

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 2, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Commissioner Mary Johnson entered the meeting where indicated. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Assistant Deputy Clerk Thomas Stark. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

COUNTY CONSENT AGENDA**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 Johnson was absent; the Board approved the County Consent Agenda items, including Planning and Development Division Addendum 1, as follows:

County Comptroller

1. Acknowledgment and filing of the Follow-up of the Review of Contract No. Y2-174, Fort Gatlin Recreational Complex (Administrative/Fiscal Division).
2. Approval of the minutes of the April 4, 1995, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the BCC as follows:
 - a. Florida Public Service Commission Notice of Hearing and Prehearing Conference Re: Petition for determination that its plan for curtailing purchases from qualifying facilities in minimum load conditions is consistent with Rule 25-17.086, F.A.C., by Florida Power Corporation, Docket Number 941101-EQ; dated April 5, 1995.
 - b. Florida Public Service Commission Notice of Cancellation and Rescheduling of Hearing Re: Proposed Rules

25-4.0761, F.A.C., local exchange company pay telephone rate caps, and 25-24.516, F.A.C., nonlocal exchange company pay telephone rate caps; and proposed amendment to Rule 25-24.515, F.A.C., pay telephone service, Docket Number 950107-TP; dated April 5, 1995.

(Comptroller Clerk of the Board of County Commissioners)

4. Approval of Resolution which clarifies the authority of the County Comptroller to enter into closing agreements relating to audits of Public Service Tax dealers, setting forth the amount due from a dealer as the result of an audit.

(Resolution No. 95-M-30 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. 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 April 25, 1995, through May 1, 1995; total of \$31,439,349.95.

Administrative Support Division

1. Approval and authorization to record instruments: Commander Place, Utility Easement and Subordination of Encumbrance, District 4 (Real Estate Management Department).
2. Approval and authorization to record instrument: Hickory Ridge, Assignment of Drainage Easement, District 2 (Real Estate Management Department).

Fiscal and Human Resource Division

1. Approval to award Invitation for Bid Y5-158-GJ to the low responsive and responsible bidders; Contract Y5-158A, Trail Saw and Mower Service, and Contract Y5-158B, Walker Miller Equipment Company, Inc., for one-year term contracts, renewable for an additional 24 months, to furnish the Fleet Management Department with a supply of small engine OEM parts, \$264,800, for base year and two (2) option years ([Fleet Management Department] Purchasing and Contracts Department).

(Contracts are on file in the Purchasing and Contracts Department.)

2. Approval to award Invitation for Bid Y5-731-NS to the low responsive and responsible bidder, Varsity Courts, to renovate six (6) existing tennis courts at the Fort Gatlin Recreation Center, \$203,277 ([Parks and Recreation Department] Purchasing and Contracts Department).
3. Approval of Amendments Number 1, 2, and 3, Contract Y3-639, Computer Aided Dispatch System (CAD), with PRC Public Sector, Inc., for additional software and enhancements, \$736,939.36 ([Fire and Rescue Services Division] Purchasing and Contracts Department).
4. Approval of Task Authorization 5, Contract Y4-904A with WBQ and Associates, to provide engineering services for the Barnett Park complex entrance road and stormwater drainage planmaster, \$55,964.55 ([Parks and Recreation Department] Purchasing and Contracts Department).
5. Approval of Change Order No. 6, Contract Y4-734 with Southland Construction, Inc., for Hiawassee Road paving, drainage, and utility improvements, \$51,261.67 ([Highway Construction Department] Purchasing and Contracts Department).
6. Approval of Budget Amendments 95-43 through 95-46 (OMB).

(Budget Amendments 95-43 through 95-46 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Planning and Development Division - Addendum 1

1. Approval to process payment of \$100,000 to Enterprise Florida for financial support of the Central Florida Innovation Corporation (Division Office).

Public Utilities Division

1. Approval and execution of an amendment to the City of Kissimmee/Orange County Water and Wastewater Territorial

Agreements due to recent annexations of Reedy Creek Improvement District affecting the water and wastewater service areas, District 1 (Division Office).

(Amendment to agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval and execution by the County Chairman of the Clayton, Williams & Sherwood Sewer System Novation Agreement Amendment, District 5 (Utilities Fiscal and Customer Service Department).

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

Public Works Division

1. Approval to establish "No Parking" zones:

- a. On the south side of Chantry Street, starting from the west right-of-way line at Nowell Street, extending 600 feet westward, District 1 (Traffic Engineering Department).

- b. On the west side of Powers Drive, 350 feet north of Lake Horseshoe Drive and 580 feet south of Lake Horseshoe Drive, District 2 (Traffic Engineering Department).

Commissioner Johnson entered the meeting.

WORKSESSION - FY 1995-96 CAPITAL IMPROVEMENT PROGRAM (CIP)

Overview/Introduction

County Chairman Chapin stated that County divisions were asked to provide the overall picture for their departments with emphasis on relating proposed projects to the County's master plan goals. She further stated that all projects should be planned for accomplishment in a cost-effective and timely manner.

County Chairman Chapin stated that each division will present its Capital Improvement Program (CIP) budget request; and at the end of each presentation, the Board will be able to ask questions. She added that final revenue figures will not be available until summer.

Commissioner Freeman left the meeting.

Public Works Division

Acting Public Works Division Director Ajit Lalchandani presented the division's CIP budget request totaling \$114,067,000. He outlined the following six major components of the program:

- Sidewalks
- Paving of unpaved roads
- Roadways
- Traffic improvements
- Stormwater management
- Highway maintenance

Mr. Lalchandani reviewed the following miscellaneous projects:

- Pine Hills landfill
- Major drainage structures
- Right-of-way acquisition
- Bridges

Discussion

The Board discussed road improvements, the method of funding same, and retrofitting drainage projects. In response to questions regarding road paving, Mr. Lalchandani informed the Board a worksession will be held next month to address road paving issues.

Action

The Board did not take any action.

Health and Community Services Division

Health and Community Services Division Director Larry Jones presented the division's CIP budget request for FY 1995-96 totaling \$24,321,895.

Mr. Jones emphasized the following management objectives:

- Divisional oversight process that is "value" driven
- Focused quality assurance process involving:
- Clear lines of communication

- Commitment to established time lines
- Management of costs/fiscal accuracy
- Commitment to partnerships and neighborhood involvement

Orange County Historical Museum Executive Director Sara VanArsdale presented the museum's FY 1995-96 CIP budget request totaling \$2,620,000.

Ms. VanArsdale outlined the following information regarding the historical museum:

- Renovation and conversion estimates
- Possible CIP funding sources
- Renovation and conversion timeline

Parks and Recreation Department Manager Lynn Sordel presented the department's CIP budget request totaling \$12,035,450.

Mr. Sordel outlined the following four objectives:

- Master planning goals
- Communications
- Public/private partnerships
- Community based participation

Health and Community Services Assistant to the Director Sherry Williams-Hooper presented a CIP budget request totaling \$5,940,000 for study, purchase, and master planning under the Environmentally Sensitive Lands Program.

Discussion

The Board discussed the cost of acquiring additional parkland and community involvement with identification of environmentally sensitive lands.

Action

The Board did not take any action.

Sheriff's Office

Sheriff Kevin Beary presented the Sheriff's Office CIP budget request for FY 1995-96 totaling \$2,625,840.

Sheriff Beary outlined the following three objectives:

- Completion of the Section II Facility
- Facilities Needs Master Plan
- Relocation of the Mounted Patrol/K-9

Discussion

The Board discussed possible locations for the Collision Avoidance Training (CAT) school. Commissioner Staley volunteered his help in securing a site for the school.

Action

The Board did not take any action.

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 Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Bob Freeman entered the meeting where indicated. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Assistant Deputy Clerk Thomas Stark. The Board paused for an invocation by the Reverend John Peoples, followed by the Pledge of Allegiance to the Flag.

Employee Service Awards

County Chairman Chapin presented service awards and pins to the following employees:

Public Works Division

- Joe V. Bea (30 years), Highway Maintenance Department

Health and Community Services Division

- Ellen C. Eastham (20 years), Medical Clinic
- Pamela A. Murdock (20 years), Medical Clinic

NONAGENDA - PRESENTATION OF PLAQUE

Commissioner Johnson presented a plaque to County Chairman Chapin thanking her for her support of Fiesta Medina, an Hispanic festival which was held on Sunday, April 30, at Orlando Festival Park.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF APRIL 20, 1995**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 Freeman was absent; the Board accepted the recommendations of the Planning and Zoning Commission under the date of April 20, 1995, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item Z-95-015 in the name of Gifford Anglim, "Days Inn Lake Buena Vista Planned Development," on June 6, 1995, at 1:50 p.m.; and Item 2-95-017 in the name of Fulcrum Properties, "Goldenrod Center Planned Development, on June 6, 1995 at 1:50 p.m.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under the date of April 20, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing as follows:

- None filed.

Commissioner Freeman joined the meeting.

WORKSESSION - TOURIST TAX**Staff Report**

County Attorney Tom Wilkes reviewed the uses of the fourth and fifth cents of the Tourist Development Tax. Mr. Wilkes explained the "fourth cent" is for debt on the convention center, sports debt, the Orlando/Orange County Convention and Visitors Bureau, convention center operations, and capital improvements. He continued that the "fifth cent" is restricted to existing sports debt for the Orlando Arena and the Citrus Bowl or other professional sports franchise facilities.

Mr. Wilkes further explained a "freed up" portion of the "fourth cent" would first be used to increase the subsidy to the convention center; the remainder would be used for the Orlando/Orange County Convention and Visitors Bureau and, also, for the Florida Citrus Sports Association.

Mr. Wilkes continued that the surplus "fifth cent" will be deposited into the Tourist Development Trust Fund to be used for baseball. He added that March 9, 1997, is the deadline for acquiring a baseball team. Mr. Wilkes noted that if Orange County gets a baseball team, the accumulated surplus in the trust fund will be used for the design and construction of a stadium; however, if the County does not get a baseball team, the accumulated monies would be used to redeem all existing sports debt for the Orlando Arena and the Citrus Bowl. He pointed out that the sports debt cannot be paid in advance; the earliest it could begin to be paid is 1998.

Discussion

The Board discussed the possibility of changing the terms of the two-year agreement with Norton Herrick, the likelihood of changing legislation on this issue, and use of the tourist tax for transportation improvements in the tourism district.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved retaining the "fifth cent" Tourist Development Tax as presently provided for by Ordinance No. 94-25.

For the record, Commissioner Hoenstine stated that although he does not agree with continuing to collect the "5th cent," he will stand by it since this was part of the agreement with Norton Herrick.

In conclusion of the worksession, County Chairman Chapin read a portion of a poem entitled "Herrick at the Bat."

NONAGENDA - TRAFFIC ENGINEERING CAPITAL IMPROVEMENT PROGRAM

For the record, Commissioner Staley questioned Traffic Engineering's CIP for \$1.3 million for traffic studies on International Drive. He stated that there have been numerous traffic studies done on this area over the past several years; that

it is unnecessary to do further traffic studies, and that he will not support any budget containing this item.

PUBLIC MEETING - ADMINISTRATIVE SUPPORT DIVISION

1. 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).
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 101, District 1 (Real Estate Management Department).

Commissioner's Report

Commissioner Freeman thanked the Board for allowing concerned residents to speak at this public meeting.

Appearances

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

- Darryl Donkel, 11132 Rockport Road, Orlando, Florida.

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

- Andy Warden, 9900 Lone Tree Street, Orlando, Florida.
- Rick Taylor, 8904 Sunset Boulevard, Orlando, Florida.
- Gary Dirlam, 9564 Kilgore Road, Orlando, Florida.
- Zachary Stoumbos, 111 North Orange Avenue, Orlando, Florida.
- Clay Townsend, 35 West Michigan Street, Orlando, Florida.
- Diana Hoover, president Lake Down Shores Homeowners Association; 2936 Midsummer Drive, Windermere, Florida.
- Bill Larue, 9329 S.R. 535, Orlando, Florida.

The following persons addressed the Board with general comments:

- Lee Chotas, Post Office Box 2346, Orlando, Florida.
- Kevin Smith (no address given).
- Peter Gottfried, 1841 Carollee Lane, Winter Park, Florida.
- Ann Rodgers, 9215 S.R. 535, Orlando, Florida.
- Scott McMillan, 8850 Darlene Drive, Orlando, Florida.
- R.P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, Florida.
- Bob Burke, 6526 S.R. 535, Windermere, Florida.
- Homer Frye (no address given).

Staff Report

Parks and Recreation Department Manager Lynn Sordel stated that the County is running out of location options. Mr. Sordel noted that restrictions will be placed on what type of watercraft would be permitted on the lake. He explained that smaller sites are the best option, and that Lake Sheen meets this criteria.

Discussion

Commissioner Freeman responded to residents' concerns and stated that it is too early to make any final decision regarding placement of a boat dock on Lake Sheen.

Motion

Upon a motion by County Chairman Chapin seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Butler voting AYE by voice vote; Commissioners Freeman, Hoenstine, and Donegan voting NO by voice vote; the Board approved acquisition of the two parcels, on condition that exploration of other sites continues; and further, that if an alternative site(s) prove more appropriate, that use of this site as a boat ramp site may be reconsidered.

PUBLIC WORKS DIVISION DISCUSSION AGENDA

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

Staff Report

Public Works Division Deputy Director William Baxter discussed concerns regarding the haul route. Mr. Baxter explained that the hauler has agreed to excavate less than originally requested; that they would be willing to limit traffic on S.R. 535, and that they would shorten the hauling hours.

Appearances

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

- Charles Madden, Madden Engineering (no address given) for the applicant.

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

- David Rice, manager of Grand Cypress Resort (no address given).

Discussion

The Board discussed the haul route and the hours for hauling.

Action

By consensus, the Board deferred action on this item until later in the meeting.

NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE HELD TOGETHER - SEE PAGES 263 AND 264 FOR STAFF REPORT, APPEARANCES, AND MOTION.

RESOLUTION PUBLIC HEARING - NOMINATING AREAS AS STATE OF FLORIDA ENTERPRISE ZONES AND STRATEGIC DEVELOPMENT PLANS

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY FLORIDA NOMINATING AREAS OF PARRAMORE-HERITAGE, SOUTHWEST

COMMUNITIES, ORANGE BLOSSOM TRAIL, SOUTH APOPKA AND EATONVILLE AS A STATE OF FLORIDA ENTERPRISE ZONE APPROVING THE STRATEGIC DEVELOPMENT PLANS AND AUTHORIZING SUBMISSION OF AN APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF COMMERCE.

ORDINANCE PUBLIC HEARING - CREATING AN ENTERPRISE ZONE DEVELOPMENT AGENCY

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

AN ORDINANCE PERTAINING TO ECONOMIC DEVELOPMENT WITHIN ORANGE COUNTY; CREATING AN ENTERPRISE ZONE DEVELOPMENT AGENCY PURSUANT TO SECTION 290.0056, FLORIDA STATUTES; PROVIDING FOR THE ORGANIZATION AND OPERATION OF THE BOARD OF COMMISSIONERS OF SAID AGENCY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath stated that since the prior proposed resolution public hearing and this ordinance public hearing are related, he would present them to the Board together.

Appearances

The following person addressed the Board in favor of the proposed resolution and proposed ordinance:

- Jay Andrews, representing the City of Eatonville (no address given).

No one appeared in opposition to the proposed resolution and proposed ordinance.

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 Butler, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution nominating areas as State of Florida

Enterprise Zones and approving and Strategic Development Plans; and further, adopted an ordinance creating an Enterprise Zone Development Agency.

(Resolution No. 95-M-29 and Ordinance No. 95-08 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Discussion regarding the development of a three-month rotation schedule for a designated commissioner and two alternate commissioners to be available for attendance at eminent domain mediations and post-mediation negotiations (County Attorney).

Staff Report

Assistant County Attorney Linda Brehmer informed the Board that Commissioner Freeman has served a three-month term on eminent domain mediation and post-mediation negotiations. Ms. Brehmer suggested a rotation schedule which would spread the responsibility of attending those negotiations among the commissioners.

Discussion

The Board discussed attendance for pending cases and a possible schedule of volunteers.

Action

By consensus, the Board directed staff to coordinate with those commissioners who volunteered to prepare a rotation schedule for attendance at eminent domain mediations and post-mediation negotiations.

PUBLIC WORKS DIVISION DISCUSSION AGENDA ITEM - DEFERRED FOR MOTION

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved Excavation Permit 95-E1-174 for Donald R.

Allen of Carida Properties, Inc., providing for hauling hours on Monday through Friday from 9 a.m. until 3 p.m. and on Sunday through Thursday from 6 p.m. until 1 a.m.; and further, subject to additional or modified conditions upon receipt of complaints.

COUNTY ADMINISTRATOR DISCUSSION AGENDA - CONTINUED

2. Report and recommendations regarding salaries for the Chairman and Board of County Commissioners (County Administrator).

Staff Report

County Administrator Jean Bennett recommended that the County Chairman and commissioners should be granted pay increases. Ms. Bennett stated that the commissioners' workload and the costs of living have increased, but their salaries have not. She stated the commissioners' pay is neither internally equitable nor externally competitive. She referred to the list of alternatives for pay raises and noted her recommendation for Alternative 5.

Discussion

County Chairman Chapin stated her choice for salary increases would be Alternative 4. She added that she will not support an increase in the County Chairman's salary, but will support an increase for commissioners' salaries.

The Board discussed the possibility of bringing this matter before the Charter Review Commission; the determination that this is a full-time position, rather than part-time as was originally defined in the Charter; and the possibility that salary increases be initiated for successors.

County Chairman Chapin invited Leecie Doyle, coordinator at the Institute of Government at the University of Central Florida, to address the Board with comments. Ms. Doyle suggested that commissioners should not take any retroactive pay at this time and should make this salary decision only for their successors.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all

commissioners present and voting AYE by voice vote, the Board directed staff to schedule a public hearing to address the commissioners' salary issue.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:15 p.m.