (Risk Management Department).
15. Approval to ratify issuance of Orange County, Florida Housing Finance Authority Single Family Mortgage Revenue Bonds not to exceed \$75,000,000; execution of resolution by County Chairman (Housing Finance Authority).

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

Health and Community Services Division

1. Approval and execution of an Acquisition Project Grant Agreement between Orange County and the Florida Department of Environmental Protection in order to receive \$91,480 in State funding for trailhead acquisition (West Orange Trail). The County will be required to provide matching funds of \$100,000 (Parks and Recreation Department).

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

Planning and Development Division

1. Approval for payment of permitting fees for paving the parking lot for O.D.A.T., Inc., (a not-for-profit community rehabilitation center) located at 4971 West Colonial Drive Orlando, Florida 32808, District 6 (Building Department).
2. Receipt and filing of the minutes of the Lake Sue Advisory Board meeting of August 24, 1994, District 5 (Environmental Protection Department).
3. Receipt and filing of the minutes of the Lake Sue Advisory Board meeting of September 21, 1994, District 5 (Environmental Protection Department).
4. Approval of contract for inspection of underground storage tanks with the Florida Department of Environmental Protection and approval of the manning table, countywide (Environmental Protection Department).

(Contract is on file in the Environmental Protection Department.)

5. Approval of model homes request, Waterford Lakes, District 4 (Zoning Department).
6. Approval of model home request, Hunter's Creek Tract 245, District 1 (Zoning Department).
7. Approval of model home request, Oak Grove Circle, District 5 (Zoning Department).
8. Confirmation of nonsubstantial deviation to the DRI; nonsubstantial change to the approved planned development; and, execution of an amended development order, Southmark Centre PD/DRI, District 1 (Zoning Department).

(Amended Development Order is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
9. Approval to change the name of the Area Improvement Section to "Zoning Code Enforcement Section" (Zoning Department).
10. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning (LC-94-221, LC-94-222, LC-94-223, LC-94-238, LC-94-242, LC-94-243, LC-94-245, LC-94-247, LC-94-248, LC-94-249, LC-94-250, LC-94-251, LC-94-263, LC-94-272, LC-94-273), District: countywide (Zoning Department).

(Resolution Nos. 94-ZON-240 through 94-ZON-254 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Utilities Division

1. Authorization for the County Chairman to sign the Water Reuse Agreement for Project ABC with Orlando Resort A Associates Limited Partnership and Orlando Resort B Associates Limited Partnership (Partnerships), Districts 1 and 4 (Division Office).

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
2. Confirmation of the appointment of Harry Baughman as manager of the Wastewater Department of the Public Utilities Division

Page revised 2/24/95

at a starting salary of \$75,000 per year and approval to reimburse Mr. Baughman's moving expenses not to exceed \$5,000 (Division Office).

3. Authorization for the County Chairman to sign the six Water Conserv II Grower Agreements for Contract 14 for delivery and use of reclaimed irrigation water among Orange County, the City of Orlando, and the following:

1. Karst, Inc.
2. Curry L. Blitch
3. Brent Monk
4. James E. Wiggins
5. Void L. Chesster
6. Pamela A. Collier

District 1 (Division Office).

4. Authorization for the County Chairman to sign the Water Reuse Agreement with NICO Investments, Inc., District 4 (Division Office).
5. Authorization for the County Chairman to sign the amended Wastewater Utilities Agreement with Landstar Development Corporation, District 4 (Division Office).
6. Authorization for the County Chairman to sign the two Pipeline License Agreements with Florida Central Railroad, District 2 (Division Office).

(Agreements for Items 3 through 6 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval to adopt a resolution to vacate a portion of the plat Hunter's Creek Tract 115 Phase I and execution of Ratification of Developers Agreement*, District 1 (Engineering Department).

(Resolution and Ratification of Developers Agreement* are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval to begin administrative action procedures to vacate and abandon the west 136 feet of Beach Blvd., District 3 (Engineering Department).

HEALTH AND HUMAN SERVICES DIVISION DISCUSSION AGENDA

1. Keene's Point Boat Ramp, District 1 (Parks and Recreation Department).

Staff Report

Parks and Recreation Department Manager Lynn Sordel stated the purpose of the discussion is to provide the most current information related to the department's efforts to provide a 50-space boat ramp at the Keene's Point site located on Lake Isleworth on the Butler Chain of Lakes.

Mr. Sordel discussed the issues relating to obtaining the site including water management district permits, petroleum contamination on the site, objections from residents, and the Butler Chain of Lakes Boat Ramp Search Committee's efforts to find other suitable locations.

Assistant County Attorney John Gehrig explained the aspects of the litigation that may result if the Board pursues the Keene's Pointe site.

Discussion

The Board discussed the environmental concerns on the Butler Chain of Lakes and the South Florida Water Management District's (SFWMD) position regarding permitting the public boat ramp at the Keene's Point site.

Bill Stiller and Toni Light of the SFWMD addressed the Board and stated the SFWMD's commitment to work with Orange County to provide public access to the Butler Chain of Lakes. Further, they explained the SFWMD's permitting criteria and its enforcement responsibility.

Assistant County Attorney Joel Prinsell responded to questions from the Board regarding the lengthy litigation that would result in the event of a legal challenge.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Donegan, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board directed the Parks and Recreation Department to proceed in its efforts to provide a 50-space boat ramp at the Keene's Pointe site located on Lake Isleworth on the Butler Chain of Lakes;

and further, to proceed with efforts to obtain an alternate site for a public boat ramp for the Butler Chain of Lakes.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

- 1. Selection of one firm to provide asbestos, lead, and radon consulting services for Orange County Risk Management Department, RFP Y4-1000-SS ([Risk Management Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select one firm to provide asbestos, lead, and radon consulting services for the Orange County Risk Management Department from the following firms:

- Atlas Scientific Technologies
- Evans Environmental & Geological Science and Management, Inc.
- Occupational Health Conservation, Inc.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board selected Atlas Scientific Technologies to provide asbestos, lead, and radon consulting services for the Orange County Risk Management Department, RFP Y4-1000-SS.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA

- 1. Continuation of the briefing regarding Navy Base Reuse Land Use Plans.

Staff Report

Deputy County Administrator Byron Brooks stated the purpose of this discussion is to update the Board on the activities of the Navy Base Reuse Commission since the November 15, 1994, Board meeting.

Planning and Development Division Director Bruce McClendon outlined the public hearing schedule for final approval of the Navy Base Reuse Plan, discussed the fiscal impacts of the plan, and presented the staff recommendation to authorize the

County Chairman to execute and transmit a letter to the mayor of Orlando informing the City of Orlando and the Navy Base Reuse Commission that Orange County's preference is for the inclusion of additional green/open space in the final plan that is transmitted to the Department of the Navy.

Discussion

The Board questioned the major differences of the City's plan and the County's plan; and further, discussed inclusion of a golf course course and soccer field, and the implications of the City's plan.

Mr. Brooks explained that all the fiscal implications of the reuse plan would be addressed in an interlocal agreement with the Cities of Orlando and Winter Park.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board directed the County chairman and County staff to meet with the City of Orlando mayor and City staff to negotiate a solution to the differences in the City's plan and the County's preferred Navy Base Reuse Plan.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with Vice-chairman Staley, Commissioners Bob Freeman, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Johnson was absent. County Chairman Chapin joined the meeting where indicated. Also present were County Comptroller as Clerk Martha Haynie, Deputy County Administrator John Gehrig, Assistant County Attorney John Gehrig, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Ronald Kimble of the Christian Life Center, followed by the Pledge of Allegiance to the Flag.

Presentation of certificates of appreciation to United Way Steering Committee members.

Corrections Division Director Tom Allison, Orange County's United Way chairman, announced the contributions made to the United Way by Orange County employees. Mr. Allison presented certificates to the

loaned executives and steering committee members.

MSTU/BU PUBLIC HEARING - ESTABLISH DOWN COVE ROAD MSTU/BU, ROAD IMPROVEMENTS, 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 road improvements for Down Cove Road on the following described property:

Down Cove Road from Windy Ridge Road to First Street.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the property owners has a cost per lot for paving and drainage improvements of \$1,761.68.

Jim Harrison of the Public Works Engineering Department explained the MSTU/BU request in detail.

Appearances

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

- David Storey, 3202 Down Cove Road, Windermere, Florida.

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

John Knight, 3226 Down Cove Lane, Windermere, Florida.

A motion by Commissioner Freeman to adopt a resolution establishing an MSTU/BU for road improvements on Down Cove Road from Windy Ridge Road to First Street died for the lack of a second.

Public Works Division Director George Cole pointed out to the Board a deficiency in the notice of public hearing.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Staley, and carried with Vice-chairman Staley all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved readvertising the public hearing to consider a resolution establishing an MSTU/BU for road improvements on Down Cove Road from Windy Ridge Road to First Street recalculated for 18 lots and including road improvements to First Street.

NOTE: The following MSTU/BU public hearings were held together see page 293 for the appearances, discussion, and motion.

MSTU/BU PUBLIC HEARING - ESTABLISH WATERFORD LAKES TRACT N-7 PHASE THREE 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 Waterford Lakes Tract N-7 Phase Three Subdivision on the following described property:

Waterford Lakes Tract N-7 Phase Three Plat Book 32, Pages 84 and 85, Lots 155 through 236, Section 34, Township 22, Range 31, 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 \$51.

MSTU/BU PUBLIC HEARING - ESTABLISH ANDOVER LAKES PHASE 3-A 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 Andover Lakes Phase 3-A Subdivision on the following described property:

Andover Lakes - Phase 3-A Plat Book 33, Page 45 through 51, Lots 1 through 130, Section 8, Township 23, Range 31, 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.

MSTU/BU PUBLIC HEARING - ESTABLISH WHISPER LAKES UNIT 1 MSTU/BU, STREET LIGHTS AND RETENTION PONDS(S) MAINTENANCE, 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 and retention pond(s) maintenance at Whisper Lakes Unit 1 Subdivision on the following described property:

Whisper Lakes Unit 1, Plat Book 33, Pages 53 and 54, Lots 1

through 71, Sections 15 and 16, Township 24, Range 29, 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 \$65, and an annual cost per lot for retention pond(s) maintenance of \$27.

MSTU/BU PUBLIC HEARING - AMEND BUENA VISTA WOODS BOULEVARD MSTU/BU, STREET LIGHTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending a special purpose taxing district for street lights for Buena Vista Woods Blvd. on the following described property:

Diamond Cove Unit 1A, Section 10, Township 24, Range 28, Plat Book 32, Pages 9 through 13, Lots 1 through 50, and Diamond Cove Unit 1B, Section 10, Township 24, Range 28, Plat Book 33, Pages 8 and 9, Lots 51 through 100.

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost per lot for street lights of \$33.

MSTU/BU PUBLIC HEARING - AMEND DIAMOND COVE UNIT 1A AND 1B MSTU/BU, STREET LIGHTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending a special purpose taxing district for street lights at Diamond Cove Unit 1A and 1B Subdivisions on the following described property:

Diamond Cove Unit 1A and 1B, Plat Book 32 for Diamond Cove Unit 1a and 33 for Diamond Cove Unit 1B, Page 9 through 13 for Diamond Cove Unit 1A and 8 and 9 for Diamond Cove Unit 1B, Lots 1 through 50 for Diamond Cove Unit 1A and 51 through 100 for Diamond Cove Unit 1B, Section 10, Township 24, Range 28, 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 \$85.

MSTU/BU PUBLIC HEARING - AMEND LAKESIDE WOODS AND LAKESIDE WOODS UNIT 2 MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending a special purpose taxing district for street lights and retention pond(s) maintenance at Lakeside Woods and Lakeside Woods Unit 2 Subdivisions on the following described property:

Lakeside Woods and Lakeside Woods Unit 2, Plat Book 16 for Waterford Lakes Tract N-7 Phase Three Plat Book 32, Pages 84 and 85, Lots 155 through 236, Section 34, Township 22, Range 31, 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 \$32 and an annual cost per lot for retention pond(s) maintenance of \$54.

Appearances

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted resolutions establishing and amending MSTU/BUs as follows:

- establish Waterford Lakes Tract N-7 Phase Three, annual cost per lot for street lights of \$51;
- establish Andover Lakes Phase 3-A, annual cost per lot for street lights of \$52;
- establish Whisper Lakes Unit 1, annual cost per lot for street lights of \$65, and an annual cost per lot for retention pond(s) maintenance of \$27;
- amend Buena Vista Woods Blvd., annual cost per lot for street lights of \$33;
- amend Diamond Cove Unit 1A and 1B, annual cost per lot for street lights of \$85;

- amend Lakeside Woods and Lakeside Woods Unit 2, annual cost per lot for street lights of \$32, and an annual cost per lot for retention pond(s) maintenance of \$54.

NONAGENDA - WELCOME TO NEW COMMISSIONER

Vice-chairman Staley introduced and welcomed Clarence Hoenstine, the new county commissioner representing District 4.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: THOMAS H. BROWN, VEGETATION REMOVAL AND REPLANTING, LAKE DOWN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Thomas H. Brown for approval of a permit application to remove vegetation and replant, under Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lot 9, Windermere Oaks, Plat Book 10, Page 27, Section 9, Township 23, Range 28, Public Records of Orange County, Florida said property being located adjacent to Lake Down.

Staff Report

Environmental Coordinator Rick Baird reviewed the request and the recommendation for approval subject to conditions.

Appearances

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

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the permit application by Thomas H. Brown to remove vegetation and replant on Lake Down, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will notified by the applicant of the dates the vegetation removal begins and ends, and of the dates replanting activities begin and end.

2. A "time zero" replanting completion diagram, including specific numbers and locations of each plant species used in each area, must be submitted to the EPD within one (1) month of the completion of the replanting.
3. Cleared vegetation must be removed to landward of the normal high water elevation on Lake Down, which is 99.5 msl.
4. Removal of cypress trees or ferns from inundated areas is prohibited.
5. No herbicides or heavy equipment uses are permitted. Only hand removal is allowed and all cut vegetation must be removed to landward of the conservation areas.
6. Revegetation shall be in accordance with the applicant's proposal and the Orange County Environmental Protection Department's conditions. New planting must be initiated within 30 days of completion of removals in the area. If EPD determines that natural recruitment has not occurred in areas less than ten (10) square feet after one (1) year of maintenance, replanting is required.
7. If EPD or the Planning Department determines at any time during the permitted activities that the lakes or wetlands are adversely impacted, the activities shall cease as soon as the applicant or contractors are notified, either verbally, or in writing.
8. The owner and applicant shall have copies of this permit on the property and posted on the Lake Down site when permitted activities begin and until completed.
9. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to Orange County Environmental Protection Department.
10. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
11. This permit does not release the permittee from complying with all other federal, state, and local rules and

regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: MOHAMMED MOIZUDDIN, VEGETATION REMOVAL AND REPLANTING, LAKE GEORGE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mohammed Moizuddin for approval of a permit application to remove vegetation and replant under Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lot 120, Gatlin Place Phase II according to the plat thereof as recorded in Plat Book 31, at Page 53 of the Public Records of Orange County, Florida, said property being located adjacent to Lake George.

Staff Report

Environmental Coordinator Rick Baird reviewed the request and the recommendation for approval subject to conditions.

Appearances

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

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the permit application of Mohammed Moizuddin to remove vegetation and replant on Lake George, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will notified by the applicant of the dates the vegetation removal begins and ends, and of the dates replanting activities begin and end.
2. Excluding a 30-foot access clearing, the cleared areas must be planted with the species listed in the application.
3. Cleared vegetation must be removed to landward of the normal high water line, 99.5 feet.
4. Revegetation will occur in the above-cleared areas within 30 days of removal. An 80% survival rate will be required after one (1) year, otherwise replanting will be required.

5. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to Orange County Environmental Protection Department.
6. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
7. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
8. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANTS: DAVID AND BETTIE SIEGEL, VEGETATION REMOVAL AND REPLANTING, LAKE BUTLER, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by David and Bettie Siegel for approval of a permit application to remove vegetation and replant under Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Section 16, Township 23, Range 28, Tax ID# 162328389903910, Lot 391 Isleworth, said property being located adjacent to Lake Butler.

Staff Report

Environmental Coordinator Rick Baird reviewed the request and the recommendation for approval subject to conditions.

Appearances

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

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the permit application of David and Bettie Siegel to remove vegetation and replant on Lake Butler subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will notified by the applicant of the dates the vegetation removal begins and ends, and of the dates replanting activities begin and end.
2. A "time zero" replanting completion diagram, including specific numbers and locations of each plant species used in each area, must be submitted to the EPD within one (1) month of the completion of the replanting.
3. Cleared vegetation must be removed to landward of the normal high water elevation on Lake Butler, which is 99.5 msl.
4. Removal of cypress trees or ferns from inundated areas is prohibited.
5. No herbicides or heavy equipment uses are permitted. Only hand removal is allowed and all cut vegetation must be removed to landward of the conservation areas.
6. Revegetation shall be in accordance with the applicant's proposal and the Orange County Environmental Protection Department's conditions. New planting must be initiated within thirty (30) days of completion of removals in the area. If EPD determines that natural recruitment has not occurred in areas less than ten (10) square feet after one (1) year of maintenance, replanting is required.
7. If EPD or the Planning Department determines at any time during the permitted activities that the lakes or wetlands are adversely impacted, the activities shall cease as soon as the applicant or contractors are notified, either verbally, or in writing.

8. The owner and applicant shall have copies of this permit on the property and posted on the Lake Butler site when permitted activities begin and until completed.
9. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to Orange County Environmental Protection Department.
10. Erosion and turbidity which may result must be controlled with screens and/or other technology so that turbidity is confined to the area of work.
11. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SPRING HILLS COMMUNITY PRELIMINARY SUBDIVISION PLAN, DISTRICT 2

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

Lot 1, Spring Hill, according to the plat thereof, as recorded in Plat Book 1, Page 44, Public Records of Orange County, Florida. The above-referenced project is located in Zone "C," area of minimal flooding, as per Community Panel No. 120179 0200D, Orange County, Florida. Map dated December 5, 1986.

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 request:

- Joan Randolph, JCF Consultants (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the Spring Hills Community Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Spring Hills Community Preliminary Subdivision Plan, dated "Received September 13, 1994," 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 November 29, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. The requested for a waiver of the stormwater management requirements is approved.
3. The variance to permit road slopes less than the minimum required in Section 34-171 of the Orange County Code is granted.
4. Section 38.1501 of the zoning regulations is waived to provide a front yard setback of 16 feet in lieu of 25 feet.
5. Section 38.1501 of the zoning regulations shall be waived to the allow a five foot side setback in lieu of six (6) feet.
6. Section 38.1501 of the zoning regulations shall be waived to allow a minimum lot width of 64 feet at the building setback line in lieu of 75 feet.
7. Section 38.1501 of the zoning regulations shall be waived to

allow minimum lot area of 6,600 square feet in lieu of 7,500 square feet.

- 8. Section 34-151(c) of the subdivision regulations shall be waived to a minimum of ten (10) feet of right-of-way frontage in lieu of 20 feet.
- 9. Section 34-172 of the subdivision regulations shall be waived to allow a 50-foot diameter pavement turnaround within the cul-de-sac right-of-way in lieu of 88 feet.
- 10. Section 38.1501 of the zoning regulations shall be waived to allow a rear-yard setback of five feet in lieu of 25 feet.
- 11. Section 34-171 of the subdivision regulations shall be waived to permit sidewalk to be located outside the ROW within a sidewalk easement, and a sidewalk on only one side of Street A and no sidewalk to be provided on Spring Hill Drive.
- 12. Prior to transfer of the sanitary sewer system, the existing system shall be inspected and upgraded to meet County standards and appropriate easements shall be dedicated to Orange County.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - BEELINE INDUSTRIAL PARK
PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

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

Surveyor's Description: Two parcels or tracts of land lying in a portion of Section 36, Township 23 South, Range 29 East, Orange County, Florida, being a portion of Blocks 96 through 100, and a portion of vacated Atlantic Avenue, vacated Second Street, vacated Third Street, vacated Fourth Street, and vacated Fifth Street, lying south of the greater Orlando Aviation Authority Railroad Right-of-Way, together with a portion of Blocks 101 and 102 and a portion of vacated Seventh Street, all according to Wade's Plat of Pinecastle, as recorded in Plat Book B, Page 144, of the Public Records of Orange County, Florida; also being that property described in Official Records Book 4561, Page 786, less that property described in Official Records Book 4606, Page 2743 for said Public Records and being more particularly described as follows: Parcel I: Commencing at the east 1/4 corner of said

Section 36; thence south 00°07'18" west along the east line of the southeast 1/4 of said Section 36, a distance of 59.53 feet to a point on the southerly line of said railroad right-of-way, and the point of beginning; thence continue south 00°07'18" west along said east line of the southeast 1/4 a distance of 362.87 feet to a point on the northerly right-of-way line of Spruce Avenue (Spruce Avenue having a right-of-way width of 50 feet); thence north 74°46'04" west along said northerly right-of-way line a distance of 1366.11 feet to a point, herein after referred to as point "A"; thence north 14°58'40" east a distance of 352.56 feet to a point on said southerly railroad right-of-way line; thence south 74°40'01" west along said railroad right-of-way line a distance of 1273.08 feet to the point of beginning. AND Parcel II: Commencing at afore-referenced point "A"; thence north 74°46'04" west along the northerly right-of-way of said Spruce Avenue a distance of 270.00 feet to the point of beginning; thence continue north 74°46'04" west along said right-of-way line a distance of 324.99 feet to a point on the easterly right-of-way of State Road No. 527 (also known as Orange Avenue); thence north 14°58'40" east along said easterly right-of-way line a distance of 163.61 feet to a point; thence south 74°40'01" east a distance of 333.00 feet to a point; thence south 14°58'40" west a distance of 321.00 feet to a point; thence north 74°58'32" west a distance of 8.00 feet to a point; thence south 14°58'40" west a distance of 31.00 feet to the point of beginning. Containing 11.89 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 request:

- Steve Mellich, Mellich-Blenden Engineering (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Staley closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner

Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the Beeline Industrial Park Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Beeline Industrial Park Preliminary Subdivision Plan, dated "Received September 9, 1994," 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 November 29, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Stormwater management system shall be privately owned and maintained. A mandatory property owners' association shall be created with authority and obligation to assess property owners for operation of stormwater system.
3. Prior to platting, cross-easements to/from Tract B and the remnant parcel discharging into the existing pond, shall be recorded.
4. The total project signage copy area calculated for the site shall exclude 211 square feet already allocated to the existing restaurant establishment parcel not included in the subdivision.
5. Orange County Code Section 34-151(c) requires lot access from an internal subdivision street. This project is proposing access to each lot from an existing unopened external street. Waiver from Section 34-151(c) of the Orange County Code is granted. Additional right-of-way shall be provided for a cul-de-sac to be constructed at the proposed Lot 11.
6. Before acceptance by Orange County, the pump station shall be brought up to current County standards and the pump station

site and easements over the force main shall be dedicated to Orange County.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ISLE OF BUENA VISTA PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

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

The following described lots in Mungers' Subdivision of Section 35, Township 24 South, Range 28 East, as recorded in Plat Book E, Page 23, of the Public Records of Orange County, Florida. That part of Lots 86, 87, and 88 of said subdivision described as follows: Beginning at the southeast corner of said Lot 88; run thence west 990 feet more or less along the south line of said lots; thence northeasterly 1060 feet more or less along the arc of a curve concave northwesterly, with a radius of 800 feet, to the north line of the south 600 feet of said Lot 88; thence east 300 feet more or less to the east line of Lot 88; thence south 600 feet to the point of beginning. Together with: Lots 105, the N 1/2 of Lot 106, Lots 107 through 110, Lot 116 and the N 1/2 of Lot 120 of said subdivision. Less those portions of said lots lying within 330 feet of the centerline of S.R. 535. Together with: That part of Lots 109, 110, 111, 115 and 116 described as follows: Commence at the intersection of the west line of Section 35, Township 24 South, Range 28 East, Orange County, Florida and the northeasterly right-of-way line of S.R. 535, thence run south 36°58' east along said northeasterly right-of-way line of S.R. 535 a distance 665.63 feet to a point of beginning of a parcel of land more particularly described as follows: thence continue south 37°06' east along said northeasterly right-of-way line of S.R. 535 a distance of 1,025 feet, thence north 53°02' east, a distance of 300 feet, thence north 37°06' west a distance of 1,025 feet; thence south 53°02' west a distance of 300 feet to the point of beginning. Less and except road right-of-way for S.R. 535 described in O.R. Book 3676, P. 2579, Public Records of Orange County, Florida. Together with: the W 1/2 of the SW 1/4 of the SW 1/4 of the SE 1/4 of said Section 35, Township 24 South, Range 28 East, Orange County, Florida.

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 request:

- Leonard J. Cechowski; Ivey Harris & Walls, Inc.; 631 South Orlando, Florida; for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board approved the Isle of Buena Vista Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Isle of Buena Vista Preliminary Subdivision Plan, dated "Received October 5, 1994," 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 November 29, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. Retention/detention for Buena Vista Parkway shall be a separate tract that is dedicated to Orange county with an easement over the outfall system. Buena Vista drainage easements throughout the project shall be dedicated to Orange County for emergency/maintenance purposes.
3. There is an existing ditch located within the project which serves as an overflow system for Lake Bryan. Stormwater management system shall be designed such that there is no

increase in flood levels upstream and downstream for 100-year storm event.

4. The total square footage of the tourist commercial shall not exceed 196,000 square feet.
5. Prior to construction plan submittal, a mitigation plan shall be submitted to the Planning Department for review and approval.
6. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
7. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.
8. Outdoor display, sale, or storage of food, commodities or equipment outside an enclosed building is prohibited.

DEVELOPMENT REVIEW COMMITTEE (DRC) APPEAL - APPLICANT: WILLIAM GREGOIRE, SEPTIC TANK VARIANCE 94-98 FOR LOT 9, BLOCK A, THE MARSH SUBDIVISION; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Development Review Committee's decision regarding a request by William Gregorie for a variance from Section 37-540 of the On-site Sewage Disposal System Ordinance for Lot 9 in the Marsh Subdivision on Butler Street, west of Main Street on Lake Butler in the City of Windermere.

Staff Report

Public Works Division Director George Cole reviewed the request and the Development Review Committee's recommendation of denial.

Appearances

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

Discussion

Vice-chairman Staley closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with Commissioners Freeman, Hoenstine, and Butler voting AYE by voice vote; Vice-chairman Staley and

Commissioner Donegan voting NO by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board overruled the decision of the Orange County Development Review Committee and approved the request by William Gregorie for a variance from Section 37-540 of the On-site Sewage Disposal System Ordinance for Lot 9 in the Marsh Subdivision on Butler Street, west of Main Street on Lake Butler in the City of Windermere.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: JANET R. HOUSE, FOR THE APPLICANT. APPLICANT: WEST ORANGE HABITAT FOR HUMANITY, BOARD OF ZONING ADJUSTMENT #1, OCTOBER 6, 1994, DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider the action of the Orange County Board of Zoning Adjustment under the date of October 6, 1994, Public Hearing #1, on the request of West Orange Habitat for Humanity for a variance in A-1 zone to erect a single-family residence on a substandard size lot (lot width and area) on the following described property:

Lot 3, Block C, Troynelle, as recorded in Plat Book O, Page 152, Public Records of Orange county, Florida (NW 1/4 of SW 1/4 19-22-27 Tract Size: 50 ft. x 150 ft.).

Staff Report

Zoning Department Manager Melvin Pittman outlined the request and identified the subject property, the surrounding zoning classifications, and noted that the Board of Zoning Adjustment recommended denial of the request.

Appearances

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

- James Hawley, the property owner (no address given).

No one appeared in opposition to the request.

Discussion

Vice-chairman Staley 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 Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board accepted the

applicant's withdrawal of the request by West Orange Habitat for Humanity for a variance A-1 zone to erect a single-family residence on a substandard size lot on the above-described property.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: WILLIAM C. FOGLE, P.E.; WATERFORD POINTE PRELIMINARY SUBDIVISION; TO ALLOW CHANGES IN LOCATION AND SIZE OF LOTS, RETENTION POND, AND RIGHT-OF-WAY EASEMENT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by William C. Fogle, P.E., for Waterford Pointe Preliminary Subdivision to allow changes in location and size of lots, retention pond, and right-of-way as follows:

1. Revise the location of the shoreline of Lake Roberts and Lake Luntz with regard to Lots 6-28, 63-65, and 72-76 due to plotting error;
2. Request a variance for lot size for Lots 13-19 and 23-28 to be approved for building with acreage less than 1.0 acres but no less than 0.90 acres;
3. Convert the designation of Tract "G" from dry pond to wet pond;
4. Relocate the 60' right-of-way easement for future right-of-way to the north side of Lot 59;

pursuant to Orange County Code, Article II, Section 34-27, on property described as follows:

A portion of the west 1/2 of Section 1, and a portion of the east 1/2 of Section 2, Township 23 South, Range 27 East, Orange County, Florida, more particularly described as follows: Commence at the southeast corner of the southwest 1/4 of the southwest 1/4 of Section 1, Township 23 South, Range 27 East, thence run N00°01'29"E along the east line of the southwest 1/4 of the southwest 1/4 of said Section 1 a distance of 1076.32 feet to a point on a line lying 245.00 feet south of, when measured perpendicularly from, the north line of the southwest 1/4 of the southwest 1/4 of said Section 1; thence departing said east line run N89°59'20"W parallel with the north line of the southwest 1/4 of the southwest 1/4 of said Section 1 a distance of 30.00 feet to a point on the west right-of-way line of McKinnon Road, for the point of beginning;

thence continue N89°59'20"W along said parallel line a distance of 1295.20 feet to the west line of said Section 1; thence run S00°00'30"W along the west line of said Section 1 a distance of 430.00 feet to a point lying 675.00 feet south of, when measured perpendicularly from, the north of the southeast 1/4 of the southeast 1/4 of Section 2, Township 23 South, Range 27 East; thence departing said west line of Section 1 run S89°47'17"W parallel with the north line of the southeast 1/4 of the southeast 1/4 of said Section 2 a distance of 1641.01 feet; thence run N00°00'30"E a distance of 675.00 feet to the north line of the southeast 1/4 of the southeast 1/4 of said Section 2; thence run N89°47'17"E along the north line of the southeast 1/4 of the southeast 1/4 of said Section 2, a distance of 516.24 feet; thence departing said north line run N08°45'53"E a distance of 1426.98 feet; thence run N89°45'53"E a distance of 244.17 feet to the west line of the east 1/4 of the northeast 1/4 of said Section 2; thence run N00°01'16"W along the west line of the east 1/4 of the northeast 1/4 of said Section 2 a distance of 2501.23 feet to the north line of said Section 2; thence run N89°41'56"E along the north line of said Section 2 a distance of 664.65 feet to the northeast corner of Section 2; thence run S00°00'30"W along the east line of said Section 2 a distance of 631.00 feet to the northwest corner of the south 1/2 of the northwest 1/4 of the northwest 1/4 of said Section 1; thence run N89°50'35"E along the north line of the south 1/2 of the northwest 1/4 of the northwest 1/4 of said Section 1 a distance of 1326.23 feet to the east line of the west 1/2 of the northwest 1/4 of said Section 1; thence run S00°01'30"W along the east line of the west 1/2 of the northwest 1/4 of said Section 1 a distance of 1963.45 feet to the south line of the northwest 1/4 of said Section 1; thence run N89°49'57"W along the south line of the northwest 1/4 of said Section 1 a distance of 947.48 feet; thence departing said south line run S00°04'35"E a distance of 632.22 feet; thence run N89°46'35"E a distance of 213.16 feet; thence run S65°26'28"E a distance of 405.05 feet; thence run N89°34'17"E a distance of 334.73 feet to said west right-of-way line of McKinnon Road; thence run S00°01'29"W along said west right-of-way line of McKinnon Road a distance of 771.85 feet to the point of beginning. Containing 187.474 acres more or less (water acreage included).

Staff Report

Public Works Division Director George Cole reviewed the change determination request and the Development Review Committee's recommendation for approval.

Appearances

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

- Hugh Lokey, 401 South Rosalind Avenue, Orlando, Florida, for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Staley closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with Vice-chairman Staley and all present commissioners and voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson was absent; the Board approved the request by William C. Fogle, P.E., for Waterford Pointe Preliminary Subdivision to allow changes in location and size of lots, retention pond, and right-of-way as follows:

1. Revise the location of the shoreline of Lake Roberts and Lake Luntz with regard to Lots 6-28, 63-65, and 72-76 due to plotting error;
2. Request a variance for lot size for Lots 13-19 and 23-28 to be approved for building with acreage less than 1.0 acres but no less than 0.90 acres;
3. Convert the designation of Tract "G" from dry pond to wet pond;
4. Relocate the 60' right-of-way easement for future right-of-way to the north side of Lot 59;

which constitutes a substantial change to the development on the above-described property.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - PINE RIDGE HOLLOW PHASE III
PRELIMINARY SUBDIVISION PLAN (CONTINUED FROM NOVEMBER 1, 1994), DISTRICT 3

By consensus, the Board reopened the public hearing to consider the Pine Ridge Hollow Phase III Preliminary Subdivision Plan on the

following described property continued from the November 1, 1994, Board meeting:

Lots 48, 49, 50, and 51-A, Golden Acres Section B, according to the plat thereof as recorded in Plat Book "Q," Page 103, Public Records of Orange County, Florida, and that part of Lot 51, beginning 745 feet east of the northwest corner of Lot 51, Golden Acres Section B, according to the plat thereof as recorded in Plat Book "Q," Page 103, Public Records of Orange County, Florida, run northeasterly along north line 496.55 feet to the east line of said lot, thence southeasterly 396.5 feet to the southeast corner, thence west 533 feet, thence northwesterly 269 feet to the point of beginning. Also an easement for ingress and egress over the southerly 30 feet of the remaining westerly portion of said Lot 51 from Goldenrod Road to the property described herein above.

Staff Report

Public Works Division Director George Cole announced that the applicant has requested a further continuance.

Appearances

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

Discussion

Vice-chairman Staley closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with Vice-chairman Staley and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board continued the public hearing to consider the Pine Ridge Hollow Phase III Preliminary Subdivision Plan until December 6, 1994, at 3:45 p.m.

County Chairman Chapin joined the meeting.

ORDINANCE PUBLIC HEARING - ENACTMENT OF LOBBYIST REGISTRATION ORDINANCE (CONTINUED FROM OCTOBER 11, 1994)

By consensus, the Board reopened the public hearing to consider the following proposed ordinance continued from the October 11, 1994, Board meeting:

AN ORDINANCE PERTAINING TO LOBBYING IN ORANGE COUNTY,

FLORIDA; PROVIDING DEFINITIONS; PROVIDING CERTAIN REGISTRATION, REREGISTRATION, REPORTING, AND DISCLOSURE REQUIREMENTS FOR LOBBYISTS; PROVIDING FOR INVESTIGATIONS, VALIDITY OF ACTIONS, PENALTIES AND SEVERABILITY; PROVIDING FOR TRANSITION TO THE NEW REQUIREMENTS AND FOR AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Jeff Newton reviewed the proposed ordinance.

Appearances

The following persons addressed the Board in favor of the proposed ordinance:

- R.P. Mohnacky, 1820 Prairie Lane, Orlando, Florida.
- Doug Head (no address given).
- Richard Foglesong, chairman of County Watch (no address given).
- Dick Bachelor, a lobbyist (no address given).

The following persons addressed the Board in opposition to the proposed ordinance:

- Beth McGhee, governmental affairs director of the Florida Home Builders Association (no address given).
- Jim Powers, representing the Greater Orlando Association of Realtors (no address given).

The following persons addressed the Board with general comments:

- Frankie Cullen, Governmental Affairs Director representing the Greater Orlando Association of Realtors (no address given).
- Brantley Slaughter (no address given).

Discussion

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

Action

By consensus, the Board amended page 2, lines 35 through 38 to read as follows:

". . . employee of a principal only when governmental relations, acting as a governmental liaison, or communicating with governmental agencies, is a . . ."

Action

By consensus, the Board amended page 2, line 47 to read as follows:

". . . communicating with any staff member of the Board by . . ."

Action

By consensus, the Board amended page 4, line 83 to read follows:

"5. where the principal is a general partnership or joint . . ."

Action

By consensus, the Board amended page 4, line 97 to read as follows:

". . . member of the Board, any staff member to a County Commissioner, any . . ."

Action

By consensus, the Board amended page 5, line 125 to read as follows:

"A. The County Attorney or County Administrator or designee shall be informed of any person . . ."

Motion

A motion by Commissioner Freeman, seconded by Commissioner Butler, with Commissioners Freeman, Hoenstine, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Staley and Donegan voting NO by voice vote; Commissioner Johnson was absent; to amend the proposed ordinance to broaden the definition of a lobbyist to state that any person receiving compensation or not receiving compensation on behalf of another engages in lobbying and should register as a lobbyist failed.

Motion

A motion by Commissioner Hoenstine, seconded by County Chairman Chapin, with County Chairman Chapin and Commissioners Staley and Hoenstine voting AYE by voice vote; Commissioners Freeman, Donegan, and Butler voting NO by voice vote; Commissioner Johnson was

absent; to amend the proposed ordinance to change the frequency of reporting to semiannually failed.

Motion

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, and Donegan voting AYE by voice vote; Commissioners Freeman and Butler voting NO by voice vote; Commissioner Johnson was absent; the Board amended Section 2(c) of the ordinance to make the fee a one-time fee and to allow the lobbyist to add clients without requiring an additional fee.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, and Donegan voting AYE by voice vote; Commissioners Freeman and Butler voting NO by voice vote; Commissioner Johnson was absent; the Board adopted the proposed ordinance relating to lobbying, as amended.

(Ordinance No. 94-22 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Commissioner Donegan left the meeting.

CLOSED SESSION - ORANGE COUNTY V. HAROLD C. BUCHANAN, JR., AS TRUSTEE - CASE NO.: CI92-7305, PARCELS 101; 102; 9002; AND 902A - PROJECT: EASTERN REGIONAL WATER SUPPLY FACILITY AND SOUTHERLY EXTENSION OF ECONLOCKHATCHEE TRAIL

The Board held a privileged discussion pursuant to Section 286.011(8), Florida Statutes. The County Attorney's Office shall file a transcript of the discussion in the Comptroller Clerk's Office within 30 days of the conclusion of the action.

County Chairman Chapin left the meeting.

ORDINANCE PUBLIC HEARING - AMENDING THE ZONING ORDINANCE REGARDING JUNKYARDS (1ST HEARING)

Notice was given that the Board of County Commissioners would hold the first of two public hearings to consider the following proposed ordinance:

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; CHAPTER 38, ZONING SECTION 38-1 OF THE ORANGE COUNTY CODE TO REVISE THE DEFINITION OF JUNKYARDS; AMENDING SECTION 38-1002 OF THE ORANGE COUNTY CODE TO REQUIRE GROUNDWATER MONITORING, FENCES AND HEIGHT LIMITS OF JUNK PILES, PROVIDING FOR EXEMPTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

Staff Report

Assistant Zoning Department Manager Joanne McMurray reviewed the proposed ordinance.

Planning and Development Division Director Bruce McClendon announced that the second of two public hearings regarding the proposed ordinance is scheduled for December 13, 1994, at 6 p.m., at Lakeview Middle School, 1200 West Bay Street, Winter Garden.

Appearances

The following persons addressed the Board with general comments:

- Eric Myers, 1133 West Morse Blvd., Suite 201, Winter Park, Florida.
- Bob Gerzal, 4915 Carter Road, Orlando, Florida.
- Neil Harrow, Michael's Auto Parts, 1301 South Orange Blossom Trail, Orlando, Florida.
- Mike Teiner, owner of A-1 Auto Salvage (no address given).

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

Discussion

Vice-chairman Staley closed the public hearing and opened the matter for Board discussion.

Motion

The Board did not take any action.

MEETING ADJOURNED

There being no further business, Vice-chairman Staley adjourned the meeting at 6:15 p.m.

ATTEST:

