

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 7, 1995. Vice-Chairman Bob Freeman, Commissioners Tom Staley, Clarence Hoenstine, and Bill Donegan were present. County Chairman Chapin and Commissioners Mary Johnson and Mable Butler were absent. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the Vice-chairman called the meeting to order at 9 a.m.

**WORKSESSION - ORLANDO SCIENCE CENTER - PROGRESS REPORT**

Sondra Quinn, Orlando Science Center's (OSC) executive director, stated the purpose of the worksession is to update the Board on the progress of the Orlando Science Center construction project. Ms. Quinn discussed the OSC's partnership and internship programs with the University of Central Florida and Rollins College and the Science Advisory Committee. She announced the exhibits that the exhibit development teams are preparing include nature works, energy, and body zone.

In conclusion, Ms. Quinn announced the formation of a long range strategic direction committee which will devise a five- to ten-year plan for the Orlando Science Center.

Jan Donlin, of the Orlando Science Center, reported on OSC's fund-raising efforts.

Mike Cegelis, of Baker Mellon Stuart/T. T. Henry, the contractor for the OSC construction project, presented a status report. Mr. Cegelis stated that the project is on schedule to open in March 1997. He also reported on minority participation in the project.

Matt Mathern, of Baker Mellon Stuart/T. T. Henry, reported on the initial stage of construction and, specifically, that construction will begin next week.

Aaron Dowd, of Baker Mellon Stuart/T. T. Henry and Ms. Quinn, utilizing a model of the new science center, demonstrated how construction would progress and how each area of the science center would be used.

Discussion

The Board discussed the square footage, building height, and usage of the science center.

County Comptroller Martha Haynie commended the science center staff on its presentation at the United Way luncheon.

Motion

The Board did not take any action.

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA

- 1. Consideration of the Membership and Mission Review Board (MMRB) recommendations for appointments and reappointments.

Staff Report

Dottie Wynn, chairman of the Membership and Mission Review Board (MMRB), presented the recommendations of the MMRB. The Board took the following actions:

Bikeways Advisory Board

Motion

Upon a motion by Commissioner Hoenstine, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board appointed Pamela Sue Oliver to the Bikeways Advisory Board in the Orange County Public Schools category for a term expiring June 30, 1995.

Civic Facilities Authority

Motion

Upon a motion by Commissioner Donegan, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board deferred consideration of the reappointment of Thomas Lang and Robert Duncan, and the replacement for Luzardo Pendas to the Civic Facilities Authority until the County Chairman can confer with the mayor of the City of Orlando regarding the City's appointments.

Emergency Medical Services Council

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board appointed Booker Perry to the Emergency Medical Services Council in the Fire Department Representative category for the Town of Eatonville, for a term expiring December 31, 1997.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board appointed Ron Strosnider to the Emergency Medical Services Council in the Fire Department Representative category for the City of Ocoee, for a term expiring December 31, 1996; and further, appointed Barbara Smith to the Emergency Medical Services Council in the Ambulance Service Provider category, for a term expiring December 31, 1995.

Library Board of Trustees

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board appointed Ronald Harbert to the Library Board of Trustees replacing Susan Pickman, for a term expiring December 31, 1998.

Local Health Council of East Central Florida, Inc.

Motion

By consensus, the Board deferred consideration of filling a vacancy on the Local Health Council of East Central Florida, Inc., in the Health Care Provider category created by the resignation of Dr. Cecil Wilson, pending receipt of an application from Dr. Calvin Peters.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board appointed Gary Singleton to the Local Health Council of East Central Florida, Inc., to fill a vacancy in the Health Care Purchaser category created by the resignation of Dennis Loney, for a term expiring September 30, 1996.

Road Construction Advisory Board

The Board members made nominations to fill the vacancy created by the resignation of James Boterf in the Road Construction Firms category for a term expiring June 30, 1995, as follows:

- Patrick Aliu
- James Fountain
- Stephen Schwarz

**AYE votes cast by voice vote as follows:**

**Patrick Aliu - Vice-chairman Freeman and Commissioner Donegan**

**James Fountain - Commissioners Staley and Hoenstine**

**Stephen Schwarz - None**

**No one received a majority; no further votes were cast.**

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Approval of stipulation and authorization for the County Chairman to execute the stipulation on behalf of the County in the Alafaya Trail Extension Case: In re: Application for Modification of Supplemental Power Plant Certification of Orlando Utilities Commission for Curtis H. Stanton Energy Center PA 81-14C, DOAH Case No. 92-6153EPP (County Attorney).

Staff Report

Assistant County Attorney Paul Chipok reviewed the stipulation and outlined its conditions. Mr. Chipok discussed the provisions of the stipulation concerning environmental mitigation, access for the utility company, estimated construction costs, and the permits and approvals which are required from other agencies.

Discussion

The Board discussed the provisions of the stipulation.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board approved the stipulation and authorized the County Chairman to execute the stipulation on behalf of the County in the Alafaya Trail Extension Case; further, authorized staff to negotiate minor technical issues in the stipulation prior to execution; and further, in the event the parties propose major revisions to the stipulation, directed staff to present them to the Board for further consideration.

(Stipulation is on file in the County Attorney's Office.)

**COUNTY CONSENT AGENDA**

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board:

- amended the backup information for County Administrator Item 1 changing the dollar amount to an amount not to exceed one hundred thousand and 00/00 (\$100,000);

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

**County Administrator**

1. Approval of changes to the agreement with the Hispanic Business Initiative Fund, Inc. (HBIF), to provide procedure for payment of the County's funding commitment on a quarterly versus a reimbursement basis.

(As stated in the motion above, the agenda information for this item was amended.)

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

**Administrative Support Division**

1. Approval and authorization to record instrument and pay appropriate recording fees: S.R. 545 (south of S.R. 50), Temporary Construction Easement, Parcel 701, District 1, Real Estate Management Department).

2. Approval and execution by the County Chairman of a County quit-claim deed and approval and authorization to record a County quit-claim deed and a quit-claim deed to Orange County and pay appropriate recording fees: Forest City Road, County Quit-Claim Deed and Quit-Claim Deed, Parcel 1095, District 2 (Real Estate Management Department).
3. Approval and execution by the County Chairman of a notice of reservation and authorization to record instrument and pay appropriate recording fees: Orange Avenue (Wetherbee Road to Taft-Vineland Road), Notice of Reservation, District 4 (Real Estate Management Department).
4. Approval and authorization to record instruments: Diamond Cove, Unit 2, Drainage and Access Easement and Utility Easement, District 1 (Real Estate Management Department).
5. Approval and execution by the County Chairman of an amendment to drainage easement and authorization to record instrument: Danis Cypress Park, Amendment to Drainage Easement, District 4 (Real Estate Management Department).

**Convention Center**

1. Approval of an agreement with the Valencia Water Control District to regrade the Orange County Convention Center proposed parking site, Orangewood (Convention Center Construction Department).

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

**Fire and Rescue Services Division**

1. Approval of a contract with the State of Florida Department of Community Affairs for receipt of federal matching funds in the amount of \$69,864 for Emergency Management Assistance (Emergency Management Office).

(Contract is 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 Y5-618-HF to the low responsive and responsible bidder, Cargotec Florida, Inc., to furnish one (1) truck-mounted articulating crane for the Orange County Wastewater Department, \$54,682 ([Wastewater Department] Purchasing and Contracts Department).

2. Approval to award Invitation for Bid Y5-714-EG to the low responsive and responsible bidder, Premier Dredge and Marine, Inc., for repairing erosion damage on private property caused by stormwater runoff and improvements to the Lake Olivia stormwater drainage systems, \$119,460 ([Stormwater Management Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-724-NS to the low responsive and responsible bidder, Great Southern Contractors, Inc., to complete renovations to the sheriff's hangar at the Orlando Executive Airport, \$117,950 ([Construction Administration Department] Purchasing and Contracts Department).
4. Approval to enter into a formal contract with the Institute for Law and Planning (ILPP) for review and evaluation of the County's response to ILPP's 1993 report, which contained system-wide recommendations directed toward improving the justice process while reducing the growth of expenses in that area, \$73,352 ([County Administrator] Purchasing and Contracts Department).

(Contract is on file in the County Administrator's Office.)

5. Approval to enter into a formal grant contract with Sports Association for the Youth (S.A.Y.) Little League organization, for the installation of field lighting at the little league field at Shenandoah Elementary School, \$57,800 ([Parks and Recreation Department] Purchasing and Contracts Department).

(Contract is on file in the Parks and Recreation Department.)

6. Approval of Change Order No. 1 to Contract No. Y4-781 with M & V Builders, Inc., for the Sheriff's evidence facility alterations \$60,635 ([Construction Administration Department] Purchasing and Contracts Department).
7. Approval of expansion of the retiree insurance subsidy to include the County Chairman and County Commissioners (Human Resource Department).
8. Approval of Budget Transfers 95-234 through 95-236 (OMB).

(Budget Transfers 95-234 through 95-236 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

9. Approval of Budget Amendments 95-30 through 95-33 (OMB).

(Budget Amendments 95-30 through 95-33 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval of CIP Amendments 18-95, 24-95, and 25-95 (OMB).

(CIP Amendments 18-95, 24-95, and 25-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Approval of payment of Intergovernmental claims (February 2 and 9, 1995) totaling \$152,184.60 (Risk Management Department).

12. Receipt and filing of the January 26, and February 2, 1995, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

13. Approval of a resolution to ratify issuance of multi-family Mortgage Revenue Bonds not-to-exceed \$6,750,000 for the Sunset Landing Apartments (Orange County Housing Finance Authority).

(Resolution No. 95-B-04 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Health and Community Services Division**

1. Approval and execution of a Certificate of Public Convenience and Necessity for the Orange County Fire and Rescue Services Division, all districts (Emergency Medical Services Department).
2. Approval and execution of the Weatherization/LIHEAP Agreement between the State of Florida Department of Community Affairs and Orange County, Florida, approving a \$92,500 grant to weatherize homes of low-income families. There will be no cost to the County, all districts (Department of Community Affairs).

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

3. Approval and execution of an agreement between Osceola County and Orange County for the provision of social services to economically-disadvantaged residents in Osceola County. Osceola County has agreed to provide financial assistance to Orange County up to a maximum of \$40,000 for all services provided by the Orange County Department of Community Affairs. There will be no cost to the County, all districts (Department of Community Affairs).

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

4. Approval and execution of an application for increased funds available to Head Start Projects. The \$291,710 grant is a supplement to the original grant approved by the Board of County Commissioners on June 28, 1994. Matching funds in the amount of \$58,342 will come from leases, volunteer services, and donations. These funds will be utilized to cover COLA, quality improvement, two additional social workers, training and technical assistance. There will be no additional funds needed from the County, all districts (Department of Community Affairs).

5. Approval and execution of an application for increased funds available to Head Start Projects. The \$305,000 grant is a supplement to the original grant approved by the Board of County Commissioners on June 28, 1994. Matching funds in the amount of \$61,000 will come from leases, volunteer services, and donations. These funds will be utilized for program improvements in Head Start projects. There will no additional funds needed from the County, all districts (Department of Community Affairs).

6. Approval and execution of an agreement between Orange County and Seminole Community College for the provision of forensic pathology educational

services to students in the Emergency Medical Services Program. There is no cost to the County, all districts (Medical Examiners Department).

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

**Planning and Development Division**

1. Approval of street name petition, Stephenson Way, District 2 (Zoning Department).
2. Approval of model home request, Flowers Pointe Homes, District 2 (Zoning Department).
3. Approval of model home request, Carrazanna Construction Company, District 4 (Zoning Department).
4. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning: Resolutions to Lien (LC-94-287, LC-94-303, LC-94-315, LC-94-317, LC-94-318, LC-94-320, LC-94-321, LC-94-324, LC-94-325, LC-94-326, LC-94-327, LC-94-329, LC-94-331, LC-94-332, LC-94-333, LC-94-334, LC-94-335, LC-94-336, LC-94-337, LC-94-338, LC-94-338, LC-94-340, LC-94-324, LC-95-001, LC-95-002, LC-95-003) (Zoning Department).

(Resolution Nos. 95-ZON-23 through 95-ZON-48 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Public Utilities**

1. Affirmation of the Public Utilities Division Director's action in executing the Florida Department of Environmental Protection's (DEP's) settlement by short form consent order and approval to pay DEP \$2,050 (Division Office).

**Public Works Division**

1. Approval to issue Excavation Permit #94-E1-164, to John Buttrey, P.E., of Bishop and Buttrey, Inc., for various approved construction projects, including but not limited to the Southern Connector Extension, District 1 (Engineering Department).

**Vice-chairman Freeman adjourned the morning session.**

**MEETING RECONVENED**

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with Vice-chairman Bob Freeman and Commissioners Tom Staley, Clarence Hoenstine, and Bill Donegan were present. County Chairman Chapin and Commissioners Mary Johnson and Mable Butler were absent. Also present were Deputy County Administrator Howard Tipton, County Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Dr. Regan Vandergrift, Chaplain of the Orange County Fire/Rescue Services Division, followed by the Pledge of Allegiance to the Flag.

**EMPLOYEE SERVICE AWARDS**

Vice-Chairman Freeman presented service awards and pins as follows:

- Clarence Green (20 years) of the Corrections Division. Corrections Division Director Tom Allison commended Mr. Green for his years of service to Orange County.
- Michael J. Lyon (25 years) and Thomas T. Only (20 years) of the Fire/Rescue Services Division. Mitch Floyd of the Fire/Rescue Services Division commended Messrs. Lyon and Only for their years of service to Orange County.
- Carl E. Linberg (20 years) and Joseph L. Bellner (20 years) of the Public Works Division. Acting Traffic Engineering Department Manager Steve Belmont commended Mr. Linberg for his years of service to Orange County. Acting Highway Maintenance Department Manager Mark Massaro commended Mr. Bellner for his years of service to Orange County.

**PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MARCH AS "VIOLENCE FREE COMMUNITY MONTH" IN ORANGE COUNTY, FLORIDA**

Vice-chairman Freeman read aloud a proclamation designating the month of March as "Violence Free Community Month" in Orange County, Florida.

Bob Pickerell of the citizens Commission for Children, accepted the proclamation and presented Vice-chairman Freeman with a poster commemorating "Violence Free Community Month."

**ORDINANCE PUBLIC HEARING - AMENDING SECTION 20-212, ORANGE COUNTY CODE, PROVIDING FOR MEMBERSHIP, TERMS OF OFFICE AND PURPOSE, AND RENAMING PARENTAL HOME COMMISSION TO THE CHILDREN AND FAMILY SERVICES BOARD; AND ADOPTION OF RESOLUTION**

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

AN ORDINANCE PERTAINING TO THE ORANGE COUNTY PARENTAL HOME COMMISSION; AMENDING SECTION 20-212 OF THE ORANGE COUNTY CODE; PROVIDING FOR MEMBERSHIP, TERMS OF OFFICE AND PURPOSES; RENAMING THE ORANGE COUNTY PARENTAL HOME COMMISSION TO THE CHILDREN AND FAMILY SERVICES BOARD; AMENDING SECTION 20-213 OF THE ORANGE COUNTY CODE PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Kaye Collie reviewed the proposed ordinance and outlined its provisions. Ms. Collie suggested that the December 13, 1994, draft ordinance, Section 20-212 (b) be amended as follows:

"The Orange County Parental Home Commission is hereby renamed the Children and Family Services Board."

Ms. Collie advised that after the Board adopts the ordinance, it must adopt a resolution dissolving the Children Youth and Family Services Advisory Board.

Appearances

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

Discussion

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

Action

By consensus the Board amended the December 13, 1994, draft of the proposed ordinance, Section 2-212(b) as follows:

"The Orange County Parental Home Commission is hereby renamed the Children and Family Services Board."

Motion

Upon a motion by Commissioner Staley, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Commissioner Johnson and Commissioner Butler were absent; the Board adopted the proposed ordinance renaming the Parental Home Commission to the Children and Family Services Board, as amended.

Motion

Upon a motion by Commissioner Staley, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board adopted a resolution dissolving the Children, Youth, and Family Services Advisory Board.

(Ordinance No. 95-3 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Resolution No. 95-M-15 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ARTHUR GLADSTONE; PETITION TO VACATE 94-39, A 50.0-FOOT BY 330.0-FOOT PORTION OF LAND STREET ROAD RIGHT OF WAY (CONTINUED FROM FEBRUARY 21, 1995); DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Arthur Gladstone, Petition to Vacate 94-39, to vacate a 50.00-foot by 330.0-foot portion of Landstreet Road right-of-way.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Vice Chairman's Report

Vice-chairman Freeman announced he received a letter requesting that this public hearing be continued for 90 days.

Appearances

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

Discussion

Vice-chairman Freeman opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Vice-chairman Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board continued the public hearing to consider Petition to Vacate 94-39, a 50.0 foot by 330.0-foot portion of Landstreet Road right-of-way until May 9, 1995, at 1:50 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - GREENE PROPERTY PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Greene Property Preliminary Subdivision Plan which is generally located north of the Orange-Osceola County Line and west of S.R. 535.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

The following person addressed the Board with general comments:

- Robert W. Johnson, 1906 Shawnee Trail, Lakeland, Florida.

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

- Nick Pope, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; 215 North Eola Drive; Orlando, Florida, for the applicant.

Discussion

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

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board approved the Green Property Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Greene Property Planned Development, BCC approvals, and Greene Property Preliminary Subdivision Plan, dated "Received November 11, 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.

This Preliminary Subdivision Plan approval automatically expires on March 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to preconstruction conference, the developer shall donate \$138,045 to the FGFWFC Wildlife Mitigation Fund as required by the development order. The proposed development impacts gopher tortoise habitat.
3. Waiver for reducing the width of sidewalks from 10 feet to seven feet (7') on I-Drive and five feet (5') for wetland crossing is denied. However, a waiver to seven feet (7') for wetlands crossings on I-Drive is approved.
4. Waiver requested to allow drainage from International Drive, a public dedicated road, to mix with private commercial development is approved. A drainage easement over the pond will be dedicated to Orange County for emergency maintenance.
5. A positive outfall around the wetlands has been provided.

Request for a waiver to allow the use of wetlands for flood attenuation is granted.

6. Unless a mitigation plan allowing impacts to conservation areas is approved by Orange County, development shall comply with the conservation area survey, dated approved October 14, 1993.
7. A development plan shall be submitted for each of the lots.
8. The setback from International Drive shall be 20 feet.
9. A 15-foot transit easement outside the I-Drive right-of-way shall not be required.
10. Development shall comply with the equivalency matrix titled "Exhibit 2A" from the development order.
11. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
12. Consistent with the requirements of the development order, the developer shall utilize reclaimed water for landscaping and green area irrigation in all phases of the development if available from Orange County.
13. Pump stations to be owned and maintained by Orange County will require separate tracts.
14. The development order requires a minimum 150-foot building setback from centerline or 60 feet from right-of-way line for S.R. 535.
15. Pavement setbacks shall be in accordance with Planned Development tourist commercial requirements.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - TILDEN ESTATES PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Tilden Estates Preliminary Subdivision Plan which is generally located south of Florida's Turnpike and east of S.R. 545.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath 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:

- Wes Benton, realtor, for Homes in Partnership (no address given).

Discussion

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

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler; the Board approved the Tilden Estates Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Tilden Estates Preliminary Subdivision Plan, dated "Received January 27, 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.

This Preliminary Subdivision Plan approval automatically expires on March 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. An additional five feet (5') of right-of-way shall be dedicated to Orange County along Massey Avenue and a waiver of Section 34-171 will be granted allowing less than 60 feet of right-of-way.
3. Orange County Code Section 34-240(j) requires no open drainage ways be permitted within 100 feet of residential lots. The existing drainage ditch located along the south property line of this project shall be piped.
4. Request for waiver to allow access from external street for Lots 25 and 26 is approved.

5. Prior to issuance of building permits for Lots 1 or 2, the existing structure on Lot 1 shall be removed.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HIGH POINT TRACT RK PRELIMINARY SUBDIVISION PLAN, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the High Point Tract RK Preliminary Subdivision Plan which is generally located at the northeast corner of the East-West Expressway and Dean Road.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Staff Report**

Planning Department Manager David Heath 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:

- Ray Braddick, Bowyer Singleton and Associates; 520 South Magnolia, Orlando, Florida; for Calton Homes.

The following person addressed the Board with general comments:

- Wyatt Englehardt, 612 Herring Bay Drive, Orlando, Florida.

**Discussion**

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

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all commissioners present and voting AYE by voice vote, the Board

approved the High Point Tract RK Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the High Point - Tract RK Preliminary Subdivision, BCC Approvals and Cheltenham Development Plan, dated "Received January 24, 1995," 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.

This Preliminary Subdivision Plan approval automatically expires on March 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this Planned Development.
3. Retention pond must be modified to conform with Orange County requirements.
4. Request for waiver of sidewalk on south side of Court "A" is approved.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HIGH POINT TRACT RD2 PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the High Point Tract RD2 Preliminary Subdivision Plan on property generally located on the Eastern Beltway and east of Rouse Road.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation for approval subject to conditions.

Appearances

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

- Ray Braddick, Bowyer Singleton and Associates; 520 Magnolia Drive, Orlando, Florida; for Calton Homes.
- Mark Watermant, executive vice-president of Calton Homes (no address given).

The following person addressed the Board with general comments:

- Wyatt Englehardt, 612 Herring Bay Drive, Orlando, Florida.

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 and Commissioners Johnson and Butler; the Board approved the High Point Tract RD2 Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the High Point Tract RD2 Preliminary Subdivision/Development Plan, dated "Received January 27, 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.

This Preliminary Subdivision Plan approval automatically expires on March 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this Planned Development.
3. Prior to construction plan approval, the location for the water main shall be determined.
4. The recreation areas shall be completed prior to issuance of the Certificate of Completion for the project.
5. Waiver of Section 38-1254(1) to allow a 20-foot setback, in lieu of 25-feet along the western boundary of Lots 15 and 20, is granted.

APPEAL OF PLANNING AND ZONING COMMISSION DECISION - APPELLANT/ APPLICANT: MR. GREEN JEAN'S PRODUCE MARKET; PLANNING AND ZONING #7, JANUARY 19, 1995; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Mr. Green Jean's Produce Market of the recommendation of the Orange County Planning and Zoning Commission dated January 19, 1995, on the request of Mr. Green Jeans Produce Market for a change in zoning classification from Retail Commercial District (C-1) to General Commercial District (C-2) which is generally located on the southwest corner of Aloma Avenue and Hibiscus Avenue or 7350 Aloma Avenue.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning and Development Division Director Bruce McClendon located and described the subject property, identified the surrounding zoning classifications, and noted that the Planning and Zoning Commission recommended denial of the request.

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 Hoenstine, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Mr. Green Jeans Produce Market for a change in zoning classification from Retail Commercial District (C-1) to General Commercial District (C-2) on property which is generally located on the southwest corner of Aloma Avenue and Hibiscus Avenue or 7350 Aloma Avenue.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: TITAN 545, INC., "SUTTON LAKES"; PLANNING AND ZONING #13, DECEMBER 15, 1994; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Titan 545, Inc., "Sutton Lakes," for a change in zoning classification from Agricultural District (A-1) to Planned Development (PD), on property which is generally located on the southeast corner of S.R. 545 and Hartzog Road.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning and Development Division Director Bruce McClendon announced that the request was withdrawn per a letter dated February 28, 1995, from Delbert W. Avery, president of Titan 545, Inc.

**Action**

**By consensus, the Board accepted the applicant's withdrawal of the request.**

NOTE: The following public hearing was considered out of agenda order. See page 68 for the public hearing to consider the Eastwood Lakeshore Park Preliminary Subdivision Plan.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: HAL KANTOR, ESQUIRE (NOTIFIED FEBRUARY 24, 1995, OF NEW APPLICANT: BENGE CORPORATION); "EASTWOOD PLANNED DEVELOPMENT LAND USE PLAN"; TO EXTEND COMPLETION DATE OF PARK PARCEL 5-A; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by Hal Kantor, Esquire, for Eastwood Planned Development (PD)/Land Use Plan (LUP) (Notified February 24, 1995, of new applicant: Benge Corporation) to reschedule the completion date for Parcel 5A (swim/tennis facility) to July 5, 1995, for the the tennis facility and to July 5, 1996, for the swim facility; and an extension for the completion of the park on Parcel 14A; changes pursuant to Orange County Code, Article III, on property generally located on the north and south sides of Golfway Boulevard.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath suggested that the Board consider the change determination request by Benge Corporation for Eastwood PD/LUP and the Eastwood Lakeshore Park Preliminary Subdivision Plan (PSP) simultaneously. Mr. Heath requested that the Board first take action on the Eastwood PD/LUP then the Eastwood PSP in two separate motions.

A court reporter, Stacy Kimball of Century Reporters, was present. Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Mr. Heath reviewed the change determination request and the Development Review Committee's recommendation for approval. He outlined the provisions of the Executory Agreement between the Benge Corporation and Orange County Regarding the Completion of the Community Recreational Facilities at Parcels 5A and 14A of the Eastwood Planned Development.

Mr. Heath further reviewed the request for approval of the Eastwood Lakeshore Park Preliminary Subdivision Plan and the Development Review Committee's recommendation of approval.

#### Legal Counsel

County Attorney Tom Wilkes clarified that, since the public hearings to consider the change determination request by Benge Corporation for Eastwood PD/LUP and the Eastwood Lakeshore Park PSP are being held simultaneously any member of the audience can speak to either matter, then the hearings will be closed and voted on separately.

For the record, Mr. Wilkes made the following statement:

"I was prepared, notwithstanding the DRC recommendation to grant the extension, to tell this Board that it was my recommendation that you not grant it. That you deny the extension and that you, given the history of this development, given the history of the individuals involved with this developer, start to treat this development in a way that you don't normally have to treat developments like this. That you treat it as a very troubled development, one that is just bumping along and not particularly paying attention to business and not complying with its conditions of approval and that you direct staff to start strictly enforcing the conditions of approval. That was the recommendation I was prepared to make and I just wanted to get that on the record that we informed the developer's attorney that that would be my recommendation and that if the developer's wanted to avoid that recommendation then they could if they wanted to, solely at their option, present you with this agreement. And I just want the record to reflect that we are not making this agreement a condition of you granting the extension. Our recommendation was not to grant it. But we told the developer that if they offered, voluntarily offered, this agreement that I would not make that recommendation. And I just want the record to reflect that because we are not in a posture that you normally are of granting a PD approval. You granted the PD approval years ago. We are in the posture of the developer not having fulfilled the conditions of approval and wanting an extension and us being in the posture of trying to decide whether to grant it. And, in that case, your subdivision regulations and Florida law really don't allow you to impose more conditions on them. You really have an up or down decision, that's all you have but the developer does have the option to offer to you a more rigorous requirement on himself, and that's what they've done. And I just want the record to reflect that and I don't want any confusion in the record about what our posture is legally here."

#### Appearances

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

- Tom Warlick, the applicant; Bengel Corporation; 2912 Lakeshore Drive, Orlando, Florida.

#### Legal Counsel

For the record, Mr. Wilkes further stated, "in addition to the issues of getting the parks and the swim and tennis facility done on time, I discovered that I had another lawyer doing a rather extensive amount of work with regard to this development that had to do with sewer capacity. The documentation was just in some considerable amount of disarray with regard to how many ERU's there were attributable to this development and who had rights to them. Whether the original developer did or the various home building companies that had bought tracts of land from this developer. Our records, largely due to actions taken by the developer or their representatives were confused and disarrayed, changes had been made that weren't authorized and we insisted that they likewise clear up that problem because it was consuming far too much time on the part of your public utilities and legal staffs. There are two documents signed by both DRS and Bengel Corporation that settle all of the capacity issues as well, which satisfy us and that was another thing that we had told the developers that if that doesn't get fixed, then the County Attorney's Office is going to recommend that these extensions not get granted."

The following persons addressed the Board with general comments:

- Paul Palmer, Palmer Homes, 705 University Boulevard, Winter Park.
- Mike Sheahan, Esquire; Godbold, Downing, Sheahan, and Battaglia; 222 West Comstock Avenue, Winter Park, Florida.
- W. Dennis Cummins, 358 Prairie Dune Way, Orlando, Florida.
- Thomas A. Lang, 312 Turnstone Way, Orlando, Florida.
- Bill Smith, 13549 Dornoch Drive, Orlando, Florida.

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

- Lee Rolins, 1647 Dornoch Drive, Orlando, Florida.
- David A. Odahowski, 345 Prairie Dune Way, Orlando, Florida.
- Keith Robinson, 13619 Dornoch Drive, Orlando, Florida.
- Aaron Kaufman, Prairie Dune Drive, Orlando, Florida.
- James B. Ray, 136 Sandhill Crane Run, Orlando, Florida.

Vice-chairman Freeman accepted the following exhibit from Mr. Kaufman:

- Clerk's Composite Exhibit 1, seven photographs.

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 and Commissioners Johnson and Butler were absent; the Board continued the public hearing to consider the request by Bengé Corporation for Eastwood Planned Development/Land Use Plan to:

- reschedule the completion date for Parcel 5A (tennis facility) to July 5, 1995;
- reschedule the completion date for Parcel 5A (swim facility) to July 5, 1996;
- and to grant an extension for the completion of the park on Parcel 14A changes

until March 21, 1995, at 2:45 p.m., to allow time to review the "Executory Agreement between the Bengé Corporation and Orange County regarding the completion of the community recreational facilities at Parcels 5A and 14A of the Eastwood Planned Development" agreement.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - EASTWOOD LAKESHORE PARK PRELIMINARY SUBDIVISION PLAN, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eastwood Lakeshore Park Preliminary Subdivision Plan which is generally located east of Alafaya Trail and south of Golfway Boulevard.

(Legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath suggested in the prior public hearing that the Board consider the change determination request by Bengé Corporation for Eastwood PD/LUP and Eastwood Lakeshore Park Preliminary Subdivision Plan (PSP) simultaneously. Mr. Heath requested that the Board first take action on the Eastwood PD/LUP then the Eastwood PSP in two separate motions.

Appearances

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

- Kerry Hale, Glatting Jackson; for the applicant, the Benge Corporation (no address given).

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 Hoenstine, seconded by Commissioner Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler; the Board approved the Eastwood Lakeshore Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Eastwood Planned Development, BCC Approvals, Eastwood Lakeshore Park Preliminary Subdivision/Development Plan, dated "Received December 14, 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.

This Preliminary Subdivision Plan approval automatically expires on March 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this Planned Development.
3. A seven-foot (7') sidewalk shall be provided on the west side of Street A in lieu of sidewalks on both sides.
4. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.



Development/Bay Hill Villas Preliminary Subdivision Plan/Development Plan to modify the rear yard setback as follows:

- Lots 1-7                               No change
- Lot 8                                   Reduce rear yard setback to 10 feet
- Lot 9                                   No change
- Lot 10                                 Reduce rear yard setback to 13.5 feet
- Lot 11                                 No Change
- Lot 12                                 Reduce rear yard setback to 13.5 feet
- Lot 13                                 Reduce rear yard setback to 12 feet
- Lots 12-19                           No change
- Lots 20-28                           Reduce rear yard setback to 12 feet

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

LAND USE ORDINANCE PUBLIC HEARING - AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE TO PERMIT AND REGULATE BED AND BREAKFAST HOMESTAYS, BED AND BREAKFAST INNS, AND COUNTRY INNS (2ND HEARING)

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

AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE TO PERMIT AND REGULATE BED AND BREAKFAST HOMESTAYS, BED AND BREAKFAST INNS AND COUNTRY INNS; AMENDING SECTION 38-1 ("DEFINITIONS") BY CREATING DEFINITIONS FOR THE TERMS "BED AND BREAKFAST HOMESTAY," "BED AND BREAKFAST INN," AND "COUNTRY INN"; CREATING SECTION 38-1425 ("BED AND BREAKFAST HOMESTAYS, BED AND BREAKFAST INNS AND COUNTRY INNS"); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath reviewed the proposed ordinance and outlined the provisions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Donegan, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board adopted the proposed ordinance amending Chapter 38 (Zoning) of the Orange County Code to permit and regulate Bed and Breakfast Homestays, Bed and Breakfast Inns, and Country Inns.

(Ordinance No. 95-2 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

LAND USE ORDINANCE PUBLIC HEARING - RE-ESTABLISHMENT AND RECOGNITION OF THE INTERNATIONAL DRIVE ACTIVITY CENTER AS A REGIONAL ACTIVITY CENTER (2ND HEARING)

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

AN ORDINANCE AFFECTING THE USE OF LAND IN UNINCORPORATED ORANGE COUNTY, FLORIDA; PROVIDING FOR RE-ESTABLISHMENT AND RECOGNITION OF THE INTERNATIONAL DRIVE ACTIVITY CENTER AS A REGIONAL ACTIVITY CENTER PURSUANT TO SECTION 28-24.014(10), FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR PROPOSED TEXT OF DESIGNATION OF THE REGIONAL ACTIVITY CENTER FOR INCLUSION IN COMPREHENSIVE POLICY PLAN AT THE NEXT OPPORTUNITY FOR AMENDMENT OF THAT DOCUMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath reviewed the proposed ordinance and outlined the provisions.

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 Staley, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board adopted the proposed ordinance re-establishing and recognizing the International Drive Activity Center as a Regional Activity Center.

(Ordinance No. 95-4 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**LAND USE ORDINANCE PUBLIC HEARING - CREATING THE GOTHA PRESERVATION ANNEXATION DISTRICT (2ND HEARING)**

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

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, PERTAINING TO THE USE OF LAND AND CREATING THE GOTHA PRESERVATION ANNEXATION DISTRICT; PROVIDING A SHORT TITLE, DEFINITIONS, PURPOSE AND INTENT; PROVIDING PROCEDURES FOR THE VOLUNTARY ANNEXATION OF PROPERTIES WITHIN THE DISTRICT; PROVIDING FOR BOUNDARY LINES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**Staff Report**

Planning Department Manager David Heath reviewed the proposed ordinance and outlined the provisions. Mr. Heath requested authorization for staff to waive the \$2100 fee for inclusion into the Gotha Preservation District for those persons whose lot is split by the boundary line north to Old Winter Garden Road.

**Appearances**

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

- Jim Taylor, P.O. Box 503, Gotha, Florida.
- Libby Genton, 1957 Carolina, Avenue, Gotha, Florida.
- Karen Ardaman, 2075 Carolina Avenue, Gotha, Florida.
- Kurt Ardaman, Esquire; 170 East Washington Street, Orlando, Florida; representing the Gotha Chamber of Commerce.
- Chris Rider, 2001 Carolina, Avenue, Gotha, Florida.

No one appeared in opposition to the proposed ordinance.

Discussion

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

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Staley, and carried with Vice-Chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board adopted the proposed ordinance creating the Gotha Preservation Annexation District; further, included Exhibit A (Revised 3/7/95) as the boundary for the district; and further, authorized waiving the \$2100 Plan Amendment fee for those property owners' whose land is bisected by the boundary line north to Old Winter Garden Road.

(Ordinance No. 95-1 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

LAND USE ORDINANCE PUBLIC HEARING - REVISIONS TO CHAPTER 37, ORANGE COUNTY CODE, PERTAINING TO SALE OF WASTEWATER CAPACITY (1ST HEARING)

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, RELATING TO THE USE OF LAND; PERTAINING TO WATER AND WASTEWATER; LIBERALIZING THE ABILITY OF WASTEWATER PERMIT HOLDERS TO TRANSFER AND SELL THEIR CAPACITY; OTHERWISE REVISING THE WATER AND WASTEWATER RULES IN WAYS TOO NUMEROUS TO MENTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner's Report

Commissioner Donegan announced his intention to make a motion to continue the public hearing until the ordinance can be reviewed by the Development Advisory Board.

Appearances

The following persons addressed the Board in favor of continuing the public hearing:

- Tom Shutts, chairman of the Orange County Development Advisory Board (no address given).
- James Harris, 6817 Westwood Boulevard, Orlando, Florida.
- Nick Pope, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; 215 North Eola Drive, Orlando, Florida.

- Tom Cloud, Esquire; Gray, Harris and Robinson, P.A.; 201 East Pine Street; Orlando, Florida.

**Motion**

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Donegan, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler were absent; the Board continued the first of two public hearings to consider the proposed ordinance relating to revisions to Chapter 37, Orange County Code, pertaining to the sale of wastewater capacity until April 25, 1995, at 5:01 p.m., to allow the Development Advisory Board time to review the ordinance; and further, scheduled the second of two public hearings to consider the proposed ordinance on May 9, 1995, at 5:01 p.m.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 5:50 p.m.