

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, December 6, 1994. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Assistant Deputy Clerk Tom Stark. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

NONAGENDA - WELCOME BY COMMISSIONER JOHNSON

Commissioner Johnson welcomed Commissioner Hoenstine and congratulated County Chairman Chapin and Commissioners Staley and Butler on their reelection.

ELECTION OF VICE-CHAIRMAN

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting aye by voice vote, the Board elected Commissioner Freeman as vice-chairman for 1995.

WORKSESSION - PARKS AND RECREATION NEEDS ASSESSMENT

Staff Report

Parks and Recreation Department Manager Lynn Sordel presented David Barth, a consultant from Glatting Jackson Kercher Anglin Lopez Rinehart Community Planning, who presented the conceptual master plan for the Parks and Recreation Department.

Mr. Barth addressed the Board and explained the methodology utilized to assess the County's recreation needs and the Board's role in meeting those needs. He reviewed the conceptual master plan stating that it emphasizes the development of neighborhood parks located within about one-half mile of the residents they serve. Mr. Barth requested Board direction regarding the conceptual plan and, in particular, the neighborhood parks concept.

Discussion

The Board discussed parking within the parks, development of parks in conjunction with the school system and nonprofit organizations, park land made available at the Naval Training Center, upgrading

current parks, and establishing flexible criteria to assess the needs of each individual neighborhood.

Motion

The Board did not take any action.

WORKSESSION - ANIMAL SERVICES UPDATE

Staff Report

Animal Services Department Manager Georgette Thornton moderated a presentation to update the Board on the status of the department and the Pro-Pets Program.

Ms. Thornton outlined the progress made by the Animal Services Department since the department began reporting directly to the County Administrator's Office. She also noted the use of two consultants, Bert Bertram and Rodney Miller from Interchange Facilitators, to assist the department with employee development and work strategies.

Staff members from the Animal Services Department conducted a mock Animal Services Board of Directors (ASBD) meeting to demonstrate how the decision-making process will be accomplished through the creation of this forum.

Senior Animal Services Officer Dill Luther identified the positions represented on the ASBD, the scope of ASBD responsibilities, and the benefits of such a governing body.

Commissioner Hoenstine left the meeting.

Ms. Thornton continued by presenting employees of the Animal Services Department who described several aspects of the department's responsibilities, including:

- Senior Animal Services Officer Kim Krause - Components of a successful animal services program and responding to citizen concerns and complaints.
- Animal Services Department Assistant Manager Linda Haller - Review of the Pro-Pets Program.
- Animal Services Officer Robert Boswell - Field distribution of Pro-Pets vouchers and educational efforts targeting both adults and school children.

Dr. Geryll Hall, representing the Central Florida Veterinary Medical Association, addressed the Board and read a letter of support for the Pro-Pets Program and the Animal Services Department from the Central Florida Veterinary Medical Association.

Commissioner Hoenstine rejoined the meeting.

Ms. Thornton closed with a summary of the presentation and informed the Board that proposals to amend the Animal Services Ordinance would be forthcoming in the next few months. She also requested that the Animal Services Department remain under the leadership of the County Administrator's Office.

Discussion

The Board discussed education for responsible pet ownership directed toward the elderly, the feasibility of combining the Humane Society and Orange County pet adoption programs, and the procedures for the disposal of dead animals.

Commissioner Johnson left the meeting.

County Chairman Chapin invited Orlando Humane Society Director Martha Lentz to address the Board. Ms. Lentz described the differences between the services provided by the Humane Society and those provided by the Animal Services Department, and pledged her organization's continued support and cooperation to Orange County for its efforts in the area of animal services and related educational pursuits.

Commissioner Johnson rejoined the meeting.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the establishment of an Animal Services Task Force to review the Animal Services Ordinance; and further, after establishment, to recommend revisions to the ordinance to the Board in 90 days.

County Chairman Chapin stated that she would review the matter with the County Administrator's Office and bring her recommendation to the Board regarding implementation.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner

Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the continuation of the Pro-Pets Program as an ongoing part of the Animal Services Department operations.

County Chairman Chapin left the meeting.

Commissioner Johnson left the meeting.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

Fiscal and Human Resource Division

1. Selection of one firm to provide advertising and promotional services for the Orange County Convention Center, Proposal Y5-100-SS.

Staff Report

Chief of Purchasing and Contracts Warren Geltch reviewed the request for proposal and requested that the Board select one firm from the following alphabetical list:

- Frailey Wilson, Inc.
- Gilbert & Manjura Marketing
- Market Development Group International, Inc.
- Richard Sibley Associates, Inc.

Upon a motion by Commissioner Donegan, seconded by Commissioner Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board selected Market Development Group International, Inc., to provide advertising and promotional services for the Orange County Convention Center, Proposal Y5-100-SS.

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

2. Oral presentations and selection of one firm for entering into contract negotiations for Legislative Consulting Services, RFP-1016-HF.

Staff Report

Chief of Purchasing and Contracts Warren Geltch reviewed the request for proposal and explained the procedure and time limits for the oral presentations.

The Board heard presentations from the following firms, after which there were question and answer periods:

- Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A.
- Nabors, Giblin & Nickerson, P.A.

Commissioner Johnson rejoined the meeting.

County Chairman Chapin rejoined the meeting.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Hoenstine, and Donegan voting AYE by voice vote; Commissioner Butler voting NO by voice vote; the Board selected Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A., for entering into contract negotiations for legislative consulting services, RFP Y4-1016-HF.

COUNTY CONSENT AGENDA

Motion

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

- Deleted County Administrator Items 1 and 2;
- Deferred County Administrator Item 3 for discussion;
- Revised the language on Page 123 of the supporting documentation for Fiscal and Human Resources Item 7 by deleting the strikeout over the words "and Deputy Directors" at Paragraph 2, Line 2;

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

County Comptroller

1. Submission of report of interest paid pursuant to the Florida Prompt Payment Act during the fiscal year ended September 30, 1994 (Administrative/Fiscal Division).
2. Approval to revise the minutes of the January 11, 1994, Board of

County Commissioners meeting as approved by the Board of County Commissioners on February 1, 1994, regarding the decision to deny any appeal by Samuel Soh to remove the C-3 restrictions placed on the property by the Planning and Zoning Commission by replacing the original motion with the revised motion as follows:

Motion (original)

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board upheld the decision of the Orange County Planning and Zoning Commission and approved the request of Samuel Soh to amend the C-3 restrictions placed on the subject property by the Orange County Planning and Zoning Commission, subject to the following conditions:

1. Body shops shall be permitted, provided all work and storage of vehicles is within an enclosed building.
2. No new or used car sales including the sale of personal vehicles or third party vehicles.
3. No outdoor storage or display of goods, products, merchandise, parts, or any other equipment.
4. No paint shops.

Motion (revised)

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Samuel Soh to amend the C-3 restrictions placed on the subject property by the Orange County Planning and Zoning Commission; and further, reaffirmed the C-3 restrictions approved by the Orange County Planning and Zoning Commission as follows:

1. Body shops shall be permitted, provided all work and storage of vehicles is within an enclosed building;
2. No new or used car sales including the sale of personal vehicles or third party vehicles;
3. No outdoor storage or display of goods, products,

merchandise, parts, or any other equipment;

4. No paint shops;

and further, made a finding of consistency with the Comprehensive Policy Plan.

(Comptroller Clerk's Office).

3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the BCC, as follows (Comptroller Clerk's Office):
 - a. Budget report for fiscal year 1994-1995 from Zellwood Drainage and Water Control District; dated November 7, 1994.
 - b. Introduction letter from Magnolia Engineering and Land Planning, Inc.; dated November 8, 1994.

County Administrator

1. Approval to reimburse taxable costs to Richard Dinnan in the amount of \$445.93, subject to preaudit by the County Comptroller as required under Section 129.09 of Florida Statutes (State of Florida v. Richard John Dinnan, Case No. CR94-000981)(County Attorney's Office).

(As stated in the above motion, this item was deleted from the agenda. See page 321.)

2. Approval to reimburse costs to Dr. William Zink in the amount of \$81,363.78, subject to preaudit by the County Comptroller as required under Section 129.09 of Florida Statutes; and refusal to pay the balance of \$52,877.27 as either nontaxable or so unclear as to be undeterminable (State of Florida v. William Zink, Case Nos. CR94-1913, CR94-4231, CR94-5484, CR94-5485, CR94-5486, CR94-5487 [Consolidated])(County Attorney).

(As stated in the above motion, this item was deleted from the agenda. See page 321.)

3. Approval to award a holiday bonus of two gift certificates (\$50 certificate from the General Mills Restaurant Group and \$50 certificate from Goodings Supermarkets) to permanent full-time and permanent part-time County employees.

(As stated in the above motion, this item was deferred for discussion. See page 321.)

Administrative Support Division

1. Approval and execution by the County Chairman of resolution and authorization to initiate condemnation proceedings: Ivey Lane, Elston Lane, and Columbia Street (Bruton Blvd. to Old Winter Garden Road [Resolution #3]), Resolution, District 6 (Real Estate Management Department).
2. Approval and execution by the County Chairman of resolution and authorization to initiate condemnation proceedings: Apopka-Vineland Road (Lake Avenue to Sand Lake Road [Resolution #1]), Resolution, District 1 (Real Estate Management Department).
3. Approval and execution by the County Chairman of lease agreement between Church Street Investment Properties, Inc., and Orange County, Florida: To house Real Estate Management, Risk Management and Telecommunications Departments, Fourth Amendment to Lease Agreement, District 3 (Real Estate Management Department).

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

4. Approval and execution by the County Chairman of conservation easement and approval to record instrument and pay appropriate recording fees: Eastern Regional Water Supply Facility Site, Conservation Easement, District 4 (Real Estate Management Department).
5. Reappointment of Robert Cobbs, Mike Cooney, Carol Deloach, Nancy Osborne, James Shalls, and James Subbs to the Private Industry Council of Central Florida. Terms of the appointments are through December 31, 1996 (Agenda Development).

Fire and Rescue Services Division

1. Approval to process Modification #1 to the Statewide Mutual Aid Agreement (Division Office).

(Modification #1 to the above agreement is on file in the

Office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval of payment to the City of Orlando for annual consortium fees for the Central Florida Fire Academy in the amount of \$65,495 (Division Office).

Fiscal and Human Resources Division

1. Approval to purchase additional Motorola "Advisor" receivers for the Telecommunications Department from Air Touch Paging, Y4-648-HF, \$48,980 ([Radio Systems Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y5-110-HF to the low responsive and responsible bidder, Peninsular Paper Company, for a one-year term contract to furnish nonfood kitchen items, \$180,889.53 ([Corrections Food Services] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-116-GJ to the low responsive and responsible bidders for a six-month term contract to furnish automobiles and light trucks: Don Reid Ford, \$620,230; Roger Holler Chevrolet, \$68,311.99; Kaiser Pontiac Buick GMC Truck, \$1,032,983.47; Heintzelman's Truck Center, \$169,906 ([Fleet Management] Purchasing and Contracts Department).
4. Approval to continue elevator maintenance services with Otis Elevator Company, \$83,234.52 ([Facilities Management] Purchasing and Contracts Department).
5. Approval of Change Order No. 3, Final, Contract Y4-702, Southern Site Works, Inc., for Conway area wastewater transmission system improvements, \$5,202.43 ([Public Utilities Division] Purchasing and Contracts Department).
6. Approval of Amendment No. 3, Contract Y2-810, Lochrane Engineering, Inc., for engineering services for Curry Ford Road, \$68,046.80 ([Highway Construction] Purchasing and Contracts Department).
7. Approval of additions and revisions to the Personnel Policy Manual and Administrative Regulations Section 7.01 (Human Resources Department).

(As stated in the above motion, page 123 of the supporting documentation was revised by deleting the ~~strikeout~~ over the words "and Deputy Directors" at Paragraph 2, Line 2. See page 321.)

8. Approval and execution of contract for provision of public broadcast services to include full payment of \$90,000 to WMFE-TV/FM (Channel 24)(OMB).

(Contract is on file in the office of Management and Budget.)

9. Approval of Budget Transfers 95-84 and 95-85 (OMB).

(Budget Transfers 95-84 and 95-85 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval of CIP Amendments 08-95 and 09-95 (OMB).

(CIP Amendments 08-95 and 09-95 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

11. Selection of one (1) proposal for entering into contract negotiations for an Orange County "Small Business" Incubator Program, all districts ([Planning Department] Purchasing and Contracts Department).

Health and Community Services Division

1. Approval and execution of a Certificate of Conveyance and Necessity and Nonemergency Medical Transportation Service License for Laidlaw Transit, Inc., all districts (EMS Department).

2. Approval and execution of a State of Florida Department of Juvenile Justice contract to provide staff-secured shelter services at the Family Services Program Shelter, Department of Human Services; and approval of an increase of four positions in the manning table, all districts (Human Services Department).

(Contract is on file in the Human Services Department.)

3. Approval and execution of agreement for purchase of transportation services with City of Maitland, District 5 (Community Affairs Department).

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

4. Approval and execution of a Low-Income Emergency Home Repair Program Agreement between the State of Florida Department of Community Affairs and Orange County, Florida, all districts (Community Affairs Department).

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

Planning and Development Division

1. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Bahia Shrine Temple and Orange County, District 2 (Planning Department).

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

2. Approval of a model home request, Emerald Forest Unit 1 at Buenavista Woods, District 1 (Zoning Department).
3. Confirmation of a nonsubstantial deviation to the DRI; nonsubstantial change to the approved planned development; and execution of an amended development order, Greene Property PD/DRI, District 1 (Zoning Department).

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

4. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning (LC-94-239, LC-94-253, LC-94-256, LC-94-258, LC-94-274, LC-94-280), all districts (Zoning Department).

(Resolutions 94-ZON-255 through 94-ZON-260 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners).

Public Works Division

1. Approval of a resolution to reduce the existing speed limit on Plymouth-Sorrento Road from 55 miles per hour to 45 miles per hour beginning 1,000 feet north of Kelly Park Road extending

2,000 feet south, District 2 (Traffic Engineering Department).

2. Approval to establish 10-ton weight limits at the following locations:
 - Blue Heron Drive starting 165 feet north of Fairbanks Avenue and continuing north to Killarney Drive.
 - Starling Road starting 165 feet north of Fairbanks Avenue and continuing north to Killarney Drive.
 - Clay Street starting 165 feet north of Fairbanks Avenue and continuing north to Killarney Drive.
 - Killarney Drive from Clay Street to Blue Heron Drive, District 5.

(Traffic Engineering Department).

3. Approval to install "Stop" and "Yield" signs:
 - a. "Stop and Yield" signs in subdivision of Waterford Lakes Tract N-25A Phase I, District 4 (Traffic Engineering Department).
 - b. "Yield" sign in subdivision of Diamond Cove Unit 1B, District 1 (Traffic Engineering Department).
 - c. "Yield" sign on Gander Court at Spoonbill Avenue, District 3 (Traffic Engineering Department).

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Assistant Deputy Clerk Tom Stark. The Board paused for an invocation by The Reverend Father Joseph M. O'Neil, followed by the Pledge of Allegiance to the Flag.

Presentation of Employee Service Award to Rene J. Brouillette (20 years - Highway Maintenance)

County Chairman Chapin presented a 20-year service award and pin to

Rene J. Brouillette of the Highway Maintenance Department.

NONAGENDA - CHAIRMAN'S AWARD

County Chairman Chapin presented the Chairman's Award for the month of October 1994 to Chief Planner John Smoger of the Planning Department.

County Chairman Chapin presented the Chairman's Award for the month of November 1994 to Correctional Officer Erwin Goldberg of the Corrections Division.

ORDINANCE PUBLIC HEARING - AMENDING ARTICLE IV OF CHAPTER 25, ORANGE COUNTY CODE, TO INCREASE THE RATE OF THE TOURIST DEVELOPMENT TAX

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

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING ARTICLE IV OF CHAPTER 25 OF THE ORANGE COUNTY CODE TO INCREASE THE RATE OF THE TOURIST DEVELOPMENT TAX NOW IMPOSED PURSUANT TO SECTION 125.0104, FLORIDA STATUTES, FROM THE CURRENT RATE OF FOUR PERCENT (4%) TO A NEW RATE OF FIVE PERCENT (5%); PROVIDING FOR THE COLLECTION AND USE OF THE ADDITIONAL TAX REVENUES; PROVIDING FOR "SUNSET" OF THE INCREASED TAX RATE; PROVIDING FOR OTHER RELATED MATTERS.

Staff Report

County Attorney Tom Wilkes advised that the public hearing be continued for one week until December 13, 1994, due to unresolved concerns with the agreement between Orange County and the baseball ownership group relating to the extent of the County's commitment of the excess fifth cent of Tourist Development Tax revenues. Mr. Wilkes recommended that until this matter is settled the Board not consider the ordinance.

Appearances

No one appeared in favor of or opposed 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 Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing to consider the proposed ordinance until December 13, 1994, at 3:30 p.m.

County Chairman Chapin left the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: STEVEN GRAY, PETITION TO VACATE 94-12, A 127-FOOT PORTION OF A 50-FOOT-WIDE OAK PARK ROAD RIGHT-OF-WAY, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 127-foot portion of a 50-foot wide Oak Park Road right-of-way described as follows:

Begin at the northwest corner of Lot 12, Block "K," Windermere Heights Second Section, as recorded in Plat Book "M," Page 6 of the Public Records of Orange County, Florida. Run thence N00°00'00"E 50.0 feet, thence S89°39'00"E 127.0 feet, thence S00°00'00"W 50.0 feet, thence N89°39'00"W 127.0 feet to the point of beginning. Parcel being the westerly 127.0 feet of a 50-foot wide road right-of-way platted as Oak Park Road. Subject to an easement over the entire above-described property for public utility purposes.

Staff Report

Public Works Division Director George Cole reviewed the request and the recommendation for approval of the petition to vacate as submitted subject to recording a utility easement as requested by Florida Power Corporation.

Appearances

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

- Steven Gray, the applicant, 8450 Oak Park Road, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted a resolution vacating the 127-foot portion of a 50-foot wide Oak Park Road right-of-way as described above, subject to recording a utility easement as requested by Florida Power Corporation.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: THOMAS J. CORKERY, PETITION TO VACATE 94-32, AN UNOPENED RIGHT-OF-WAY, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain unopened right-of-way described as follows:

A portion of Section 7, Township 22 South, Range 31 East, Orange County, Florida being more particularly described as follows: Commence at the northeast corner of the southeast 1/4 of said Section 7; thence run N89°40'46"W along the north line of said southeast 1/4 a distance of 880.31 feet for a point of beginning; thence, departing said north line, run S00°58'43"E a distance of 687.96 feet; thence run N89°40'46"W a distance of 60.02 feet; thence run N00°58'43"W a distance of 687.96 feet to a point on said north line of the southeast 1/4; thence run S89°40'46"E along said north line a distance of 60.02 feet to the point of beginning. Containing 0.948 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

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

- Michelle Plant, Esquire; Gray Harris and Robinson (no address given); for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and all present commissioenrs voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted a resolution vacating the unopened right-of-way as described above.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: WILLIAM M. HUNT, PETITION TO VACATE 94-33, A 5-FOOT BY 82.65-FOOT PORTION OF A REAR-YARD 10-FOOT UTILITY EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 5-foot by 82.65-foot portion of a rear-yard 10-foot utility easement described as follows:

That portion of a 10-foot utility easement over Lot 37, Huckleberry Fields N-4, as recorded in Plat Book 19, Pages 135-137, of the Public Records of Orange county, Florida, more particularly described as follows: Commence at the most southerly corner of Lot 37 of said Huckleberry Fields N-4; thence N 23°18'19"E, 10.33 feet along the line common to Lot 37 and Lot 38; thence N52°11'36"W, 5.17 feet to the intersection of a 10-foot rear-yard utility easement and a 5-foot side-yard utility easement for the point of beginning; thence N52°11'36"W, 82.65 feet along the northerly line of the 10-foot utility easement; thence S35°29'43"W, 5.00 feet along an extension of a 5-foot side-yard easement; thence S52°11'36"E, 83.74 feet; thence N 23°18'19"E, 5.17 feet to the point of beginning. Contains 416 square feet.

Staff Report

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

Appearances

The following person addressed the Board in favor of the request:
- William Hunt, the applicant, 850 Riverboat Circle, Orlando, Florida.

No one appeared in in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Donegan, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted a resolution vacating the 5-foot by 82.65-foot portion of a rear-yard 10-foot utility easement as described above.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: DIANE JOHNSON BLUMHAGEN, PETITION TO VACATE 94-36, A 50-FOOT-WIDE BY 143-FOOT SECTION OF AVENUE "D" IN TAFT, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 50-foot wide by 143-foot section of Avenue "D" in Taft, described as follows:

That part of the 50-foot right-of-way known as Avenue "D," adjacent to Lot 6, Block "C," Tier 5 on the east; and Lot 1, Block "B" Tier 5 on the west, and lying south of Pine Street, and north of 14-foot alley, as recorded in Plat Book "D," Page 114, of the Public Records of Orange County, Florida.

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

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner

Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted a resolution vacating a 50-foot wide by 143-foot section of Avenue "D" in Taft as described above.

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

County Chairman Chapin rejoined the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: REBECCA A. SCHIAVONI, PETITION TO VACATE 94-40, A 6-FOOT BY 44.62-FOOT PORTION OF AN EXISTING 15-FOOT DRAINAGE AND UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 6.0-foot by 44.62-foot portion of an existing 15-foot drainage and utility easement described as follows:

That portion of an existing 15-foot drainage and utility easement located over and across the north 15.00 feet of Lot 421, Sand Lake Hills Section Four, according to the plat thereof as recorded in Plat Book 7, Page 135, in the Public Records of Orange County, Florida, being more particularly described as follows: Commence at the northwest corner of lot 431, Sand Lake Hills Section Four, according to the plat thereof as recorded in Plat Book 7, Page 135, in the Public Records of Orange County, Florida, thence run S00°10'56"W 9.00 feet along the westerly lot line of said Lot 421, thence S89°49'04"E departing said westerly line 15.00 feet to the point of beginning; thence continue S89°49'04"E 44.62 feet; thence S00°10'56"W 6.00 feet; thence N89°49'04"W 44.62 feet; thence N00°10'56"E 6.00 feet to the point of beginning.

Staff Report

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

Appearances

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

- Bernard Dalton (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman 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 commissioners present and voting AYE by voice vote, the Board adopted a Resolution vacating a 6.0-foot by 44.62-foot portion of an existing 15-foot drainage and utility easement as described above.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: PULTE HOMES, INC.; PETITION TO VACATE 94-42; A 5-FOOT SECTION OF A 10-FOOT UTILITY EASEMENT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 5-foot section of a 10-foot utility easement described as follows:

Commence at the southeast corner of Lot 90, Suncrest Unit 6, according to the plat thereof as recorded in Plat Book 32, Pages 5-7, Public Records of Orange County, Florida; thence N32°49'25"E, along the east line of said Lot 90 a distance of 12.10 feet; thence N57°10'35"W, 5.00 feet to the Point of Beginning, said point being on a curve; thence northwesterly along the arc of said curve being concave to the southwest and having a radius of 185.00 feet, a delta of 01°36'28", a chord bearing of N41°35'04"W, along an arc length of 5.19 feet; thence N32°49'25"E, 86.13 feet; thence S57°10'35"E, 5.00 feet; thence S32°49'25"W, 87.52 feet to the point of beginning. Containing 434.06 square feet, more or less. Bearings are based on the east line of said Lot 90 as being N32°49'25"E.

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

Vice-chairman Freeman 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 commissioners present and voting AYE by voice vote, the Board adopted a resolution vacating a 5-foot section of a 10-foot utility easement as described above.

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

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: DANA C. EDMONDSON, PLANNING AND ZONING #5, OCTOBER 20, 1994, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dana C. Edmondson for approval in the C-2 zone to remove the following restrictions imposed by the Planning and Zoning Commission on August 18, 1983:

1. Restricted to a used car lot and C-1 zoning uses;
2. Required to erect five-foot high concrete block masonry wall on north and west property lines abutting R-3 zoning on the following described property:

Lots 3 and 4 (less Rd. R/W) Block A, Clover Heights Replat, as recorded in Plat Book P, Page 81, Public Records of Orange County, Florida (NE 1/4 of SW 1/4 06-23-30 Tract Size: 100 feet x 75 feet).

Staff Report

Planning and Development Division Director Bruce McClendon outlined the request, identified the location of the property, the zoning classifications on the property, and the recommendations of the Planning and Zoning Commission.

Appearances

No one appeared in favor of the request.

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

- Bob Ferdinand, 12202 Park Avenue, Windermere, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board denied the request by Dana C. Edmondson for approval in the C-2 zone to remove the restrictions imposed by the Planning and Zoning Commission on August 18, 1983; and further, preserved the applicant's right to come back at a later date with a new request if he chooses to do so.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: THADDEUS E. KNOWLES, "NEW COVENANT BAPTIST CHURCH," PLANNING AND ZONING #11, OCTOBER 20, 1994, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Thaddeus E. Knowles, New Covenant Baptist Church of Orlando, for approval of a change in zoning classification from R-1A and R-2 to Planned Development (PD) on the following described property:

Beg. 1943 ft. S of NE cor. of NW 1/4 of Sec. 3, Twp. 23 S, Rge. 29 E, run S 330 ft.; th. W 1320 ft.; th. N 330 ft.; th. E to POB (less rd. on E,) and beg. 530.25 ft. N of SE cor. of SW 1/4 of NW 1/4 of Sec. 3, Twp. 23 S, Rge. 29E; th. run W 150 ft.; th. N 107.5 ft.; th. E 150 ft.; th. S 107.5 ft. to POB, and Beg. 1613.75 ft. S of NE cor. of NW 1/4 of Sec. 3, Twp. 23 S, Rge. 29 E, Orange County, Florida, run S 330 ft.; W to W boundary of E 1/2 of NW 1/4, run N 330 ft. to a pt. due W of POB; th. E to POB, less E 30 ft. thereof, less from NE cor. of NW 1/4 of Sec. 3, Twp. 23 S, Rge. 29 E, run S along 1/4 sec. line 1613.75 ft.; th. S89°58'W along S boundary of Lakeview Gardens as recorded in Plat Book S, Page 136, Public Records, Orange County, Florida, a dist. of 781.3 ft. to POB; th. S0°02'E 170 ft.; th. S89°58'W 538.7 ft., more or less to W line of E 1/2 of NW 1/4 of sd. Sec. 3; th. N 170 ft. along sd. W line; th. N 89°58'E, 538.7 ft., more or less to POB, also less Comm. at SW cor. of NE 1/4 of sd. Sec. 3; th. N0°13'45"W a dist. of 712.9 ft.; th. S89°38'21"W a dist. of 30 ft. to W r/w line of Rio Grande Avenue and the POB; th. S89°38'21"W a dist. of 23 ft.; th. N00°13'45"W a dist. of 202.1 ft.; th. N02°22'19"E, a dist. of 128.07 ft.; th. N89°44'08"E, a

dist. of 17.29 ft. to W r/w line of Rio Grande Avenue; th. S0°13'45"E along said r/w line, a dist. of 330 ft. to POB, (SE 1/4 of NW 1/4 03-23-29 Tract Size: 17.55 acres).

Staff Report

Planning and Development Division Director Bruce McClendon outlined the request, identified the location of the subject property, and the existing zoning classifications in the area.

Appearances

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

- Thaddeus Knowles, the applicant, 1226 Cambridge Road, Maitland, Florida.
- The Reverend Randolph Bracey, pastor of New Covenant Baptist Church (no address given).
- Bob Miller, 600 South Orlando Avenue, Maitland, 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 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 request by Thaddeus E. Knowles, New Covenant Baptist Church of Orlando, for approval of a change in zoning classification from R-1A and R-2 to Planned Development (PD), subject to the following conditions:

1. Development shall conform to the New Covenant Baptist Church of Orlando Land Use Plan, dated "Received August 16, 1994," and to the following conditions of approval. Development based upon 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.

2. The separation of the retention pond and the septic tank system shall be a minimum of 75 feet which is not consistent with submitted plans.
3. The grass drive aisles be allowed in a portion of the property so that this area can also be used by the day school for field sports.
4. Compact parking spaces amounting to 30% of the total of spaces be allowed instead of the 25% presently allowed.
5. The church/school building be allowed a height of 95 feet above grade instead of the 35 feet presently allowed, and that a cross on top of the church be allowed to be 125 feet above grade.
6. The proposed site layout, boat dock and fountain are not approved with this plan.
7. A minimum building setback of 25 feet will be required where the proposed pavilion is located.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: PARK SQUARE ESTATES ENTERPRISES, PLANNING AND ZONING #12, OCTOBER 20, 1994 (SEPTEMBER 1994, #1), DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Park Square Estates Enterprises for approval of a change in zoning classification from R-CE Cluster to Planned Development (PD) on the following described property:

NW 1/4 of NW 1/4 of Sec. 12, Twp. 23 S, Rge. 27 E, Orange County, Florida; (less Rd. on E and S) and SW 1/4 of SW 1/4 of Sec. 1, Twp. 23 S, Rge. 27 E, (less N 245 ft. and less Rd. on E (SW 1/4 of SW 1/4 01-23-27 NW 1/4 of NW 1/4 12-23-27 Tract Size: 70.98 acres).

Staff Report

Planning and Development Division Director Bruce McClendon outlined the request, the location of the subject property, and the zoning classifications in the area.

Appearances

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

- Marian Skilling, 5210 South Orange Avenue, 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.

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 approved the request by Park Square Estates Enterprises for approval of a change in zoning classification from R-CE Cluster to Planned Development (PD), subject to the following condition:

1. Development shall conform to the Windermere Estates Planned Development, BCC Approvals and Land Use Plan, dated "Received September 28, 1994," and to the following conditions of approval. Development based upon 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.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS, "INTERLAKEN ADMINISTRATIVE REZONING," PLANNING AND ZONING #14, OCTOBER 20, 1994 (SEPTEMBER 1994, #5), DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by the Orange County Board of County Commissioners, "Interlaken Administrative Rezoning" to administratively change the zoning classification from R-1AA to R-1AAAA and/or R-CE and/or Planned Development (PD) on the following described property:

Lots 1 thru 28, Interlaken, as recorded in Plat Book Q, Page 81, and Lots 1 thru 36, Interlaken Addition, as recorded in Plat Book Q, Page 127, Public Records, Orange County, Florida, (E 1/2 of SW

1/4 10-22-29; NE 1/4 of NW 1/4 15-22-29. Tract Size: 100 acres, +/-).

Staff Report

Planning and Development Division Director Bruce McClendon announced that an abutting property owner requested a continuance for one month.

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 Staley, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing to consider the request by the Orange County Board of County Commissioners, "Interlaken Administrative Rezoning," until January 10, 1995, at 1:50 p.m.

ZONING PUBLIC HEARING - APPLICANT: PHILLIP C. HOLLIS, HOLLIS ENGINEERING, INC.; THE VILLAGES AT WATERSIDE; CLARIFICATION OF MINIMUM LOT SIZE PERFORMANCE STANDARD FOR AMENDED LAND USE PLAN (CONTINUED FROM NOVEMBER 15, 1994), DISTRICT 4

By consensus, the Board reopened the public hearing to consider the request by Phillip C. Hollis, Hollis Engineering, Inc., for "The Villages at Waterside Planned Development (PD)," to clarify the minimum lot size performance standard for the amended Land Use Plan as follows: Reduce the typical lot size from 50 feet x 110 feet to 40 feet x 95 feet in lieu of 45 feet by 95 feet, as previously advertised.

Staff Report

Planning and Development Division Director Bruce McClendon reviewed the request and the location of the property. Mr. McClendon stated the public hearing was continued because of an error in the lot sizes published in the original notice of public hearing.

Appearances

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

- Phillip Hollis, the applicant, Hollis Engineering, Inc. (no

address given).

The following person addressed the Board with general comments:

- R.P. Mohnacky (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 Hoenstine, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the request by Phillip C. Hollis, Hollis Engineering, Inc., for "The Villages at Waterside Planned Development (PD)," to clarify the minimum lot size performance standard for the amended Land Use Plan, as follows:

1. Development shall conform to The Villages at Waterside Planned Development and Land Use Plan amendment, dated "Received July 18, 1994," and to the following conditions of approval. Development based upon 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.
2. Waiver of Section 38-1501 of 50 feet from the normal high water elevations (NHWE) setback for 20-foot setback adjacent to interior waterbody is approved.
3. Waiver of Section 30-1254(2) for setback from expressway for patio homes from 75 feet to 20 feet is granted; and construction of an eight-foot (8') high masonry wall is required on the expressway side.
4. Minimum right-of-way widths shall be 50 feet.
5. Boat ramp is not a part of this approval.

6. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the proposed project is located in a flood hazard zone designated "A." A drainage study is required to establish the 100-year flood elevation. This study must be reviewed and approved by Orange County prior to construction plan submittal.
7. A study to establish the tailwater elevation for stormwater management system must be approved by Orange County prior to construction plan submittal.
8. Intersection improvements including a right turn and left turn lane shall be provided on Young Pine Road at Tract A.
9. A waiver of Section 34-171(b) of the Orange County Code to permit 30-foot pavement width for Street "B" instead of the required 36 feet is denied.
10. Development shall comply with the Conservation Area survey, dated "Received June 8, 1994."
11. Open space shall be provided per Section 38-1234(3)(a) of the Orange County Code.
12. The multi-family portion of this PD shall be developed at a density of at least 12 units per acre.
13. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
14. Approval of this plan does not constitute approval of the site layout as shown on the Land Use Plan.
15. A development plan for the park site shall be submitted concurrently with the first preliminary subdivision/development plan for the project. The park shall be constructed as part of the infrastructure for the first phase of subdivision.

Commissioner Freeman left the meeting.

Commissioner Butler left the meeting.

ORDINANCE PUBLIC HEARING - AMENDING THE CODE ENFORCEMENT BOARD ORDINANCE, SECTIONS 11-31, 11-34, 11-35, 11-37, 11-38, 11-41, AND 11-64

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

AN ORDINANCE PERTAINING TO ENFORCEMENT OF CODES IN ORANGE COUNTY FLORIDA; AMENDING SECTION 11-31, ORANGE COUNTY CODE, REVISING THE PROCESS OF APPOINTMENT OF CODE ENFORCEMENT BOARD MEMBERS; AMENDING SECTION 11-34, ORANGE COUNTY CODE, REVISING THE CONDITIONS UNDER WHICH A CODE INSPECTOR MAY IMMEDIATELY NOTIFY THE ENFORCEMENT BOARD AND REQUEST A HEARING; AMENDING SECTION 11-35, ORANGE COUNTY CODE, AUTHORIZING THE COUNTY TO RECOVER COSTS INCURRED IN PROSECUTING CASES BEFORE THE CODE ENFORCEMENT BOARD; AMENDING SECTION 11-37, ORANGE COUNTY CODE, REVISING THE TIME PERIOD OF IMPOSITION OF A FINE FOR REPEAT VIOLATIONS; AUTHORIZING THE COUNTY TO MAKE REPAIRS IF AN ORDER OF THE BOARD IS NOT COMPLIED WITH FOR CERTAIN VIOLATIONS AND TO ASSESS THE COST OF REPAIRS ALONG WITH THE FINE IMPOSED ON THE VIOLATOR; PROVIDING AUTHORITY OF THE COUNTY WITH RESPECT TO LIENS FOR FINES IMPOSED, CLARIFYING THAT THE LIEN RUNS IN FAVOR OF THE COUNTY; PROVIDING FOR RECOVERY OF COSTS; AUTHORIZING THE COUNTY TO COLLECT COSTS OF RECORDING AND SATISFYING THE LIEN; PROVIDING THAT ALL CODE ENFORCEMENT LIEN FORECLOSURE SUIT SETTLEMENT OFFERS BE ACCEPTED OR REJECTED BY THE DIVISION DIRECTOR OF THE DIVISION FOR WHICH THE CASE WAS BROUGHT; TO PROVIDE THAT IF THE AMOUNT OF THE ACCRUED FINE IS \$100,000 OR MORE AND THAT THE SETTLEMENT SHALL NOT BE BINDING ON THE COUNTY UNTIL APPROVED BY BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 11-41, ORANGE COUNTY CODE, BY REVISING REQUIREMENTS RELATING TO NOTICE TO THE VIOLATOR SO AS TO AUTHORIZE BY POSTING; AMENDING SECTION 11-64, ORANGE COUNTY CODE; PROVIDING FOR CITATION FOR REPEAT VIOLATIONS; PROVIDING FOR CONTINUED EFFECT OF CHAPTER 11, ORANGE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney John Gehrig reviewed the proposed ordinance and outlined the proposed amendments.

Commissioner Butler rejoined the meeting.

Commissioner Freeman rejoined the meeting.

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 Donegan, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board amended the proposed ordinance on page 9, line 435, by adding the following language before to the last sentence of Section 11-37(d):

"The Board of County Commissioners shall receive no less often than every three (3) months a detailed summary report of all lien foreclosure suits which have been settled by Division Directors."

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted the proposed ordinance amending the Code Enforcement Board Ordinance, Sections 11-31, 11-34, 11-35, 11-37, 11-38, 11-41, and 11-64, as amended.

(Ordinance No. 94-24 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING THE ADULT ENTERTAINMENT CODE, SECTION 3-29(A) REGARDING TIME PERIOD FOR GRANTING OR DENYING A LICENSE

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

AN ORDINANCE AMENDING THE ORANGE COUNTY ADULT ENTERTAINMENT CODE, WHICH IS CODIFIED AT CHAPTER 3 OF THE ORANGE COUNTY CODE, BY AMENDING SECTION 3-29(a) REGARDING THE TIME PERIOD FOR GRANTING OR DENYING A LICENSE; BY AMENDING SECTION 3-141 PROHIBITING PERSONAL ADVERTISING; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Joel Prinsell reviewed the proposed ordinance and outlined the amendments.

Appearances

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

- The Reverend John Book (no address given), for the Concerned Citizens of Florida
- Joseph Cocherella of the State Attorney's Office (no address given).

No one appeared 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 Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board amended page 2, line 73 of the proposed ordinance by adding the following language to the end of Section 3-141 ("Prohibiting Personal Advertising"):

"Additionally, it shall be unlawful for an operator or any employee to suffer, permit or allow any door that is visible from a public right-of-way or sidewalk to be opened or remain opened except when a person is entering or exiting the establishment."

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted the proposed ordinance amending the Adult Entertainment Code, Section 3-29(a), regarding the time period for granting or denying a license, as amended.

(Ordinance No. 94-23 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - TOWN OF EATONVILLE ADULT ENTERTAINMENT LAWSUIT

Assistant County Attorney Joel Prinsell updated the Board on the status of the lawsuits by the Town of Eatonville and Orange County relating to a proposed adult entertainment establishment in Eatonville. Mr. Prinsell advised that the Town of Eatonville had reached agreement on a stipulation that would settle their lawsuit; however, the lawsuit filed by Orange County is still active.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - PINE RIDGE HOLLOW PHASE III
PRELIMINARY SUBDIVISION PLAN (CONTINUED FROM NOVEMBER 1, 1994, AND NOVEMBER 29,
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:

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 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:

- Kevin Hawkins (no address given), for the applicant.

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

- Maryanne Sedlek, 3112 Stonecastle Road, Orlando, Florida.

- Michael Mading, 7713 Hidden Hollow Drive, Orlando, Florida.
- Ron Sherwood, 2615 South Goldenrod Road, Orlando, Florida.
- Bob Hawkins (no address given).

Discussion

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

Motion

A motion by Commissioner Johnson, seconded by Commissioner Freeman, with Commissioner Johnson voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Staley, Hoenstine, Donegan, and Butler voting NO by voice vote; to deny the Pine Ridge Hollow Phase III Preliminary Subdivision Plan failed.

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Pine Ridge Hollow Phase III Preliminary Subdivision Plan, subject to the following conditions (and as amended by the next motion):

1. Development shall conform to the Pine Ridge Hollow Phase III Preliminary Subdivision Plan, dated "Received September 14, 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 December 6, 1995, in accordance with Orange County Subdivision Regulations, as amended.

2. The retention pond outfall must be separate from the collection system.
3. The estimated cost of the five foot (5') sidewalk along Goldenrod Road fronting the length of this project shall be

placed in escrow.

4. Construction plans shall not be approved until the Hidden Hollow Drainage Study is completed, and the construction plans shall consider the results of the study.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Hoenstine, and Donegan voting AYE by voice vote; Commissioner Butler voting NO by voice vote; the Board amended the previous motion to include the following additional conditions:

1. The developer shall take all steps necessary to insure that construction traffic does not utilize the existing road system within the Hidden Hollow Subdivision.
2. The developer will provide fifty percent (50%) of the funds necessary to construct a six-foot (6') wood fence along the subdivision adjacent to Lot 47, Golden Acres Section B Subdivision.
3. The developer will assist the owner of Lot 47, Golden Acres Section B in the relocation of the driveway which provides access to the barn on Lot 47.

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

County Administrator

3. Approval to award a holiday bonus of two gift certificates (\$50 certificate from the General Mills Restaurant Group and \$50 certificate from Goodings Supermarkets) to permanent full-time and permanent Part-time County employees.

Staff Report

County Administrator Jean Bennett stated that the holiday bonus could not be carried out as proposed due to procurement and tax problems.

Ms. Bennett presented the following revised proposal:

- \$100 cash payment in December 22, 1994, paycheck; same as last year; taxable payment to employee.
- Excludes managers and above and part-time employees.

- Constitutional Officers may participate if they desire, any necessary budget adjustments will be processed if approved.
- Department budgets would be adjusted at year end, if needed.

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the revised holiday bonus proposal as follows:

- \$100 cash payment in December 22, 1994, paycheck; same as last year; taxable payment to employee.
- Excludes managers and above and part-time employees.
- Constitutional Officers may participate if they desire, any necessary budget adjustments will be processed if approved.
- Department budgets would be adjusted at year end, if needed.

NONAGENDA - KEENE'S POINT BOAT DOCK

Commissioner Donegan requested that Public Works Division Director George Cole investigate the 100-year drainage plan as a means of resolving an unspecified problem with the boat dock.

NONAGENDA - NAVY BASE REUSE PLAN

Chairman's Report

County Chairman Chapin reported that there has not been any progress in negotiations with the City of Orlando regarding Navy Base Reuse Plan.

MEETING ADJOURNED

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

ATTEST:

