

**SPECIAL MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 14, 1995, 11 a.m., for a special meeting called by Commissioner Hoenstine to clarify the County Chairman's rights, responsibilities, and powers under the Orange County Charter. County Chairman Chapin, Commissioners Hoenstine and Staley, County Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton were present.

Commissioner Hoenstine read into the record a letter to County Chairman Chapin regarding the Board's vote on a proposed development on University Blvd, and Chairman Chapin's subsequent letter to the State of Florida Department of Community Affairs (DCA).

The Board discussed a possible violation of the County Charter by the County Chairman. They also discussed the feasibility of hiring separate legal counsel to represent the commissioners.

County Chairman Chapin explained her actions as responsible to her position as a member of the executive branch in supporting a staff recommendation to the DCA and, additionally, to speak out from an individual perspective on various issues to the executive branch of Florida State Government.

County Attorney Wilkes stated that ethics dictate that he represents the corporate Orange County. He informed the Board that the assistant county attorneys have his express written permission to perform work for or confer with any Board member in confidence.

At Commissioner Hoenstine's request, County Chairman Chapin stated that a discussion of the feasibility of hiring separate legal counsel to represent the commissioners will be placed on the agenda for an upcoming meeting.

**Motion**

**The Board did not take any action.**

The special meeting adjourned at 11:20 a.m.

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 14, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Clarence Hoenstine, and Bill Donegan were present. Commissioners Johnson and Butler entered where indicated. Also present were Deputy County Administrator Howard Tipton, County

Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 1:30 p.m. The Board paused for the Pledge of Allegiance to the Flag.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF FEBRUARY 2, 1995

Acting Zoning Department Manager Mitch Gordon presented the recommendations of the Orange County Board of Zoning Adjustment under the date of February 2, 1995.

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Butler and Johnson were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of February 2, 1995, with the exception of Item 3, subject to:

- a Hold Harmless Agreement for Item 2, Alan and Karen Bruns;
- the usual right of appeal by any aggrieved parties;

and further, authorized scheduling a public hearing for Item 3 in the name of Park Square Enterprises, Inc., on March 14 at 1:35 p.m.

(Hold Harmless Agreement to be filed in the office of the Comptroller Clerk of the Board of County Commissioners.)

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under the date of February 2, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA

1. Appointments to the Code Enforcement Board (Agenda Development Department).

Commissioner Butler entered the meeting.

**Motion**

Upon a motion by Commissioner Staley, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Carl Fabry to the Code Enforcement Board to replace Holly Blankenship in the category of General Contractor for a two-year term expiring December 31, 1996.

**Motion**

Upon a motion by Commissioner Butler, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board reappointed Joe Perkins to the Code Enforcement Board in the category of Business for a three-year term expiring December 31, 1997.

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Johnson was absent; the Board reappointed Mary Kaschai to the Code Enforcement Board in the category of Business for a three-year term expiring December 31, 1997.

Commissioner Johnson entered the meeting.

2. Reappointment and appointment to the Health and Rehabilitative Services (HRS) District 7 Health and Human Services Board (Agenda Development Department).

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Donegan, Freeman, Staley, Johnson, and Butler voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; the Board appointed Hudie Stone to the Health and Rehabilitative Services District 7 Health and Human Services Board to replace Mary Jack, for a four-year term expiring February 23, 1999.

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 confirmed the reappointment of Faye Perryman, Carson Eddy, Susan Woodlief, and Edward Suh to the Health and Rehabilitative Services District 7 Health and Human Services Board for a four-year term expiring February 23, 1999.

COUNTY CHAIRMAN DISCUSSION AGENDA - ADDENDUM 1

1. Consideration of a resolution satisfying certain liabilities.

Chairman's Report

County Chairman Chapin reviewed the proposed resolution which would satisfy all duties, obligations, and liabilities arising out of both the State of Florida Commission on Ethics Final Order No. COE 92-13, and the Judgment of the Fifth District Court of Appeal in Couch v. Chapin, which both pertain to collection of attorney's fees.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Donegan, Freeman, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; the Board adopted the proposed resolution satisfying all duties, obligations, and liabilities arising out of both the State of Florida Commission on Ethics Final Order No. COE 92-13 and the Judgment of the Fifth District Court of Appeal in Couch v. Chapin, which both pertain to collection of attorney's fees.

(Resolution No. 95-M-10 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY COMPTROLLER DISCUSSION AGENDA - ADDENDUM 2

1. Adoption of a resolution to approve escrow restructuring for the Water and Wastewater Revenue Bonds, Series 1985, cash defeasance.

Staff Report

Chief Deputy Comptroller Jim Moye reviewed the proposed resolution.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted the proposed resolution to approve escrow restructuring for the Water and Wastewater Revenue Bonds, Series 1985, cash defeasance.

(Resolution No. 95-B-03 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**COUNTY CONSENT AGENDA**

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 deferred Public Works Item 1 until later in the day (see page 31), and approved the balance of the County Consent Agenda items as follows:

**County Comptroller**

1. Acknowledgment and filing of the review of Intergovernmental Risk Management Fund's Third Party Administrator.

**County Administrator**

1. Approval to file Statement of No Objection to Settlement of the Maglev Project which contemplates termination of the Project Certification (County Attorney).

**Administrative Support Division**

1. Approval and execution by County Chairman of resolutions and County deeds: sale of surplus property, Wagner Subdivision, Lots 19 and 38, resolutions and county deeds, District 6 (Real Estate Management Department).
2. Approval and execution by the County Chairman of lease amendment and memorandum of lease and authorization to record memorandum of lease between A.C. Kavli Living Trust and Orange County, Florida: Courthouse Construction Parking, lease amendment and memorandum of lease, District 3 (Real Estate Management Department).

(Lease amendment and memorandum of lease are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Fiscal and Human Resources Division**

1. Approval to award Invitation for Bid, Y5-129-RW to the sole responsive and responsible bidder, Protection Services, for a one-year term contract to furnish road and construction

barricades to the County, \$104,000 ([Highway Maintenance Department] Purchasing and Contracts Department).

2. Approval to award Invitation for Bid Y5-139-EW to the low responsive and responsible bidder, General Chemical Corporation, for a one-year term contract, renewable for an additional 24 months, to furnish liquid aluminum sulfate utilized at the Eastern Water Reclamation Facility to remove phosphorous from reclaimed water, \$148,777.23 ([Public Utilities Department] Purchasing and Contracts Department).
3. Approval of Task Authorization 3, Y2-804I, with Post, Buckley, Schuh & Jernigan, for construction phase services and additional design services of the Western Regional Water System transmission improvements, \$88,261 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
4. Approval of Amendment 2 to Task Authorization 4, Contract Y2-902, with Boyle Engineering, for continuing engineering services required to complete the aquifer performance testing to obtain a consumptive use permit from the Water Management District for the Southern Regional Wellfield and Water Plant, \$130,167 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
5. Approval for an additional payment under Term Contract Y4-400 with WLW Construction for additional soil excavation at the landfill, \$27,838.85 ([Resource Recovery Department] Purchasing and Contracts Department).
6. Approval of Change Order No. 3, Contract Y4-773, with Southland Construction, Inc., for the removal of 3,538 cubic yards of unsuitable material that was intended to be used as embankment material for Forsyth Road paving and drainage improvements, \$12,524 ([Highway Construction Department] Purchasing and Contracts Department).
7. Approval to add Item I, Section 11 - Drug and Alcohol Testing to the Personnel Policy Manual/Administrative Regulations 7.01 (Human Resources Department).
8. Approval of Budget Transfers 95-192 through 95-194 (OMB).

(Budget Transfers 95-192 through 95-194 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

9. Approval of Budget Amendments 95-24 and 95-25 (OMB).  
(Budget Amendments 95-24 and 95-25 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
10. Approval of CIP Amendments 17-95 and 19-95 through 22-95 (OMB).  
(CIP Amendments 17-95 and 19-95 through 22-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
11. Approval of payment of intergovernmental claims (January 19 and 26, 1995) totaling \$208,112.66 (Risk Management Department).
12. Receipt and filing of the January 12 and 19, 1995, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

#### **Health and Community Services Division**

1. Approval and execution of resolution approving the Solar Weatherization Assistance Program Agreement (S.W.A.P.). There will be no cost to the County, all districts (Department of Community Affairs).  
(Resolution No. 95-M-09 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
2. Approval and execution of amendment to The Emergency Food Assistance Program (TEFAP), Contract No. 2255, to increase the reimbursement percentage rate of donated food from 12 percent to 55 percent. There will be no cost to the County, all districts (Department of Community Affairs).  
(Amendment to Contract No. 2255 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 Florida Express Lube Incorporated and Orange County, District 3 (Planning Department).

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

2. Approval of model home request, Lafayette Club, District 1 (Zoning Department).

**Public Works Division**

1. Approval to remove "Stop" signs on Fourth Street at Second Avenue, District 4 (Traffic Engineering Department).

**As stated in the motion, this item was deferred for discussion and subsequently deleted from the agenda (see pages 5 and 31).**

2. Approval to replace the existing "Yield" sign on Fenwick Drive at Ascot Circle with a "Stop" sign, District 3 (Traffic Engineering Department).
3. Approval to install "Stop" and "Yield" signs (Traffic Engineering Department):
  - a. Whisper Lakes Unit 1 Subdivision, District 1.
  - b. Las Alamedas Subdivision, District 2.
  - c. Woodbury Pines Subdivision, District 4.
4. Approval to install "No Parking" zone along the entire north, south and west sides of the cul-de-sac at 2nd Avenue, north of Pine Street in Taft, District 4 (Traffic Engineering Department).
5. Approval to increase the speed limit to 55 miles per hour from 45 miles per hour at the following locations on South John Young Parkway: from the Beeline Expressway to 500 feet north of the center line of the intersection of South John Young Parkway with Central Florida Parkway and from 500 feet south of the intersection of South John Young Parkway with Central Florida Parkway to 500 feet north of the end of the limited access right-of-way for S.R. 417 (Central Florida Greenway), Districts 1 and 4 (Traffic Engineering Department).
6. Approval to temporarily lower the speed limit from 40 miles per hour to 20 miles per hour on Chickasaw Trail from Mattituck Circle to Acoma Drive during Phase II construction of Chickasaw Trail Bridge replacement, Districts 3 and 4 (Traffic Engineering Department).

7.

Approval to temporarily remove the 10 ton weight limit on Tilden Road between Avalon Road (C.R. 545) and Winter Garden- Vineland Road (C.R. 535) pending completion of repairs to drainage structures on Avalon Road. In addition, due to the potential increase in heavy truck traffic, residents along this section of Tilden Road have requested that the speed limit on Tilden Road be temporarily lowered from 45 m.p.h. to 30 m.p.h. until the construction on Avalon Road can be completed, District 1 (Engineering Department).

**SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: GARY KEENE, VEGETATION REMOVAL AND REPLANTING, LAKE BUTLER, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application by Gary Keene to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lots 2, 4, and the easterly 25.9 feet of Lot 6, Aladar on Lake Butler, according to the plat thereof as recorded in Plat Book N, Page 47, Public Records of Orange County, Florida, said property being located adjacent to Lake Butler.

**Staff Report**

Acting Environmental Protection Department Manager Nick Sassic outlined the request and the recommendation of approval subject to conditions.

**Appearances**

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

**Discussion**

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

**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 approved the permit application of Gary Keene to remove vegetation and replant on Lake Butler, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be 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. If, after one (1) year, 80% of the replanted species do not survive, replanting will be required.
4. Cleared vegetation must be removed to landward of the Normal High Water Elevation on Lake Butler, which is 99.5 feet msl.
5. Removal of cypress trees or ferns from inundated areas is prohibited.
6. No heavy equipment uses are permitted. Only hand removal is allowed and all cut vegetation must be removed to landward of the conservation areas.
7. Revegetation shall be in accordance with the applicant's proposal and the EDP'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.
8. 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.
9. 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.
10. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the EDP.
11. 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.

12. 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: MICHAEL GUTIERREZ, VEGETATION REMOVAL AND REPLANTING, LAKE BESSIE, DIST. 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application by Michael Gutierrez to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

According to the plat thereof of Isleworth, as recorded in Plat Book 16, pages 118-130, of the Public Records of Orange County, Florida, said property being located adjacent to Lake Bessie.

Staff Report

Acting Environmental Protection Department Manager Nick Sassic outlined the request and the recommendation of approval subject to conditions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board approved the permit application by Michael Gutierrez to remove vegetation and replant on Lake Bessie, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be 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. If, after (1) one year, 80% of the replanted species do not survive, replanting will be required.
4. Cleared vegetation must be removed to landward of the Normal High Water Elevation on Lake Bessie, which is 97.5 feet msl.
5. Removal of cypress trees or ferns from inundated areas is prohibited.
6. No heavy equipment uses are permitted. Only hand removal is allowed and all cut vegetation must be removed to landward of the conservation areas.
7. Revegetation shall be in accordance with the applicant's proposal and the EDP'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.
8. 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.
9. The owner and applicant shall have copies of this permit on the property and posted on the Lake Bessie site when permitted activities begin and until completed.
10. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the EDP.
11. 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.
12. 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: HAL SLATON, VEGETATION REMOVAL AND REPLANTING, LAKE TIBET BUTLER, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the permit application by Hal Slaton to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lot 15, Point Tibet Replat, Plat Book 29, Page 147, Section 28, Township 23, Range 28, said property being located adjacent to Lake Tibet Butler.

**Staff Report**

Acting Environmental Protection Department Manager Nick Sassic outlined the request and the recommendation of approval subject to conditions.

**Appearances**

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

**Discussion**

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

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board approved the permit application by Hal Slaton to remove vegetation and replant on Lake Tibet Butler, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be 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. If, after (1) one year, 80% of the replanted species do not survive, replanting will be required.

4. Cleared vegetation must be removed to landward of the normal high water elevation on Lake Tibet Butler, which is 99.5 feet msl.
5. Removal of cypress trees or ferns from inundated areas is prohibited.
6. No heavy equipment uses are permitted. Only hand removal is allowed and all cut vegetation must be removed to landward of the conservation areas.
7. Revegetation shall be in accordance with the applicant's proposal and the EDP'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.
8. 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.
9. The owner and applicant shall have copies of this permit on the property and posted on the Lake Tibet Butler site when permitted activities begin and until completed.
10. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the EDP.
11. 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.
12. 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: JEFF COLEMAN, VEGETATION REMOVAL AND REPLANTING, LAKE TIBET BUTLER, DISTRICT 1

Notice was given that the Board of County Commissioners would hold

a public hearing to consider the permit application by Jeff Coleman to remove vegetation and replant in accordance with Lakeshore Protection Ordinance, Chapter 15, Article VII, Orange County Code, on property described as follows:

Lots 11 and 12, Bay Hill Section 6, as recorded in Plat Book 6, Page 138, Public Records of Orange County, Florida, said property being located adjacent to Lake Tibet Butler.

#### Staff Report

Acting Environmental Protection Department Manager Nick Sassic outlined the request and the recommendation of approval subject to conditions.

#### Appearances

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

#### Discussion

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

#### Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board approved the permit application by Jeff Coleman to remove vegetation and replant on Lake Tibet Butler, subject to the following conditions:

1. The Orange County Environmental Protection Department (EPD) will be 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. If after (1) one year, 80% of the replanted species do not survive, replanting will be required.
4. Cleared vegetation must be removed to landward of the normal high water elevation on Lake Tibet Butler, which is 99.5 feet msl.

5. Removal of cypress trees or ferns from inundated areas is prohibited.
6. No heavy equipment uses are permitted. Only hand removal is allowed and all cut vegetation must be removed to landward of the conservation areas.
7. Revegetation shall be in accordance with the applicant's proposal and the EDP'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.
8. 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.
9. The owner and applicant shall have copies of this permit on the property and posted on the Lake Tibet Butler site when permitted activities begin and until completed.
10. At the end of one (1) year, a survey of surviving plants including photographic representation, will be submitted to the EDP.
11. 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.
12. 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.

NONAGENDA - SHORELINE ALTERATION PERMITTING PROCESS

Doug Baxter, president of Baxter Lakescaping, addressed the Board regarding the necessity of the code requirement of public hearings to consider all shoreline alteration permit applications. In contrast, Mr. Baxter pointed out that a boat dock permit application does not require a public hearing unless an abutter files an objection. He emphasized that the permitting process for

a shoreline alteration takes an inordinate amount of time to complete the public hearing process.

Mr. Baxter requested that the Board approve a revision to the shoreline alteration permitting process to remove the requirement for a public hearing.

**Action**

By consensus, the Board directed staff to formulate alternative procedures; and further, to schedule a public hearing to amend the County Code regarding shoreline alteration permit applications within 30 days.

**MSTU/BU PUBLIC HEARING - NOTIFICATION OF INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR PROPERTIES NOT YET SCHEDULED FOR PUBLIC HEARINGS**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a proposed resolution of intent to use the Uniform Ad Valorem Method of collection of non-ad valorem assessments for properties not yet scheduled for public hearings.

**Staff Report**

MSTU Supervisor Elizabeth Godwin reviewed the proposed resolution.

**Appearances**

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

**Discussion**

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

**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 adopted the proposed resolution of intent to use the Uniform Ad Valorem Method of collection of non-ad valorem assessments for properties not yet scheduled for public hearings.

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

**MSTU/BU PUBLIC HEARING - ESTABLISH ANDOVER LAKES MSTU/BU, RETENTION POND(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 retention pond(s) maintenance on the following described property:

Subdivision Name: Andover Lakes, Phase 3-A, Plat Book 33, Page(s) 45 through 51, Section 8, Township 23, Range 31, Lot(s): 1 through 130, Public Records of Orange County, Florida.

**Staff Report**

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$54 per lot for retention pond(s) maintenance.

**Appearances**

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

**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 Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution establishing an MSTU for retention pond(s) maintenance at the Andover Lakes Subdivision.

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

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: BELLSOUTH MOBILITY, INC.; \*BOARD OF ZONING ADJUSTMENT #12, JANUARY 5, 1995; DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bellsouth Mobility, Inc., for a special exception in a Wholesale Commercial District (C-3) zone for a public utility (114-foot- high self-supporting telephone transmission tower with ancillary maintenance building), on property described as follows:

SW 1/2 of Lots 12 and 13, Plat of Pennsy Park, as recorded in Plat Book K, Page 67, Public Records of Orange county, Florida (SE 1/4 of SE 1/4 20-22-30 Tract Size: 67.5' x 100').

#### Staff Report

Planning and Development Division Director Bruce McClendon stated that he received a letter from Bellsouth Mobility which requested that this hearing be continued indefinitely. Mr. McClendon reported that at the Board's direction, a committee had been formed to develop some standards for joint utilization of transmission towers.

#### Appearances

No one appeared in favor of the request.

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

- Alice Cerkek, 916 Maltey Avenue, Orlando, Florida.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing indefinitely; and further, directed staff, upon receiving direction to schedule the continued public hearing, to place on an evening meeting agenda in District 3.

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

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dana C. Edmondson 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 property described as follows:

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

#### Staff Report

Planning and Development Division Director Bruce McClendon outlined the request and identified the location of the subject property. Mr. McClendon explained that this public hearing was refiled because the applicant was not present during the first hearing due to a misunderstanding of the hearing date; and therefore, did not have the opportunity to address the Board.

#### Appearances

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

- Dana Edmondson, the applicant, 2608 South Bumby Avenue, Orlando, Florida

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

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

#### Discussion

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

**A motion by Commissioner Hoenstine, seconded by Commissioner Butler; with Commissioners Staley, Johnson, and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioners Butler, Donegan, and Freeman voting NO; to approve the request by Dana C. Edmondson to remove the following restrictions imposed by the Planning and Zoning Commission on August 18, 1983, as follows, failed:**

1. Restricted to a used car lot and C-1 zoning uses;
2. Required to erect five-foot (5') high concrete block masonry wall on north and west property lines abutting R-3 zoning;

**on the above described property; subject to the following conditions:**

1. Existing five-foot (5') high concrete block masonry wall on the north and west property lines and existing six-foot (6')

high chain link fence to remain and be maintained.

- 2. No outside storage to be placed beyond property line in right-of-way.
- 3. A minimum of four (4) parking spaces will be provided on site (Section 38-857).
- 4. Outside storage limited to the sale and/or distribution of food and other household goods or equipment where the net proceeds are donated to charity.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, 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 to remove restrictions imposed by the Planning and Zoning Commission on August 18, 1993, as listed above; and further, granted the applicant six months to relocate.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ORANGE LAKE COUNTRY CLUB, INC.; PLANNING AND ZONING COMMISSION #1, DECEMBER 15, 1994; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orange Lake Country Club, Inc., to consider the following changes:

- 1. Incorporate addition acreage into the Planned Development (PD);
- 2. Modification of development program and site layout (no additional units or square footage is proposed);
- 3. Add an additional nine (9) holes of golf for a total of 54 holes along with a driving range and pro shop complex;
- 4. Establish a central support facility and central services complex;
- 5. Modification of access connections within the project and to adjacent property;

on property described as follows:

E 1/4 of Sec. 32, Twp. 24 S, Rge. 27 E, Orange County, Florida, together with W 1/4 of Sec. 33, Twp. 24 S, Rge. 37 E, Orange County, Florida, together with NE 1/4 of SW 1/4 of sec. 33, Twp. 24 S, Rge. 27 E, Orange County, Florida (less R/W for S.R. 530), and A parcel of land situated in SW 1/4 of Sec. 28, Twp. 24 S, Rge. 27 E, Orange County, Florida, being more particularly described as follows: Comm. at S 1/4 cor. of Sec. 28, Twp. 24 S, Rge. 27 E; th. S 89°35'01" W 181.82 ft. along S line of sd. SW 1/4 for a POB; th. cont. S 89°35'01" W 2472.59 ft. along sd. S line of the SW 1/4 of SW 1/4 cor. of sd. Sec. 28; th. N 00°00'28" W 417.51 ft. along W line of sd. Sec. 28 to a pt. on a curve of the centerline of Hartzog Rd. (Official Records Book 839, Page 442) which is concave NE'ly and hvg. a degree of curve of 06°00'00" and a radius of 954.93 ft.; th. along sd. centerline thru the following courses: th. E'ly 35.17 ft. along arc of sd. curve thru a central angle of 02°06'36" to the pt. of tangency; th. S 89°21'05" E 261.02 ft. to the pt. of curvature of a curve concave SW'ly and hvg. a degree of curve of 06°00'00" and a radius of 954.93 ft.; th. SE'ly 335.83 ft. along arc of sd. curve thru a central angle of 20°09'00" to the pt. of tangency; th. S 69°12'05" E 121.5 ft. to the pt. of curvature of a curve concave NE'ly and hvg. a degree of curve of 06°00'00" and a radius of 954.93 ft.; th. E'ly 337.78 ft. along arc of sd. curve thru a central angle of 20°16'00" to the pt. of tangency; th. S 89°28'05" E 1403.25 ft. to the pt. of curvature of a curve concave NW'ly and hvg. a radius of 100 ft.; th. NE'ly 1 ft. along arc of sd. curve thru a central angle of 00°34'20" to a pt. on the curve; th. lvg. sd. centerline of Hartzog Rd., run S 00°02'25" E 215.02 ft. parallel to E line of sd. SW 1/4 to the POB; less N 30 ft. for R/W along Hartzog Rd. together with W 1/2 of SE 1/4 and that portion of E 181.82 ft. of E 1/2 of SW 1/4 lying S and E of Hartzog Rd., and S 330 ft. +/- of W 1/2 of NE 1/4, and the portion of S 1/4 of SE 1/4 of NW 1/4 lying E of Hartzog Rd., all located in Sec. 28, Twp. 24 S, Rge. 27 E, together with W 1/2 of SE 1/4 of NW 1/4 of Sec. 27, Twp. 24 S, Rge. 27 E, all of sd. lands lying and being in Orange County, Florida; together with easement for ingress or egress in Official Records Book 2661, Page 1737, together with W 1/2 of SE 1/4 and SW 1/4 of NE 1/4 and SE 1/4 of SW 1/4, all in Sec. 33, Twp. 24 S, Rge. 27 E (less Rd. R/W for U.S. 192 on S of sd. parcel), together with SW 1/4 of Sec. 27, Twp. 24 S, Rge. 27 E, and E 1/2 of SE 1/4 of Sec. 28, Twp. 24 S, Rge. 27 E, together with NE 1/4 of NE 1/4 of Sec. 33, Twp. 24 S, Rge. 27 E, Orange County, Florida, together with W 1/2 of NW 1/4 of Sec. 27, Twp. 24 S, Rge. 27 E, Orange County, Florida, together with E 1/2 of SE 1/4 of NW 1/4 of Sec. 27, Twp. 27 S, Rge. 27 E, all of sd. lands lying and being in Orange

County, Florida, together with E 1/2 of NE 1/4 of Sec. 28, Twp. 24 S, Rge. 27 E, less Beg. at SE cor. of NW 1/4 of NE 1/4 of Sec. 33, Twp. 24 S, Rge. 27 E, Orange County, Florida; th. run N 00°08'50" W long E line of Sd. NW 1/4 of NE 1/4 of Sec. 33 a dist. of 119.99 ft.; th. S 26°22'13" W 134.39 ft. to S line of aforesd. NW 1/4 of NE 1/4 of Sec. 33; th. run N 89°36'35" E along S line 60 ft. to POB, also less Beg. at NW cor. of SW 1/4 of NE 1/4 of Sec. 33, Twp. 24 S, Rge. 27 E, Orange County, Florida; th. run N 89°36'35" E along N line of sd. SW 1/4 of NE 1/4 of Sec. 33 a dist. of 85.03 ft.; th. lvg. sd. N line run S 44°43'52" W 120.51 ft. to W line of aforesd. SW 1/4 of NE 1/4 of Sec. 33; th. run N 00°08'50" W along sd. W line 85.03 ft. to POB (SW 1/4 of SW 1/4 27-24-27, 28-24-27, 32-24-27, 33-24-27 Tract Size: 1,103.97 acres +/-).

#### Staff Report

Planning and Development Division Director Bruce McClendon outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the Future Land Use Map designations in the area.

#### Appearances

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

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A., P.O. Box 2809, 215 North Eola Drive, Orlando, Florida.

No one appeared in opposition to the request.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Freeman, 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 Orange Lake Country Club, Inc., to:

1. Incorporate additional acreage into the Public Development;
2. Modify development program and site layout (no additional units or square footage is proposed);
3. Add an additional nine (9) holes of golf for a total of 54 holes along with a driving range and pro shop complex;

4. Establish a central support facility and central services complex;
5. Modify access connections within the project and to adjacent property;

on the above described property; subject to the following conditions:

1. Development shall conform to the Orange Lake Country Club Planned Development and DRI for the North Village Amendment, dated "Received July 21, 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. Prior to development plan approval for Phase II, a drainage study to establish a 100-year flood elevation shall be submitted for approval by the County engineer.
3. Development shall comply with the conservation area surveys dated approved April 5, 1994, and May 10, 1994.
4. The developer shall provide a letter from the utility stating that it will provide the required water and sewer services to the project.
5. In addition, the following conditions from the East Central Florida Regional Planning Council (ECFRPC) shall also be included as part of this approval:
  - A. The condition originally numbered as 10 in the development order for Orange Lake Country Club Development of Regional Impact (DRI) should be amended to include the following items:
    - e. North Village Substantial Deviation Application for Development, approval dated July 19, 1994.
    - f. Response to request for additional information dated September 8, 1994.

- B. The condition originally numbered as 15 should be followed by a new condition, reading: A habitat restoration plan for the 23.59 acre Habitat Restoration Area shown on the master plan shall be approved by the Florida Game and Fresh Water Fish Commission and Orange County and be made a part of this development order by amendment prior to any land clearing in the North Village portion of the site. This plan shall provide for the restoration of native upland habitat on this parcel and shall specify measures for constructing, managing and funding this plan. Also included shall be a monitoring and reporting program that will track the success of this effort. Reporting shall be included in each DRI annual report.
- C. The condition originally numbered as 18 should be followed by a new condition, reading: The curvilinear parcel labeled as "Falin Parcel" and overlaying a portion of the upland conservation area as shown on Exhibit B shall be regarded as preservation area for the purposes of paragraph 380.06 (19)(b)16, Florida Statutes and shall have any proposed change in its land use bound by the application of that paragraph. Any change to the land use on the Falin Parcel from preservation or conservation to any other use shall constitute a substantial deviation and must be reviewed by the East Central Florida Regional Planning Council prior to approval. Furthermore, the approval of the current substantial deviation is subject to the review and approval of the South Florida Water Management District as a modification to the Orange Lake Country Club surface water management permit.

It is acknowledged that developer, Orange Lake Country Club, does not own or control the Falin Parcel, having conveyed that parcel by Quit Claim Deed in 1992. It is also acknowledged that the owners of the Falin Parcel shall have the right, at some time in the future, to seek such substantial deviation in order to permit use of that parcel as a means of access to and through adjacent property. By the same token, it is acknowledged that neither Orange County nor any other governmental agency is committed to granting such use.

- D. The condition originally numbered as 21 should be followed by a new condition, reading: All existing

sanitary, agricultural and other waste disposal and storage facilities associated with the Britt and Anderson tracts shall be removed from the property within six (6) months of the adoption of this amendment or within six (6) months of the final vacation of the residences on these properties, whichever is later.

E. Page 31, Condition 36, amend as follows:

Prior to commencement of Phase 2, Osceola County, Orange County, the Florida Department of Transportation and the Developer shall enter into a Tri-Party Agreement (the "Tri-Party Agreement") in accordance with the provisions of Section 163.3180, Florida Statutes (1993) and Rule 9J-2.045(7)(a)3, Florida Administrative Code. The development order shall be amended to incorporate this agreement. The Tri-Party Agreement shall specifically identify and set forth a financing mechanism by which developer shall pay for the fair share of the cost of six (6) laning U.S. 192 from the project entrance to Parkway Blvd. Upon completion by developer of the obligations set forth in the Tri-Party Agreement, developer shall no longer be subject to the obligations and conditions identified and set forth in Paragraphs 33, 34, 35 and 40 of Part III of this development order and those conditions and obligations shall be effectively deleted from this Development Order and Phase 2 of the project shall be deemed to have met the concurrency requirements as relates to transportation matters. In the event that the Tri-Party Agreement is not entered into prior to commencement of Phase 2, the obligations and conditions identified and set forth in Paragraphs 33, 34, 35 and 40 of Part III of this Development Order shall remain in full force and effect until such conditions are fully satisfied by developer.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: HARLING, LOCKLIN & ASSOCIATES; PLANNING AND ZONING COMMISSION #8, DECEMBER 15, 1995; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Harling, Locklin & Associates, for a change in zoning classification from Industrial Park District (I-2) to Planned Development (PD), on property described as follows:

Lots 1, 2, and 3 and W 1/2 of vacated street on E (less R/W on S), according to plat thereof as recorded in Commerce Square, Phase I, Plat Book 6, Page 27, Public Records, Orange County, Florida, and From SW cor. of E 1/2 of SE 1/4, run N 106 ft., E 30 ft., N 573 ft., E 397.76 ft. for POB, th. run E 480 ft., S 250 ft., S 195.83 ft., SW'ly along curve 31.42 ft., N 204.11 ft., W 450 ft., N 250 ft., to POB (SE 1/4 of SE 1/4 3-22-30 Tract Size: 11.3 acres).

#### Staff Report

Planning and Development Division Director Bruce McClendon outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the Future Land Use Map designations in the area.

#### Appearances

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

- Hugh Harling, the applicant; Harling, Locklin & Associates; 850 Courtland Street, Orlando, Florida.

No one appeared in opposition to the request.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the request by Harling, Locklin & Associates, for a change in zoning classification from an Industrial Park District (I-2) to Planned Development on the above described property subject to the following conditions:

1. Development shall conform to the Forsyth/University Commercial Center Land Use Plan, dated "Received November 10, 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. Billboards shall be prohibited.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ALLAN MADDEN ENGINEERING, ISLES OF LAKE HANCOCK; PLANNING AND ZONING COMMISSION #10, DECEMBER 15, 1994; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Allan Madden Engineering, Isles of Lake Hancock, for a change in zoning classification from Agricultural District (A-1) to Planned Development (PD), on property described as follows:

W 1/2 of SW 1/4 (less S 30 ft. for Rd. R/W) less E 485.85 ft. of W 1/2 of SW 1/4 of Sec. 27, Twp. 23 S, Rge. 27 E, and E 1/2 of SE 1/4 (less S 30 ft. and W 30 ft. of SE 1/4 of SE 1/4 for Rd. R/W) in Sec. 28, Twp. 23 S, Rge. 27 E, and NW 1/4 of NW 1/4 of Sec. 34, Twp. 23 S, Rge. 27 E, Orange County, Florida, less N 30 ft. thereof for Rd. R/W, and E 1/2 of NE 1/4 of NE 1/4 of Sec. 33, Twp. 23 S, Rge. 27 E, subject to Rd. R/W over N 30 ft. thereof (SW 1/4 27-23-27, SE 1/4 28-23-27, NE 1/4 33-23-27, NW 1/4 34-23-27 Tract Size: 185 acres).

Staff Report

Bruce McClendon outlined the request, identified the location of the subject property, and stated that he had received an amendment to the application immediately prior to the Board of County Commissioners meeting. This amendment would change the lot sizes, resulting in a decrease of cluster housing from the original eighteen (18) units to twelve (12) units. Mr. McClendon noted that there was nothing in the amendment that would justify requiring the applicant to repeat the application process, which would cause a five-week delay.

Appearances

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

- Allan Madden, the applicant, Allan Madden Engineering (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 Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the request by Allan Madden Engineering, Isles of Lake Hancock, for a change in zoning classification from Agricultural District (A-1) to Planned Development (PD), on the above described property; subject to the following conditions:

1. Development shall conform to the Isles of Lake Hancock Planned Development, dated "Received August 31, 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.

#### Action

By consensus the Board amended the date in the above condition to read, "Received February 14, 1995."

CLOSED SESSION - ORANGE COUNTY VS. PRESBYTERIAN CHURCH OF THE LAKES, ET AL., CASE NO. CI 90-8114, PARCELS 1000/7000; PROJECT: CONROY-WINDERMERE ROAD; OWNER: LEE CHIRA

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 adjourned the afternoon session.

#### MEETING RECONVENED

The Board of County Commissioners reconvened at Evans Ninth Grade Center, 2751 North Apopka-Vineland Road, Orlando, Florida, with Vice-chairman Freeman, Commissioners Tom Staley, Mary Johnson, Mable Butler, and Clarence Hoenstine, present. County Chairman Linda Chapin, Commissioners Bill Donegan and Mable Butler were absent. Also present were County Administrator Jean Bennett,

Assistant County Attorney Alison Yurko, Chief Deputy Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Berry G. Kennedy, Pastor of Silver Star Christian Church, followed by the Pledge of Allegiance to the Flag.

Vice-chairman Freeman presented an overview of government relations and citizen involvement in governmental processes, after which he invited members of the public to address the Board concerning any topic. No one addressed the Board.

**GUEST SPEAKER - NEIGHBORHOOD WATCH/CRIME PREVENTION**

Assistant County Administrator Consuelo Gomez introduced Deputy County Sheriff Jim Sharp, who presented neighborhood watch and crime prevention information.

**COUNTY CONSENT AGENDA - DEFERRED**

**Public Works Division**

1. Approval to remove "Stop" signs on Fourth Street at Second Avenue, District 4 (Traffic Engineering Department).

**Action**

By consensus, Public Works Item 1 was deleted from the County Consent Agenda.

**PUBLIC HEARING - ZONING APPEAL - APPLICANT/APPELLANT: FLORIDA POWER CORPORATION; BOARD OF ZONING ADJUSTMENT 11, JANUARY 5, 1995; DISTRICT 2**

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Florida Power Corporation of the recommendation of the Orange County Board of Zoning Adjustment, dated January 5, 1995, on a request by Florida Power Corporation for approval of Special Exception in an Agricultural District (A-1) zone for unmanned electrical substation, on the following described property:

E 1/2 of SW 1/4 of SE 1/4 of SE 1/4 of Sec. 24, Twp. 20 S, Rge. 27 E (less S 30 ft. thereof for Rd. R/W). (SE 1/4 of SE 1/4 24-20-27 Tract Size: 4.9 acres.

**Staff Report**

Acting Zoning Department Manager Mitch Gordon located and described

the subject property, identified 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:

- Paul Lewis, Jr.; area manager, Florida Power Corporation (no address given).
- Richard Noble; Florida Power Corporation (no address given).

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

- Dwayne George, 38 Plymouth Sorrento Road, Apopka, Florida.
- Phillip Simmons (no address given).
- Sarah George, 38 Plymouth Sorrento Road, Apopka, Florida.

#### 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 Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Butler and Donegan were absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Florida Power Corporation for approval of Special Exception in A-1 zone for unmanned electrical substation, as amended.

#### Action

By consensus, the Board amended the above motion to include the following grounds for denial:

- The proposed use would adversely impact the public interest of the area because of the close proximity to residents;
- The noise nuisance to residents;
- The applicant did not demonstrate that there are not other suitable alternative locations.

**GUEST SPEAKER - UPDATE ON SOUTH APOPKA PROJECT**

Assistant County Administrator Consuelo Gomez introduced Florence Fernandez, vice president, Apopka Coalition To Improve Our Neighborhood (ACTION), Inc., who highlighted various programs incorporated into the South Apopka Project. The following youth participants in the South Apopka Project shared their experiences:

- Sasha Thomas
- Nick Dorwood
- Reginald Bradford
- Shalitha Hastings

**GUEST SPEAKER - WEST ORANGE TRAIL PRESENTATION**

Assistant County Administrator Consuelo Gomez introduced Parks and Recreation Department Assistant Manager Christi Flood, who gave a slide presentation regarding the West Orange Trail and the Rails to Trails Program.

**GUEST SPEAKER - PRESENTATION BY AGRICULTURAL ADVISORY BOARD**

(This item was not addressed. The guest speaker will return at a later date.)

**GUEST SPEAKER - UPDATE ON DISTRICT 2 CAPITAL IMPROVEMENT PROJECTS**

Assistant County Administrator Consuelo Gomez introduced Orange County Public Works Division Highway Construction Department Manager Bill Wythe, who presented an overview of the current and future capital improvement projects in the district.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 8:00 p.m.

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