

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 14, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Commissioner Tom Staley was absent. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Assistant Deputy Clerk Tom Stark. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

COMMISSIONER'S REPORT1. Emergency Medical Services (EMS) Transport Committee Report.

Commissioner's Report

Commissioner Donegan stated that the purpose of this report is to review the Emergency Medical Services (EMS) Transport Committee recommendations.

Staff Report

Assistant County Administrator Ceretha Leon introduced members of the EMS Transport Review committee. Ms. Leon stated that the committee was formed to review and analyze public policy issues regarding the transfer of emergency ambulance service from private providers to the Orange County Fire and Rescue Division.

County Comptroller Martha Haynie stated that her subcommittee, the Accounting/Finance Subcommittee, examined the following items:

- Revenue and cost data;
- Start-up costs;
- Revenue calculations;
- Operations costs;
- Vehicle purchase calculations.

Discussion

The Board discussed the collection rate, average rate per transport, adequate personnel, present equipment, and Comptroller Haynie responded to questions.

Acting Fire Administrator John Warbington gave a video presentation regarding the capabilities of the Orange County Fire/Rescue Division to perform emergency transport. Mr. Warbington discussed the following key elements to be considered by the Board:

- Existing transport experience
- Personnel resources
- Deployment
- Equipment

For the record, Commissioner Hoenstine stated that he accepted the report but reserved the right to make a decision at a later date regarding the competitive process.

For the record, Commissioner Freeman stated that he does not agree with waiting 90 days to publish a Request for Proposal (RFP). He further questioned the County's legal obligation regarding the circumstances under which it could terminate the current contract with American Medical Transport (AMT).

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Johnson, Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioner Staley was absent; the Board accepted the Emergency Medical Services Transport Review Committee recommendations and authorized the Fire and Rescue Services Division to present a proposed business plan to the Board within 90 days.

Commissioner Butler left the meeting.

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA

1. Consideration of the Membership and Mission Review Board's recommendations for appointments to the following advisory boards.

Staff Report

County Administrator Jean Bennett presented the Membership and Mission Review Board (MMRB) recommendations. The Board took the following actions:

Civic Facilities Authority

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with Commissioners Freeman, Johnson, and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioner Donegan voting NO by voice vote; Commissioners Staley and Butler were absent; the Board reappointed Thomas Lang and Robert Duncan to the Civic Facilities Authority, representing the City of Orlando, for three-year terms expiring December 31, 1997.

Commissioner Butler rejoined the meeting.

Motion

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board appointed Jennifer Green to the Civic Facilities Authority replacing Luzardo Pendas, representing the City of Orlando, for a term expiring December 31, 1996.

Road Construction Advisory Board

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board appointed Patrick Aliu to the Road Construction Advisory Board, representing the City of Orlando, in the Road Construction Firms category, to fill a vacancy created by the resignation of James Boterf, for a term expiring June 30, 1995.

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA - ADDENDUM 1

- 2. Consideration of Membership and Mission Review Board recommendation for appointments to the Local Health Council of East Central Florida, Inc.

Staff Report

County Administrator Jean Bennett presented the Membership and Mission Review Board (MMRB) recommendation.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board made the following transfer/appointments to the Local Health Council of East Central Florida:

- transferred Garry Singleton from the Health Care Purchaser category to Health Care Provider category;
- appointed Dr. Calvin Peters to the Health Care Provider category;
- appointed Peter Clarke and Lynda Carter to the Health Care Purchaser category;

for terms expiring September 30, 1996.

NONAGENDA - HEALTH FACILITIES AUTHORITY

County Chairman's Report

County Chairman Chapin informed the Board that Commissioner Hoenstine wishes to resign from the Health Facilities Authority.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board accepted the resignation of Commissioner Hoenstine from the Health Facilities Authority; and further, directed the Membership and Mission Review Board to present nominations to the Board to fill this vacancy.

COUNTY CONSENT AGENDA

For the record, Commissioner Donegan stated that he is not supporting the Chairman's reappointment of Tom Allison as Corrections Division Director.

Motion

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

- deleted the February 14, 1995, Board of County Commissioners minutes from County Comptroller Item 4;
- deleted Fiscal and Human Resources Item 5;

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

County Comptroller

1. Acknowledgment and filing of the audit report of Fine Host Corporation Concession Operation at the Orange County Convention Center for the years ended September 28, 1994, and September 29, 1993 (Administrative/Fiscal Division).
2. Acknowledgment and filing of the audit report of the Orange County Housing Finance Authority for the year ended September 30, 1994 (Administrative/Fiscal Division).
3. Approval to sell surplus county vehicles to Orange County Public Schools (Property Accounting Department).
4. Approval of the minutes of the January 24, January 31, February 7, February 9, and February 14, 1995, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

(As stated in the above motion, the February 14, 1995, Board of County Commissioners minutes were deleted from the agenda.)

5. Acknowledgment of "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners, as follows:
 - a. Florida Public Service Commission Hearing and Prehearing Notice Re: Investigation into the rates for interconnection of mobile service providers with facilities of local exchange companies, Docket Number 940235-TL; dated February 1, 1995.
 - b. Florida Public Service Commission Notice of Cancellation of Hearing Re: Dispute between the Dade County Aviation Department and Bell South Telecommunications related to telephone service arrangements at airports in Dade County, Docket Number 931033-TL; dated January 26, 1995.

- c. Florida Public Service Commission Notice of Cancellation of Hearing and Prehearing Re: Southern Bell Telephone and Telegraph Company comprehensive review of the revenue requirements and rate stabilization plan, Docket Number 920260-TL; dated February 2, 1995.
- d. Greater Orlando Aviation Authority Schedule of Bonded Indebtedness-Local Government Financial Report for fiscal year end September 30, 1994; dated January 23, 1995.
- e. West Orange Healthcare District Financial Statements for September 30, 1994 and 1993; dated February 1, 1995.
- f. Florida Public Service Commission Re: Application for rate increase for increased water and wastewater rates in Seminole, Orange, and Pasco Counties by Utilities, Inc., of Florida, Docket Number 940917-WS; dated February 9, 1995.
- g. Reedy Creek Improvement District Audited Financial Statement Fiscal Year Ending September 30, 1994; dated February 1, 1995.
- h. South Florida Water Management District Comprehensive Annual Financial Report and related Management letter for fiscal year ended September 30, 1994; Annual Financial Report of Units of Local Government of the South Florida Water Management District for fiscal year ended September 30, 1994; list of the district's scheduled Governing Board meetings; and a map of the district which shows all county boundaries within the district; dated February 3, 1995.
- i. St. Johns River Water Management District Annual Financial Audit for Fiscal Year 1993-1994; dated February 9, 1995.
- j. Florida Public Service Commission Notice of Hearing Re: All Investor-Owned Electric and Gas Utilities and other interested persons, Docket Numbers 950001-EI, 950002-EG, 950003-GU, and 950007-EI; dated February 10, 1995.

- k. Public Official Bonds filed by Cappelman and Association Insurance for Dean C. Engstrom, member of the Board of Trustees for West Orange Healthcare District; dated February 13, 1995; and Lynn Walker Wright, member of the Board of Trustees for West Orange Healthcare District; dated February 14, 1995.
- l. Oath of Office for Clarence M. Hoenstine, member of the Orange County Health Facilities Authority; dated February 9, 1995.

(Comptroller Clerk of the Board of County Commissioners)

- 6. Authorize the disbursements of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
 - Week of February 22, 1995, through February 28, 1995; total of \$24,653,306.49.
 - Week of February 28, 1995, through March 6, 1995; total of \$22,138,735.83.
 - Week of March 7, 1995, through March 14, 1995; total of \$18,978,256.66.

County Administrator

- 1. Authorization to increase Sheriff's manning table by one civilian position for FY 94-95 personnel allocation. The three-month cost of this position for the remainder of FY 94-95 will be absorbed within the current Sheriff's Office budget.

Administrative Support Division

- 1. Approval and authorization to record instrument: The Islands, Phase 4, Utility Easement, District 3 (Real Estate Management Department).
- 2. Approval of purchase price above appraised value and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any

additional recording fees not to exceed \$20: North Lake Mann (Bayshore Drive), Warranty Deed, Parcel 101, District 6 (Real Estate Management Department).

3. Approval and authorization to record instruments: Harbour Point Apartments, Sewer Line Easement and Subordinations of Encumbrances, District 3 (Real Estate Management Department).
4. Approval to change the membership on the Aviation Noise Abatement Committee to provide that one member shall be the chairman of the Orlando Executive Airport Advisory Committee (Agenda Development).

Fire and Rescue Services Division

1. Approval of Interlocal Mutual Aid Agreement between Orange County and the Naval Training Center for Fire Protection and Rescue Services (Division Office).

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

Fiscal and Human Resources Division

1. Approval to enter into a formal contract with Control Specialists Company as a proprietary source for the purchase of traffic signal controller equipment for support of existing equipment and new intersections, \$122,200 ([Traffic Engineering Department] Purchasing and Contracts Department).
2. Approval of Amendment 5, Contract Y1-814B, with Jones Wood and Gentry, for additional surveying services for the West Orange Trail, \$43,010.89 ([Parks and Recreation Department] Purchasing and Contracts Department).
3. Approval of Task Authorization 4, Contract Y4-908B, with Transportation Consulting Group, to provide engineering services for the Ireland Property, Inverse Condemnation Case, \$69,930 ([Engineering Department] Purchasing and Contracts Department).
4. Confirmation of the County Chairman's staff reappointments for the month of February 1995 (Human Resource Department):

- Tom Allison, Director, Corrections Division
- Richard Anderson, Main Facility Manager, Corrections Division
- Byron Brooks, Deputy County Administrator
- Brenda Brown, Manager, Risk Management Department
- David Diggs, Direct Supervision Department Manager, Corrections Division
- Warren Geltch, Chief of Purchasing and Contracts
- Ajit Lalchandani, Interim Director, Public Works Division
- Willie D. Morris, Manager, Community Development and Housing Department
- Sandra Price, Manager, Human Resource Department
- Betty Robertson, Manager, Corrections Medical Services

5. Approval of Budget Transfer 95-245 (OMB).

(Budget Transfer 95-245 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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

6. Approval of payment of Intergovernmental claims (February 16 and 23, 1995) totaling \$272,324.87 (Risk Management Department).

7. Receipt and filing of the February 9 and 16, 1995, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

Health and Community Services Division

1. Approval and execution of a contract between Orange County and Communications, Inc. (WMFE-TV/FM) for a challenge grant in the amount of \$40,000 to provide partial funding for the series "Families of Central Florida." Total cost of the program is \$157,000. Orange County's total match is \$40,000 and will come from the existing appropriation for Center for Families Initiative, funded by Orange County for Education/Outreach programming for family issues, all districts (Division Office).

(Contract 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 a developer's agreement for discounts of impact fees for the Hollybrook Subdivision Affordable Housing Development, District 2 (Housing and Community Development Department).

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

2. Receipt and filing of the minutes of the Lake Sue Advisory Board meeting of January 25, 1995, District 5 (Environmental Protection Department).
3. Approval of street name petitions, Renegade Drive and Outlaw Court, District 6 (Zoning Department).
4. Approval for the Florida Outboard Racing Association to conduct a Boat Racing Regatta on Lake Whippoorwill on March 18 and 19, 1995, District 4 (Zoning Department).

Public Utilities

1. Authorization for the County Chairman to execute a Utility Relocation Agreement and Resolution for John Young Parkway (S.R. 423) from 33rd Street to McLeod Road, (Utilities Engineering Department).

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

Public Works Division

1. Approval to install "Stop" signs in the Hunter's Creek Tract 350, Phase II Subdivision, District 1 (Traffic Engineering Department).
2. Approval to install "Yield" signs in the Bay Hill Cove Subdivision, a replat of part of Block "B," Palm Lake Manor, as recorded in Plat Book "T," Page 29, of the Public Records of Orange County, Florida, District 1 (Traffic Engineering Department).

NONAGENDA - TAXICAB REGULATIONS

Commissioner's Report

Commissioner Johnson requested a worksession regarding taxicab regulations in Orange County.

Discussion

The Board discussed the taxicab situation in Orange County and concurred with Commissioner Johnson's request to schedule a worksession.

County Chairman Chapin directed staff to schedule a worksession at a date sometime in the near future.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Mary Johnson entered the meeting where indicated. Commissioner Tom Staley was absent. Also present were Deputy County Administrator Howard Tipton, County Attorney Tom Wilkes, and Assistant Deputy Clerk Tom Stark. The Board paused for an invocation by the Reverend Moses Johnson, Jr., Pastor of Ebenezer United Methodist Church, followed by the Pledge of Allegiance to the Flag.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF MARCH 2, 1995

Motion

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

- * - a Hold Harmless Agreement for Item 8, Knox Nursery;
- the usual right of appeal by any aggrieved parties.

*(Hold Harmless Agreement is on file 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 March 2, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing as follows:

- Appellant/Applicant: Rose Marie Saunders; Hearing #7; public hearing date and time: April 18, 1995, 1:35 p.m.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: DOUG DUKANE; PETITION TO VACATE 94-45, A 22.0-FOOT-WIDE BY 155.0-FOOT-LONG ALLEY ADJACENT TO PROPERTY; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 22.0-foot wide by 155.0-foot long alley adjacent to property.

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

Staff Report

Public Works Division Deputy Director William Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Staley and Johnson were absent; the Board adopted a resolution vacating 22.0-foot wide by 155.0-foot long alley adjacent to property as described above.

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

MSTU/BU PUBLIC HEARING - ESTABLISH CLEVELAND AVENUE MSTU/BU, ROAD IMPROVEMENTS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for road improvements on Cleveland Avenue.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$170 per lot for reimburseable maintenance of certain retention ponds.

(For the appearances, discussion, and motion see page 92.)

MSTU/BU PUBLIC HEARING - ESTABLISH CHARLIN PARK SEVENTH ADDITION MSTU/BU, STREET LIGHTS AND 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 taxing district for street lights and retention pond(s) maintenance at Charlin Park Seventh Addition Subdivision.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$30 per lot for street lights, and an annual cost of \$54 per lot for retention pond(s) maintenance.

(For the appearances, discussion, and motion see page 92.)

MSTU/BU PUBLIC HEARING - ESTABLISH THE ISLANDS PHASE 3 MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights and retention pond(s) maintenance at The Islands Phase 3 Subdivision.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from

the developer has an annual cost of \$29 per lot for street lights, and an annual cost of \$54 per lot for retention pond(s) maintenance.

(For the appearances, discussion, and motion see page 92.)

MSTU/BU PUBLIC HEARING - ESTABLISH SUNSET VIEW MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special taxing district for street lights and retention pond(s) maintenance at Sunset View Subdivision.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$29 per lot for street lights, and an annual cost of \$54 per lot for retention pond(s) maintenance.

(For the appearances, discussion, and motion see page 92.)

MSTU/BU PUBLIC HEARING - ESTABLISH WOODBRIDGE AT MEADOW WOODS MSTU/BU, STREET LIGHTS AND 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 taxing district for street lights and retention pond(s) maintenance at Woodbridge at Meadow Woods Subdivision.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$32 per lot for street lights, and an annual cost of \$54 per lot for retention pond(s) maintenance.

Appearances

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

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 Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board adopted resolutions establishing the following MSTU/BUs:

- Innisbrook, annual cost of \$170 per lot for reimburseable maintenance of certain retention ponds;
- Charlin Park Seventh Addition, annual cost of \$30 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance;
- The Islands Phase 3, annual cost of \$29 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance;
- Sunset View, annual cost of \$29 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance;
- Woodbridge at Meadow Woods, annual cost of \$32 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

(Resolutions are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: ALBERTSON'S; BOARD OF ZONING ADJUSTMENT #18, FEBRUARY 2, 1995; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Albertson's, Inc., of the recommendation of the Orange County Board of Zoning Adjustment dated February 2, 1995, Hearing 18, on a request by Albertson's

Inc., for an appeal of the Zoning manager's determination that the 5,000-foot minimum separation requirement between an existing package liquor store (ABC, Inc., at 339 North Semoran Boulevard) and a proposed package liquor store (Albertson's at University Park Plaza Shopping Center) cannot be met. (The applicant disputes the method of measurement between the two establishments, as specified under Section 38-1414 [Prohibited areas for sale of alcoholic beverages], sub-item (e) measurement of distances of the Orange County Code.) The property is generally property located within the University Park Plaza Shopping Center on the east side of Semoran Blvd., 1,000 feet south of University Boulevard.

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

Staff Report

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

A court reporter, Roxanne Nickerson of Barbara Perry and Company, was present. Assistant Deputy Clerk Tom Stark read the Notice of Appeal into the record.

Appearances

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

- Rullon Munns, Esquire; 250 North Orange Avenue, Orlando, Florida; for the applicant.
- Joe Filipelli, 1051 Windauley Place, Orlando, Florida.

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

- Philip Bonus, Esquire; 170 East Washington Street, Orlando, Florida; for ABC Liquors.

The County Chairman accepted the following exhibit from Rullon Munns:

- Clerk's Exhibit 1, 10 pages of reports and documents.

The County Chairman accepted the following exhibits from Philip Bonus:

- Clerk's Exhibit 2, Lynx bus route map.
- Clerk's Exhibit 3, sidewalk drawings.
- Clerk's Exhibit 4, adoption and dedication of plat for University Park Plaza.
- Clerk's Exhibit 5, diagram of private easement.

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 Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board upheld the Zoning manager's decision that the 5,000-foot minimum separation requirement between an existing package liquor store (ABC, Inc., at 339 North Semoran Boulevard) and a proposed package liquor store (Albertson's at University Park Plaza Shopping Center) cannot be met; and denied the request by Albertson's, Inc., disputing the measurement between the two establishments, as specified under Section 38-1414 [Prohibited areas for sale of alcoholic beverages], sub-item (e) measurement of distances of the Orange County Code.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: PARK SQUARE ENTERPRISES; BOARD OF ZONING ADJUSTMENT #3, FEBRUARY 2, 1995; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Park Square Enterprises, Inc., for a special exception in Country Estate District (R-CE) zone for church use and variances as follows:

1. Eliminate six-foot (6') high concrete block wall where vehicular use areas abut residentially-zoned property;
2. Provide unpaved parking in lieu of paved;

on property which is generally located on the north side of Conroy-Windermere Road, 700 feet west of Hiawasse Road.

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

Staff Report

Acting Zoning Department Manager Mitch Gordon requested the public hearing be continued to allow time to provide the abutters with a correct site map.

Appearances

No one addressed the Board in favor of or in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board continued the public hearing to consider a request by Park Square Enterprises, Inc., for a special exception in Country Estate District (R-CE) zone for church use and variances until April 4, 1995, at 2:45 p.m.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: LARRY T. RAY, P.E.; WINDERMERE ESTATES PRELIMINARY SUBDIVISION; ADDITION OF SEVEN (7) LOTS TO THE PROJECT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by Larry T. Ray, P.E., for Windermere Estates Preliminary Subdivision, to add seven (7) lots to the project, on property which is generally located west of McKinnon Road and east of Sunset Lake Subdivision.

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

Staff Report

Planning Manager David Heath reviewed the change determination request and the Development Review Committee's (DRC) determination of substantial change; and further, stated that the DRC recommended approval of the request.

Appearances

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

- Larry Ray; 5210 South Orange Avenue, Orlando, Florida; for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board approved the request by Larry T. Ray, P.E., for Windermere Estates Preliminary Subdivision, to add seven (7) lots to the project; which constitutes a substantial change to the development.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - COLONIAL COMMONS PRELIMINARY SUBDIVISION PLAN, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Colonial Commons Preliminary Subdivision Plan on property which is generally located south of S.R. 50 and west of Econlockhatchee Trail.

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

Staff Report

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

Appearances

No one appeared in favor of the request.

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

- Jay Griffin, 1206 Melanie Drive, Orlando, Florida.

- David Calkius, 1708 Melanie Drive, Orlando, Florida.
- Ciro Rubino, 1407 Melanie Drive, 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 County Chairman Chapin, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board continued the public hearing to consider the Colonial Commons Preliminary Subdivision Plan until April 4, 1995, at 2:45 p.m.

COMMISSIONER'S REPORT - CONTINUED

2. Proposed legislation concerning Metropolitan Planning Organization (MPO) restructuring, District 5.

Commissioner's Report

Commissioner Donegan summarized the Metropolitan Planning Organization (MPO) committee restructuring plan as follows:

- Adopt a vision statement for the MPO;
- Move the MPO out of the East Central Florida Regional Planning Council and have a free-standing MPO;
- Hire a strong executive director;
- Commit to per capita funding;
- Restructure the board by allowing the Greater Orlando Aviation Authority (GOAA) and three private sector appointments to be approved.

Commissioner Donegan suggested the Board consider the following three options:

- Amend the bill to work to the benefit of the Regional Transit Authority;
- Leave the bill alone;
- Kill the bill so that it will not pass.

Commissioner Donegan noted that if this bill should be passed by the legislature as it now exists, it would be most difficult to work with because of the three-county vote. He suggested the bill be amended to create a taxing district by referendum under Chapter 163.

Discussion

The Board discussed hiring a strong director; and further, returning the bill to the legislature with the suggestion that the composition of the MPO remain as it presently exists.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Staley was absent; the Board approved a legislative request to return the structure of the Metropolitan Planning Organization to the three-county, six-member body originally authorized by Chapter 163, Florida Statutes.

3. Legal services for the Board of County Commissioners, District 4.

Commissioner's Report

Commissioner Hoenstine presented information to the Board regarding monies being spent for legal services.

Discussion

The Board discussed the possibility of hiring separate legal counsel to represent them.

Legal Counsel

County Attorney Tom Wilkes pointed out that all attorneys employed by Orange County are available to each commissioner if they should need same.

The Board discussed wording in the current Charter which states that commissioners cannot interfere with employees or agents under the direct supervision of the County Chairman. County Chairman Chapin suggested that the commissioners appear before the present Charter Review Commission to express their ideas and concerns regarding current language.

Motion

The Board did not take any action.

NONAGENDA - UNSOLICITED LONG DISTANCE TELEPHONE CALLS

Commissioner's Report

Commissioner Freeman informed the Board that his office has received telephone calls advising him that prisoners have been calling citizens collect. He suggested that Corrections Division Director Tom Allison examine this situation.

NONAGENDA - ON-SITE PARKING

Commissioner's Report

Commissioner Freeman inquired about future parking at the County Administration building. He requested a status report from General Services Manager Sam Anderson.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:05 p.m.

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