

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 25, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan were present. Commissioner Mable Butler entered where indicated. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, Deputy County Attorney John Gehrig, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

FISCAL AND HUMAN RESOURCE DIVISION DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates for a three-year term contract, with extension clause, to furnish a line of credit for the Commercial Paper program, RFP Y5-164-EW ([Comptroller's Investment Department] Purchasing and Contracts Department).

(The Board deferred This item for discussion later in the day - see page 211.)

2. Selection of one firm and two ranked alternates to provide engineering services for the Hiwassee Road extension project (Clarcona-Ocoee Road to U.S. 441) RFP Y5-805-MK, District 2 ([Highway Construction Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select from the following three firms listed alphabetically:

- Bowyer-Singleton & Associates, Inc.
- Dyer, Riddle, Mills & Precourt, Inc.
- Professional Engineering Consultants, Inc.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Butler was absent; the Board approved the following short list ranked as follows:

- #1 Dyer, Riddle, Mills & Precourt, Inc.
- #2 Professional Engineering Consultants, Inc.
- #3 Bowyer-Singleton & Associates, Inc.

and further, authorized staff to enter into contract negotiations for engineering services for the Hiawassee Road extension project (Clarcona-Ocoee Road to U.S. 441), RFP Y5-805-MK.

PUBLIC WORKS DIVISION DISCUSSION AGENDA

1. Staff evaluation of the use of solar-powered street lights versus conventional street lights (Information only - no action requested), Countywide (Engineering Department).

Staff Report

Acting Traffic Engineering Department Manager Steve Wilmarth reported that the Public Works Division has used and evaluated three solar-powered street lights, which performed satisfactorily. However, he questioned their cost effectiveness because of the high purchase price. Mr. Wilmarth stated they might be viable in an area where electric power is not readily available.

Discussion

The Board discussed the economic factors, possible future use as technology develops, and use in remote areas.

Motion

The Board did not take any action.

2. Approval to issue Excavation Permit 95-E1-174, District 1 (Engineering Department).

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Butler was absent; the Board deferred this item until May 2, 1995, at 3:30 p.m.

ADMINISTRATIVE SUPPORT DIVISION - CONSENT ITEMS FOR DISCUSSION

Note: Administrative Support Items 2 and 3 were presented to the Board together.

2. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs and approval of any additional recording fees not to exceed \$20: Lake Sheen Boat Ramp, Warranty Deed, Parcel 102, District 1 (Real Estate Management Department).

and

3. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs and approval of any additional recording fees not to exceed \$20: Lake Sheen Boat Ramp, Warranty Deed, Parcel 101, District 1 (Real Estate Management Department).

Staff Report

Parks and Recreation Manager Lynn Sordel reviewed the history and the location of the proposed boat ramp on Lake Sheen. Mr. Sordel stated that this site has been deemed by staff to be the best of four possible locations for the ramp. He further pointed out the need for public access to the chain of lakes.

Discussion

The Board discussed the history, the size of the site relative to the size of the proposed boat ramps, and the need for public involvement in the decision-making process.

Action

County Chairman Chapin directed staff to coordinate with the property owners and present these requests to the Board in a public meeting next week.

FISCAL AND HUMAN RESOURCE DIVISION DISCUSSION AGENDA ITEM DEFERRED

1. Selection of one firm and two ranked alternates for a three-year term contract, with extension clause, to furnish a line of credit for the Commercial Paper program, RFP Y5-164-EW ([Comptroller's Investment Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select from the following four firms listed alphabetically:

- NationsBank
- Sun Bank, National Association
- Union Bank of Switzerland
- Westdeutsche Landesbank Gerozentrale, New York Branch

Discussion

The Board discussed fees, market acceptance, and changes to the agreement.

Phil Brown of Public Financial Management, the County's financial advisor, addressed the Board at County Chairman Chapin's request. Mr. Brown reviewed the proposals, the ranking process, bank credit rankings, and negotiation of covenants.

Commissioner Butler entered the meeting.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the following short list ranked as follows:

- #1 NationsBank
- #2 Sun Bank, National Association
- #3 Union Bank of Switzerland

for a three-year term contract, with extension clause, to furnish a line of credit for the Commercial Paper program, RFP Y5-164-EW.

COUNTY CONSENT AGENDA

Motion

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

- deferred Administrative Support Items 2 and 3 for discussion;
- deferred Fiscal and Human Resource Division Items 8 and 9 for discussion;
- revised County Administrator Item 1 to include the wording, "impose a \$100,000 per contract cap;"

and further, approved the balance of the Consent Agenda items as follows, including Addendum 1:

County Chairman's Report - Addendum 1

1. Approval of a resolution urging continued appropriation of funding in support of Florida's Surface Water Improvement and Management Program (SWIM).

(Resolution 95-M-33 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

County Comptroller

1. Approval to refund \$337.41 payable to Kurt E. Lolley, certificate holder, for unclaimed tax certificate redemption monies previously paid to the Board of County Commissioners on May 23, 1989 (Administrative/Fiscal Division).
2. Approval to make equal monthly draws to the Sheriff in the amount of \$7,057,740 for May through August 1995. This budget was adjusted to cover the Christmas Bonus approved by the Board of County Commissioners (Administrative/Fiscal Division).
3. Approval of the minutes of the March 21, 1995, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
4. Warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:

- Week of April 18, 1995, to April 25, 1995; Total of \$8,352,445.58

County Administrator

1. Approval of renewal of contracts with J. Bert Grandoff as special legal counsel for claims management for the Convention Center expansion and new Courthouse construction projects without specific fiscal year cap for professional services (County Attorney).

(As stated in the above motion, this item was amended to include the wording, "impose a \$100,000 per contract cap.")

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

2. Approval of settlement proposal in Orange County v. KMH General Partnership, et al., Case No. CI 90-8933, Parcel 1100 (County Attorney).

Administrative Support Division

1. Approval and execution by County Chairman of lift station easement, underground utility easement, and maintenance agreement; and approval and authorization to record instruments and pay appropriate recording fees: Hunter's Creek at Meadow Woods Interconnect, Lift Station Easement, Underground Utility Easement, Maintenance Agreement, Warranty Deed, Utility Easement and Temporary Easement, Parcels 110/810/710, District 4 (Real Estate Management Department).
2. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$20: Lake Sheen Boat Ramp, Warranty Deed, Parcel 102, District 1 (Real Estate Management Department).

(As stated in the above motion, this item was deferred for discussion - see page 210.)

3. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$20: Lake Sheen Boat Ramp, Warranty Deed, Parcel 101, District 1 (Real Estate Management Department).

(As stated in the above motion, this item was deferred for discussion - see page 210.)

4. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$20: Lake Hiawassee flooded homes, Warranty Deed, Parcel 101, District 1 (Real Estate Management Department).
5. Approval and authorization to record instruments: Vista

Centre Replat, Warranty Deed, Drainage and Utility Easements, Lift Station Maintenance Easements, and Subordinations of Encumbrances, District 1 (Real Estate Management Department).

Corrections Division

1. Approval to increase shift differential pay and create weekend differential pay for nursing professionals; and approval to convert four current full-time positions to part-time positions.

Division of Information Technologies

1. Approval to notify the Federal Communications Commission that Orange County no longer intends to regulate basic cable rates and is voluntarily withdrawing its certification to do so.

Fiscal and Human Resource Division

1. Approval to award Invitation for Bid Y5-172-GJ to the low responsive and responsible bidder, Interstate Brands Corporation - Merita Division, for a one-year term contract, renewable for an additional 24 months, to furnish breads and related products, \$194,819.52 ([Corrections Division/Food Service Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y5-712-NS to the low responsive and responsible bidder, Hembree Construction, Inc., for interior renovations at the Pine Street Administration Building, \$3,950,000 ([Construction Administration Department] Purchasing and Contracts Department).
3. Ratification of Emergency Purchase Order issued to Prime Construction Group for repair to culvert crossings on S.R. 545, \$113,259 ([Highway Construction Department] Purchasing and Contracts Department).
4. Approval of Task Authorization 36, Contract Y2-902 for continuing engineering services for Water and Wastewater projects with Boyle Engineering for a water and wastewater cost of service study, \$110,473 ([Public Utilities Division/Fiscal and Customer Service Department] Purchasing and Contracts Department).
5. Approval of Task Authorization 10, Contract Y3-123L, with Matonis, MacDermott, DeRango, Sorich, and Company for

continuing appraisal services for a condemnation trial for Old Winter Garden Road, Kirkman Road to Ivey Lane, \$51,250 ([Highway Construction Department] Purchasing and Contracts Department).

6. Approval of Task Authorization 3, Contract Y4-904C with Transportation Consulting Group, for continued engineering services for paving and drainage improvements for Seventh and Eighth Avenues and adjacent streets in Taft, \$78,581.55 ([Highway Construction Department] Purchasing and Contracts Department).
7. Approval of Task Authorization 19, Contract Y3-902B with Singhofen & Associates, Inc., for continued engineering services for Stormwater Management, to prepare construction plans for the Lake Holden outfall, \$88,288 ([Stormwater Management Department] Purchasing and Contracts Department).
8. Approval of Change Order No. 2, Contract Y4-737 with Gomez Contracting Company, for 900 additional yards of fill dirt for the South Apopka Community Center Project, \$53,455 ([Construction Administration Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred for discussion - see page 222.)

9. Approval of Change Order No. 2, Contract Y4-781 with M & V Builders, Inc., for additional services and equipment required as a result of design clarifications for the Sheriff's Office Evidence Facility, \$57,736.85 ([Construction Administration Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred for discussion - see page 223.)

10. Approval to award Invitation for Bid Y5-167-GJ to the low responsive and responsible bidders as follows:
 - Contract Y5-167A - Florida Business Interiors
 - Contract Y5-167B - Decora Office Furniture
 - Contract Y5-167C - Interior Contract Services
 - Contract Y5-167D - Designers West Interiors, Inc.
 - Contract Y5-167E - Innovative Design Ideas
 - Contract Y5-167F - Thomas W. Ruff & Company of Florida
 - Contract Y5-167G - Designed Furniture Associates, Inc.

- Contract Y5-167H - The Mohler Company
- Contract Y5-167I - The Smith Wilson Company
- Contract Y5-167J - Bishop Office Furniture

for a one-year term contract, renewable for an additional 24 months to furnish commercial/office furniture to all Orange County departments (Purchasing and Contracts Department).

11. Approval for the Sheriff's Office to spend approximately \$21,215 from the the Law Enforcement Trust Fund to fund contributions of \$1,000 to the COMPACT Program; \$3,000 to "School Clothes Make a Difference" Program; and \$17,215 for computer equipment (OMB).
12. Approval of Budget Transfers 95-306 and 95-317 through 95-321 (OMB).

(Budget Transfers 95-306 and 95-317 through 95-321 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
13. Approval of CIP Amendments 27-95 and 30-95 through 33-95 (OMB).

(CIP Amendments 27-95 and 30-95 through 33-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
14. Approval of payment of Intergovernmental claims (March 30 and April 6, 1995) totaling \$182,986.33 (Risk Management Department).
15. Receipt and filing of the March 23 and 30, 1995, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

Planning and Development Division

1. Receipt and filing of the minutes of the Lake Sue Advisory Board meeting of March 15, 1995, District 5 (Environmental Protection Department).
2. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of February 16, 1995, District 4 (Environmental Protection Department).

3. Approval and execution of the Intercreditor Agreement between Florida Housing Finance Agency and Orange County covering state funds committed to the Silver Pines Affordable Housing Development, District 6 (Housing and Community Development Department).

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

4. Approval and execution of a contract between Central Florida Housing and Neighborhood Development Services (H.A.N.D.S.) and Orange County for the administration of affordable housing downpayment assistance and counseling program, all districts (Housing and Community Development Department).

(Contract is on file in the Housing and Community Development Department.)

5. Adoption of a resolution supplementing Resolution No. 93-M-71 pertaining to redevelopment of a specified part of Orange County; delegating certain community redevelopment powers from the Orange County Board of County Commissioners to the City of Winter Park to expand the boundaries of the Winter Park Community Redevelopment area; providing for other matters in connection thereof; and providing an effective date, District 5 (Planning Department).

(Resolution 95-M-24 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Adoption of a resolution to redelegate to the City of Apopka the authority to create a Community Redevelopment Agency and approval of an Interlocal Agreement among Orange County, the City of Apopka, and the Community Redevelopment Agency in accordance with the terms of the resolution, District 2 (Planning Department).

(Resolution 95-M-25 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval to advertise Resolutions to Lien (LC-94-319, LC-95-003, LC-95-009, LC-95-010, LC-95-011, LC-95-014, LC-95-015, LC-95-016, LC-95-017) for property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, Districts 1, 2, 4, 5, and 6 (Zoning Department).

(Resolutions 95-ZON-49 through 95-ZON-57 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval of resolution to reduce the existing speed limit in the subdivision of Rose Cove from 30 miles per hour to 25 miles per hour, District 2 (Traffic Engineering Department).

(Resolution 95-M-27 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval to establish "No Parking" zones:
 - a. Five hundred eighty (580) feet on the west side of Intermodal Way, north of Zell Drive and 330 feet on the west side of Orange Avenue, south of Zell Drive. District 4 (Traffic Engineering Department).
 - b. On the East side of Alafaya Trail beginning 765 feet south of S.R. 50 and extending south 810 feet, District 4 (Traffic Engineering Department).
3. Approval of refund of M.S.T.U. assessments collected on the following:
 - a. Eden Park/Woodlands by the Lake Subdivision for the five years between FY 1988-89 and FY 1992-93 for a total of \$8,862, District 2 (Engineering Department/Fiscal Section).
 - b. Citrus Oaks Phase I and II for the seven years between FY 1986-87 and FY 1993-94 for a total of \$33,084, District 1 (Engineering Department/Fiscal Section).
 - c. Chancellors Row Subdivision for the nine years between FY 1986-87 and FY 1994-95 (Phase I) and FY 1987-88 and FY 1994-95 (Phase II) for a total of \$32,100, District 5 (Engineering Department/Fiscal Section).
4. Approval and execution of agreement between the Florida Department of Transportation and Orange County, and resolution for synchronization of highway traffic control devices at Landstreet Road and grade crossing devices at S.R. 500-600/U.S. 441 and U.S. 17-92, District 4 (Traffic

Engineering Department).

(Resolution 95-M-28 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Discussion concerning the Federal Transportation Lobbyist Contract.

Staff Report

Deputy County Administrator Byron Brooks reviewed the contract and gave the commissioners a summary sheet, after which he referenced the relevant Florida Statutes. Mr. Brooks also reviewed the history, the necessity of the service to the community, and recommended continuation of the present contract, with the new contract coinciding with the start of the second session of the 104th Congress.

Discussion

The Board discussed the legal requirements for competitive bids. Deputy County Administrator Byron Brooks and Deputy County Attorney John Gehrig clarified that bids are not necessary. The Board also discussed the possibility of Metropolitan Planning Organization (MPO) participation as the lead agency.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved renewal of the contract through December 31, 1995 (nine month period), with the provision the participating agencies award a new contract for Federal Lobbying services to commence January 1996 (concurrent with the start of the second session of the 104th Congress).

NONAGENDA - SENATE BILL 652

Commissioner's Report

Commissioner Donegan reported to the Board that Senate Bill 652, regarding telecommunications, is currently being considered in the U.S. Congress. He stated there is language in the bill that would allow the federal government to preempt local authority to regulate telecommunications. He recommended that the Board urge Congress to amend the bill by deleting the preemptive language.

Discussion

The Board discussed the possible economic impact on Orange County.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board authorized staff to communicate to the U.S. Congress Orange County's desire that Senate Bill 652 be amended by deleting language that would allow the Federal Government to preempt local telecommunications regulatory authority.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Also present were County Administrator Jean Bennett, Assistant Comptroller as Clerk Mark Fostier, Deputy County Attorney Joel Prinsell, Deputy County Administrator Byron Brooks, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Jim Page, pastor of Calvary Church of the Nazarene in Apopka, Florida, followed by the Pledge of Allegiance to the Flag.

PRESENTATION OF PROCLAMATION FOR PUBLIC SERVICE RECOGNITION WEEK

County Chairman Chapin presented a proclamation designating the week of May 1-7, 1995, as Public Service Recognition week in Orange County, Florida.

PRESENTATION OF PROCLAMATIONS FOR ORANGE COUNTY CORRECTIONS STAFF WEEK, MAY 7 - 13, 1995

County Chairman Chapin presented a proclamation designating the week of May 7-13, 1995, as Corrections Staff Week in Orange County, Florida. She then recognized the Correctional Officer of the Year, Carlos Rodriguez, after which she presented awards to the following Corrections staff:

Administrative Services Department - Elaine Herbert
Central Booking - David Jones
Community Corrections Department - Steve Righi

Dockets - Fran Hughes
Genesis - Michael Sproul
Horizon - Douglas Tramer
Juvenile Assessment Center - Rickey Dumas
Main Facility - Carlos Rodriguez
Medical - Laquinda Henderson
Municipal Justice Building - Richard Bowden
Phoenix - Bobbie Brooks
Policy and Operations Review - Matthew Piper
Whitcomb - Michele Sever
Work Release Center - Sarah Cummings

NONAGENDA - PROCLAMATION

Commissioner Johnson presented to County Chairman Chapin a proclamation by Guzman Quavis, mayor of the City of Santiago de Kali, Republic of Columbia, giving the keys to the city to a delegation from Central Florida, comprised of Orange County Chairman Linda Chapin and County Commissioner Mary I. Johnson, and also presented a letter from the Governor's office.

CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

Fiscal and Human Resource Division

8. Approval of Change Order No. 2, Contract Y4-737, with Gomez Contracting Company for 900 additional yards of fill dirt for the South Apopka Community Center Project, \$53,455 ([Construction Administration Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch reviewed the change order and responded to questions from the Board.

Discussion

For the record, Commissioner Staley stated that, in his opinion, the contract bid was a "lowball," and the contractor was irresponsible. Commissioner Staley also pointed out that the design architect may be at fault.

Motion

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

approved Change Order No. 2, Contract Y4-737, with Gomez Contracting Company for 900 additional yards of fill dirt for the South Apopka Community Center Project, \$53,455.

9. Approval of Change Order No. 2, Contract Y4-781, with M & V Builders, Inc., for additional services and equipment required as a result of design clarifications for the Sheriff's Office Evidence Facility, \$57,736.85 ([Construction Administration Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch reviewed the request and recommended approval.

Discussion

Commissioner Staley pointed out that this is a 49% change order and directed staff to investigate.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; the Board approved Change Order No. 2, Contract Y4-781 with M & V Builders, Inc., for additional services and equipment required as a result of design clarifications for the Sheriff's Office Evidence Facility, \$57,736.85.

PUBLIC HEARING - PLANNING AND ZONING APPEAL APPELLANT/APPLICANT: JAMES P. KIRKLAND; PLANNING AND ZONING Z-95-007, MARCH 16, 1995; DISTRICT 6

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by James P. Kirkland of the recommendation of the Planning and Zoning Commission, on a request by Mr. Kirkland for approval of a rezoning from Residential District (R-2) to Multiple-Family Dwelling District (R-3), on property which is generally located on the south side of Gore Avenue, 600 feet west of Ivey Lane or 4444 Gore Street, Orange County, Florida.

(The 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 outlined the request; identified the subject property; and further, noted

that the Planning and Zoning Commission recommended denial of the request. Mr. McClendon pointed out that this hearing is the result of a code violation.

Appearances

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

- James P. Kirkland, the applicant (no address given).
- James Kirkland, Jr. (no address given).
- Frank Kirkland (no address given).
- Mark Sutton (no address given).
- Michael Smith (a resident of the applicant's rooming house).
- Michael Jones (no address given).

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

- Geneva McAlvin (no address given).
- Sharon Pierre (no address given).

The following persons addressed the Board with general comments:

- Sergeant Gant, Orange County Deputy Sheriff (no address given).
- Corporal Barthelone, Orange County Deputy Sheriff (no address given).

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by James P. Kirkland for approval of a rezoning from Residential District (R-2) to Multiple-Family Dwelling District (R-3); and further, allowed 90 days for the tenants in James P. Kirkland's rooming house to relocate.

ORDINANCE PUBLIC HEARING - UNLICENSED CONTRACTORS ORDINANCE PERTAINING TO BUILDING AND CONSTRUCTION REGULATIONS

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

AN ORDINANCE PERTAINING TO BUILDING AND CONSTRUCTION REGULATION IN ORANGE COUNTY, FLORIDA; PROVIDING FOR LEGISLATIVE INTENT; PROHIBITING CERTAIN BUILDING AND CONSTRUCTION TRADE ACTIVITY; PROVIDING FOR ISSUANCE OF CITATIONS AGAINST UNCERTIFIED, UNREGISTERED AND UNLICENSED CONTRACTORS: PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF AN ORANGE COUNTY BUILDING SPECIAL MASTER; PROVIDING FOR HEARING PROCEDURES BEFORE AN ORANGE COUNTY BUILDING SPECIAL MASTER TO CONDUCT THE HEARINGS CONTESTING THE CITATIONS AND TO TAKE OTHER ACTION; PROVIDING FOR RECOVERY OF CIVIL PENALTIES; PROVIDING FOR APPELLATE REVIEW; PROVIDING FOR A SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Acting Building Department Manager Melvin Pittman reviewed the proposed ordinance and outlined the provisions.

Larry Roberts, Chairman of the Construction Industry Council, addressed the Board and reported that his organization supported Orange County's efforts to regulate the building industry and eliminate the hazards associated with the work of unlicensed contractors.

Mr. Pittman further outlined recommended changes to the proposed ordinance on page 8, section D as follows:

- D. Nothing in this Ordinance shall be construed to authorize Orange County to exercise disciplinary authority or procedures established in this Ordinance against a person holding a proper valid **state** certificate or license while operating within the scope of that certificate and/or license.

Appearances

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

- Ruth Wieland, 3104 #12 Harrison Avenue, Orlando, Florida.

- Suzanne Englemeyer (no address given).

No one addressed the Board in opposition to the proposed ordinance.

The following person addressed the Board with general comments:

- R. P. Mohnacky, 1820 Prairie Lane, Ocoee, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted the proposed ordinance pertaining to building and construction regulations to include revisions as outlined by staff as follows:

- D. Nothing in this Ordinance shall be construed to authorize Orange County to exercise disciplinary authority or procedures established in this Ordinance against a person holding a proper valid state certificate or license while operating within the scope of that certificate and/or license.

(Ordinance No. 95-7 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING AMENDING SECTION 9-21(b), ORANGE COUNTY CODE, ELIMINATING PRELIMINARY HEARINGS FOR GRIEVANCE COMPLAINTS AGAINST LICENSED CONTRACTORS

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

AN ORDINANCE AMENDING SECTION 9-21(b) OF THE ORANGE COUNTY CODE BY ELIMINATING THE PROVISION STATING THAT A PRELIMINARY HEARING MAY BE HELD BY THE ORANGE COUNTY BUILDING CODES BOARD OF ADJUSTMENTS AND APPEALS UPON THE FILING OF A SWORN COMPLAINT AGAINST THE HOLDER OF A CERTIFICATE OF COMPETENCY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Acting Building Department Manager Melvin Pittman reviewed the

proposed ordinance and outlined the provisions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Section 9-21(b) of the Orange County Code by eliminating preliminary hearings for grievance complaints against licensed contractors.

(Ordinance No. 95-6 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - CHICKASAW RIDGE PRELIMINARY SUBDIVISION PLAN, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Chickasaw Ridge Preliminary Subdivision Plan on property which is generally located north of Millinockett Lane and east of Chickasaw Trail, Orange County, Florida.

(The 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.

Commissioner Freeman left the meeting.

A court reporter; Georgia L. VanNostrand; Miller, Jackowski & Carls, Inc.; 1314 East Robinson Street, Orlando, Florida; was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

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

- Randy June, P.E., for the developer (no address given).

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

- Thomas Ed VanWinkle, 8215 Millinockett Lane, Orlando, Florida.
- H. R. Robinson, 1400 Tidy Lane, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the Chickasaw Ridge Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Chickasaw Ridge Preliminary Subdivision Plan, dated "Received March 10, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on April 25, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Waiver of Section 38-1501 to reduce the front building setbacks from 25 feet to 20 feet is granted.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HARBOUR ISLE ESTATES PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold

a public hearing to consider the Harbour Isle Estates Preliminary Subdivision Plan on property which is generally located west of S.R. 435 and south of Florida Turnpike, Orange County, Florida.

(The 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 plan:

- Niel Hiler, Genesis Engineering Group, 535 Park Avenue, Suite 222, Winter Park, Florida.

No one addressed the Board in opposition to the plan.

Discussion

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

Motion

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

1. Development shall conform to the Harbour Isle Estates Preliminary Subdivision Plan, dated "Received March 13, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on April 25, 1996, in accordance with Orange County

Subdivision Regulations, as amended.

2. A temporary road for construction purposes from Windy Ridge Road instead of utilizing existing Seigneury Drive and Harbor Isle Drive is denied.
3. All gated communities approved by the Orange County Board of County Commissioners shall comply with the following conditions:
 - (1) Streets and drainage systems shall be platted as separate tracts.
 - (2) Street and drainage system tracts shall be conveyed to and owned by a mandatory property owners association that shall be responsible for the operation, maintenance and repair of the streets and drainage systems.
 - (3) Nonexclusive easement rights for ingress, egress, and drainage over the street(s) and drainage system tracts shall be granted to the property lot owners with an undivided interest among all lot owners.
 - a. The right, license, or easement granted to Utility suppliers shall include the nonexclusive right to ingress and egress over street tracts for access and maintenance of their utilities.
 - (4) The developer shall construct the streets and drainage systems to county standards and shall comply with the provisions of Orange County Code Sections 34-203 and 34-204 regarding letters of credit, certificates of completion and approval for maintenance as if the streets and drainage system were "public improvements."
 - (5) Entryway gates shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff, and other emergency response personnel. Such audio override device shall be approved in writing by the Orange County Fire and Rescue Service Division prior to installation of the gates.
 - (6) Prior to or simultaneously with the recording of the

subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:

- a. Establish a "mandatory" homeowners'/property owners' association with the ability and duty to levy and collect regular and special assessments for repair and maintenance (including resurfacing) of the streets and repair and maintenance of the drainage system, such assessments to be in an amount or amounts approved by the County prior to recordation as sufficient for such routine annual maintenance. The homeowners'/property owners' association shall have the right to enforce payment of assessments by the imposition and enforcement of liens for unpaid assessments, such enforcement to be by way of foreclosure or other remedy authorized by statute, ordinance or case law in the State of Florida.
- b. Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum level of reserves shall be in such amount or amounts approved by the County prior to recordation.
- c. Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other Homeowners' Association (HOA) funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- e. Three (3) years after the certificate of completion require an annual inspection of the streets and drainage systems by a registered

civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.

- f. Require that all remedial work recommended by the engineer in any engineering report specified in subparagraph "e" above be completed by the HOA within 60 days following receipt by the HOA of such engineering report unless the recommended remedial work is of such a nature of character as not be susceptible of completion within said 60-day period, in which event, the HOA shall be required to commence within said 60-day period all actions and measures reasonably necessary to effect completion of the recommended remedial work and to diligently and continuously prosecute such actions and measures to completion such that, in any event, the recommended remedial work is completed not later than 180 days following receipt by the homeowners' association of said annual engineering report.
- g. Provide that the annual engineering report shall be submitted to County engineer within 30 days after written receipt of the report by the homeowners' association.
- h. Require that the streets shall be resurfaced every 15 years unless the annual engineering report referenced in subsection (e) above makes a recommendation to either shorten or lengthen that timeframe based on the documentation of conditions as contained in the report.
- i. Require all sale contracts in which the developer is involved to expressly disclose these requirements (directly, not by reference), including contracts for resales. When the developer is not involved in the transaction, this provision shall be complied with to the greatest extent practicable.
- j. Expressly indemnify, defend and hold the County

harmless from any loss, cost, damage, or expense, including reasonable attorneys' fees at the trial level and in any appellate or bankruptcy proceeding, arising, directly or indirectly, out of (i) maintenance, repair and/or reconstruction of the streets and/or drainage systems, or (ii) tort liability related to or stemming from the streets and/or drainage system. The duty to so indemnify, defend and hold the County harmless shall be that of the association and the developer, jointly and severally, but (i) the duty of the developer shall exist only for the period the developer controls the HOA, and (ii) the recourse of the County as respects the liability of the developer shall extend only to the right, title, interest and/or estate of the developer in or to any of the platted lots.

- k. Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.
- l. Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those HOA funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service Taxing Unit in an amount necessary to accomplish the task.
4. Prior to construction plan approval, drainage calculations need to be provided which indicate that the existing pond can accommodate this project.
5. Section 38-380(4) of the Zoning regulations shall be waived to allow proposed lot 10 to have a lot width of 125.66 feet, in lieu of 130 feet.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - PEGASUS PLANNED DEVELOPMENT,
PRELIMINARY SUBDIVISION PLAN, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Pegasus Planned Development Preliminary Subdivision Plan on property which is generally located west of Rouse Road and south of University Boulevard, Orange County, Florida.

(The 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

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

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the Pegasus Planned Development Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Pegasus Planned Development Preliminary Subdivision Plan, dated "Received March 13, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on April 25, 1996, in accordance with Orange County

Subdivision Regulations, as amended.

2. Prior to construction plan approval, the size, location, and points of connection for water mains and force mains shall be determined.
3. Minimum living area shall be 1700 square feet per land use plan approval.

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PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - POWERS PARK PRELIMINARY SUBDIVISION PLAN, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Powers Park Preliminary Subdivision Plan on property which is generally located west of Powers Drive and north of Silver Star Road, Orange County, Florida.

(The 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 plan:

- Larry Ray, Esquire (no address given), for the applicant.

No one addressed the Board in opposition to the plan.

Discussion

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

Motion

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

1. Development shall conform to the Powers Park Preliminary Subdivision Plan, dated "Received March 10, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on April 25, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Typical retention pond section A-A shown on sheet 2 indicates a portion of the maintenance berm on a fill section. A geotechnical report shall be required addressing the stability of the berm.
3. Waiver of Subdivision Regulations to allow the existing residential unit on Lot 96 to remain on potable well and individual on-site sewage disposal system is granted.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - TURTLE CREEK, PRELIMINARY SUBDIVISION PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Turtle Creek Preliminary Subdivision Plan on property which is generally located west of Apopka-Vineland Road and south of Charles E. Limpus Road, Orange County, Florida.

(The 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 plan:

- Kevin Walsh, Miller-Sellen Associates, 214 East Lucerne Circle, Orlando, Florida, for the applicant.

No one addressed the Board in opposition to the plan.

Discussion

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

Motion

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

absent; the Board approved the Turtle Creek Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Turtle Creek Preliminary Subdivision Plan, dated "Received March 15, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on April 25, 1996, in accordance with Orange County Subdivision Regulations, as amended.

*

2. Recreation area shall be constructed at the time of infrastructure and before Certificate of Completion.

3. All gated communities approved by the Orange County Board of County Commissioners shall comply with the following conditions:

- (1) Streets and drainage systems shall be platted as separate tracts.

- (2) Street and drainage system tracts shall be conveyed to and owned by a mandatory property owners association that shall be responsible for the operation, maintenance and repair of the streets and drainage systems.

- (3) Nonexclusive easement rights for ingress, egress, and drainage over the street(s) and drainage system tracts shall be granted to the property lot owners with an undivided interest among all lot owners.

- a. The right, license, or easement granted to Utility suppliers shall include the nonexclusive right to ingress and egress over street tracts for access and maintenance of their utilities.

- (4) The developer shall construct the streets and drainage

systems to county standards and shall comply with the provisions of Orange County Code Sections 34-203 and 34-204 regarding letters of credit, certificates of completion and approval for maintenance as if the streets and drainage system were "public improvements."

- (4) Entryway gates shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff, and other emergency response personnel. Such audio override device shall be approved in writing by the Orange County Fire and Rescue Service Division prior to installation of the gates.
- (5) Prior to or simultaneously with the recording of the subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:
 - a. Establish a "mandatory" homeowners'/property owners' association with the ability and duty to levy and collect regular and special assessments for repair and maintenance (including resurfacing) of the streets and repair and maintenance of the drainage system, such assessments to be in an amount or amounts approved by the County prior to recordation as sufficient for such routine annual maintenance. The homeowners'/property owners' association shall have the right to enforce payment of assessments by the imposition and enforcement of liens for unpaid assessments, such enforcement to be by way of foreclosure or other remedy authorized by statute, ordinance or case law in the State of Florida.
 - b. Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum level of reserves shall be in

such amount or amounts approved by the County prior to recordation.

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- c. Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other homeowners' association (HOA) funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- e. Three (3) years after the certificate of completion require an annual inspection of the streets and drainage systems by a registered civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.
- f. Require that all remedial work recommended by the engineer in any engineering report specified in subparagraph "e" above be completed by the HOA within 60 days following receipt by the HOA of such engineering report unless the recommended remedial work is of such a nature of character as not be susceptible of completion within said 60-day period, in which event, the HOA shall be required to commence within said 60-day period all actions and measures reasonably necessary to effect completion of the recommended remedial work and to diligently and continuously prosecute such actions and measures to completion such that, in any event, the recommended remedial work is completed not later than 180 days following receipt by the homeowners' association of said annual engineering report.
- g. Provide that the annual engineering report shall be submitted to County engineer within 30 days after written receipt of the report by the homeowners' association.
- h. Require that the streets shall be resurfaced every 15 years unless the annual engineering report referenced in subsection (e) above makes

a recommendation to either shorten or lengthen that timeframe based on the documentation of conditions as contained in the report.

- i. Require all sale contracts in which the developer is involved to expressly disclose these requirements (directly, not by reference), including contracts for resales. When the developer is not involved in the transaction, this provision shall be complied with to the greatest extent practicable.
- j. Expressly indemnify, defend and hold the County harmless from any loss, cost, damage, or expense, including reasonable attorneys' fees at the trial level and in any appellate or bankruptcy proceeding, arising, directly or indirectly, out of (i) maintenance, repair and/or reconstruction of the streets and/or drainage systems, or (ii) tort liability related to or stemming from the streets and/or drainage system. The duty to so indemnify, defend and hold the County harmless shall be that of the association and the developer, jointly and severally, but (i) the duty of the developer shall exist only for the period the developer controls the HOA, and (ii) the recourse of the County as respects the liability of the developer shall extend only to the right, title, interest and/or estate of the developer in or to any of the platted lots.
- k. Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.
- l. Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those HOA funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service Taxing Unit in an

nt necessary to accomplish the task.

- *
 - 4. Funds for construction of sidewalks along Apopka-Vineland Road fronting the length of the project need to be deposited in escrow at \$10/lf. Developer has option to construct sidewalk to county Standards along Apopka-Vineland at the time of widening of Apopka-Vineland and receive a refund of the escrow.
- *
 - 5. A boat ramp and/or dock is not approved with this plan.
- *
 - 6. Prior to construction plan approval, the size, location, and points of connection for water mains, wastewater mains, and force mains shall be determined.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: JAMES J. BIBLE, "PEPPERMILL WEST PLANNED DEVELOPMENT/LAND USE PLAN"; TO INCREASE UNITS/DENSITY WITHIN MULTI-FAMILY TRACT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a change determination request by James J. Bible for Peppermill West Planned Development for approval to increase the number of units/density within the multi-family tract from 838 (12.3 dwelling units per acre) to 1202 (16 dwelling units per acre) which is consistent with the Comprehensive Policy Plan Future Land Use Map designation of Medium Density (up to 20 dwelling units per acre), pursuant to Orange County Code, Chapter 30, Article III, on property which is generally located along the west side of John Young Parkway approximately 5/10 mile south of Whisper Lakes Boulevard, Orange County, Florida.

(The 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 reviewed the change determination request and the Development Review Committee's (DRC) determination of substantial change; and further, stated the DRC recommended approval of the request.

Appearances

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

- Bob Mandell, president, Greater Construction Corporation (no address given).

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

- Mary Ellen Levocz, 12033 Chive Street, Orlando, Florida.
- Michael A. Ernenwein, 2759 Parsley Drive, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board continued the public hearing to consider a change determination request by James J. Bible for Peppermill West Planned Development for approval to increase the number of units/density within the multi-family tract from 838 (12.3 dwelling units per acre) to 1202 (16 dwelling units per acre) until June 6, 1995, at 1:50 p.m.

(Note: The following two public hearings were held together - see page 244 for the staff report, appearances, discussion, and motion.)

REZONING PUBLIC HEARING - APPLICANT: MIRANDA FITZGERALD, ESQUIRE; "EAGLE CHASE PLANNED DEVELOPMENT/LAND USE PLAN"; AMENDMENT TO LAND USE PLAN (CONTINUED FROM MARCH 21, 1995); DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miranda Fitzgerald, Esquire, for "Eagle Chase Planned Development (PD)" for a rezoning to amend the Land Use Plan (LUP) as follows:

1. Reduction of residential units from 750 to 700;
2. Change in phasing from two (2) phases to four (4) phases;
3. Elimination of the central recreation facility with recreation to be provided within individual developments;
4. Additional access will be provided by an easterly continuation of Lake Underhill Road from the Waterford Lakes PD/Development of Regional Impact (DRI); and a roadway connection to the Eastwood PD is proposed to the south;

5. Execution of a Developer's Agreement for the Lake Underhill extension;
6. Mitigation of conservation area impacted by the easterly extension of Lake Underhill Road;
7. Reconfiguration of residential parcels and relocation of Collector Road;
8. Elimination of the 25-foot (25') buffer along the western boundary;

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pursuant to Orange County Code, Section 38-1207, on property which is generally located at the south terminus of Hancock-Lone Palm Road approximately one (1) mile south of S.R. 50, Orange County, Florida.

CHANGE DETERMINATION PUBLIC HEARING - APPLICANT: GLORIA LOCKRIDGE, ESQUIRE; "WATERFORD LAKES PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT/LAND USE PLAN"; REVISIONS TO THE DEVELOPMENT PROGRAM WITHIN PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT (CONTINUED FROM MARCH 21, 1995); DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Gloria Lockridge, Esquire, for "Waterford Lakes Planned Development (PD)/Development of Regional Impact (DRI)/Land Use Plan (LUP)" for the following changes:

1. Change in land use for Village N-30 from multi-family to single-family with a reduction in units from 105 to 58 (-47 units);
2. Change in land use for Village N-22 from multi-family to single-family with a reduction of units from 233 to 140 (-93 units);
3. Reduction in units for Village N-31 from 173 to 171 (-2 units);
4. Modification to the Lake Underhill Road extension to avoid any additional crossing of environmentally sensitive wetlands;
5. Relocation of a proposed school site to a portion of Parcel 19 (multi-family 6-10 dwelling units per acre). Parcel 19 will be reduced by 15 acres and 89 units;
6. Change in land use for Parcel 27 from school site to multi-family (6-10 dwelling units per acre);
7. Providing an access connection from Lake Underhill Road to the adjoining Eagle Chase Planned Development;
8. Execution of a Developer's Agreement for the Lake Underhill Road Extension;
9. Amending the Development Order to reflect the proposed

changes;

pursuant to Article III, Chapter 30, on property which is generally located approximately 1/4 mile south of S.R. 50 along the east and west sides of Alafaya Trail, Orange County, Florida.

(The 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 requested that the Board consider the Eagle Chase and Waterford Lakes requests simultaneously. Mr. Heath presented the requests, identified the locations, reviewed road paving and transportation requirements, and recommended that the Board consider three separate actions:

1. Approval of the Eagle Chase Change Determination;
2. Approval of the Waterford Lakes Change Determination;
3. Approval of a Tri-party agreement between Orange County, Gregkay Development Corporation, and Waterford Property Holdings, Inc.

Appearances

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

- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed; 215 North Eola Drive, Orlando, Florida; for the Eagle Chase applicant.
- Bill Berket, Berket Engineering (no address given).
- Tom Traynor; Bowyer, Singleton and Associates, 520 South Magnolia Drive, Orlando, Florida; for the Waterford Lakes applicant.

The following person addressed the Board with general comments:

- Jim DeLong, 1375 Woodbury, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the request by Gloria Lockridge, Esquire, for "Waterford Lakes Planned Development (PD)/Development of Regional Impact (DRI)/Land Use Plan (LUP)" for the following changes:

1. Change in land use for Village N-30 from multi-family to single-family with a reduction in units from 105 to 58 (-47 units);
2. Change in land use for Village N-22 from multi-family to single-family with a reduction of units from 233 to 140 (-93 units);
3. Reduction in units for Village N-31 from 173 to 171 (-2 units);
4. Modification to the Lake Underhill Road extension to avoid any additional crossing of environmentally sensitive wetlands;
5. Relocation of a proposed school site to a portion of Parcel 19 (multi-family 6-10 dwelling units per acre). Parcel 19 will be reduced by 15 acres and 89 units;
6. Change in land use for Parcel 27 from school site to multi-family (6-10 dwelling units per acre);
7. Providing an access connection from Lake Underhill Road to the adjoining Eagle Chase Planned Development;
8. Execution of a Developer's Agreement for the Lake Underhill Road Extension;
9. Amending the Development Order to reflect the proposed changes;

which constitutes a substantial change to the development on the above described property; subject to receiving an executed agreement between the School Board and Waterford Lakes for the school site.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board approved a request by Miranda Fitzgerald, Esquire, for the "Eagle Chase Planned Development (PD)/Land Use Plan (LUP)" for a rezoning to amend the Land Use Plan as follows:

1. Reduction of residential units from 750 to 700;
2. Change in phasing from two (2) phases to four (4) phases;
3. Elimination of the central recreation facility with recreation to be provided within individual developments;
4. Additional access will be provided by an easterly continuation of Lake Underhill Road from the Waterford Lakes PD/Development of Regional Impact (DRI); and a roadway connection to the Eastwood PD is proposed to the south;
5. Execution of a Developer's Agreement for the Lake Underhill extension;
6. Mitigation of conservation area impacted by the easterly extension of Lake Underhill Road;
7. Reconfiguration of residential parcels and relocation of Collector Road;
8. Elimination of the 25-foot (25') buffer along the western boundary;

subject to the following conditions:

1. Development shall conform to the Eagle Chase Planned Development Amendment, dated "Received April 7, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. Recreation areas shall be shown with each Preliminary

Subdivision Plan submittal and shall be constructed concurrent with the infrastructure of each subdivision.

3. Prior to any development plan submittal, a wetland removal and mitigation plan shall be submitted to and approved by the Planning Department. The encroachments as shown on the Land Use Plan are not approved at this time.
4. Access shall be provided to land locked properties adjacent to this site unless alternate access can be provided.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board approved a tri-party agreement among Orange County, Gregkay Development Corporation, and Waterford Property Holdings, Inc.

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

PLANNING AND ZONING APPEAL - APPELLANT/APPLICANT: JOYCE STEWARD; PLANNING AND ZONING #Z-95-016, MARCH 16, 1995; DISTRICT 2

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Joyce Steward of the recommendation of the Planning and Zoning Commission, dated March 16, 1995, on a request by Joyce Steward, "Estate of John Dwayne Steward," for approval of a rezoning from General Commercial (C-2) to Industrial Park (I-2), on property which is generally located on the north side of Orange Blossom Trail, north of Lake Pleasant Road, Orange County, Florida.

(The 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 outlined the request; identified the subject property; and further, noted that the Planning and Zoning Commission recommended approval of Wholesale Commercial District (C-3) zoning subject to conditions in lieu of the requested I-2 zoning.

Appearances

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

- Eddie Francis, Esquire; Lowndes Drosdick, Doster, Kantor, and Reed; 215 North Eola Drive, Orlando, Florida; for the applicant.

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

- LeRoy Deal (no address given).
- Liz Kocsas, 1800 Alpine Drive, Apopka, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board referred the hearing to consider a request by Joyce Steward for approval of a rezoning from General Commercial (C-2) to Industrial Park (I-2) back to the Planning and Zoning Commission.

PLANNING AND ZONING APPEAL - APPELLANT/APPLICANT: MARY E. WILSON; PLANNING AND ZONING #Z-95-018, MARCH 16, 1995; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Mary E. Wilson of the recommendation of the Planning and Zoning Commission, dated March 16, 1995, on a request by Mary E. Wilson for approval of a rezoning from Rural Country Estate Residential (R-CE-5) to Agricultural (A-2), on property which is generally located on the northeast corner of Ward Road and S.R. 530, Orange County, Florida.

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

Commissioner Hoenstine declared a conflict of interest and abstained from the discussion and the vote.

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

A court reporter, Curt Ellerbe, Post Office Box 1422, Sanford, Florida, was present; Deputy Clerk Rosilyn Stapleton read the

Notice of Appeal into the record.

Staff Report

Planning and Development Division Director Bruce McClendon explained the applicant has requested a continuance.

- Irby Pugh, Esquire; for the applicant.

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

- George Beckom, 14907 Wards Road, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Donegan, Johnson, and Butler voting AYE by voice vote; Commissioner Hoenstine abstained; the Board continued the public hearing until May 16, 1995, at 1:35 p.m.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: MARY D. HASTINGS; PTV 95-08; A 60-FOOT UNOPENED RIGHT-OF-WAY BISECTING PETITIONER'S PROPERTY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the vacation of that certain 60-foot unopened right-of-way in Orange County, Florida, generally located in Lot 19A, Unit 2A, Cape Orlando Estates, Orange County, Florida.

(The 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 Donegan, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted a resolution vacating that certain 60-foot unopened right-of-way, as described above.

MEETING ADJOURNED

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