

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, June 13, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Also present were Acting Chief Deputy Comptroller as Clerk Mark Fostier, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Assistant Deputy Clerk Tom Stark. There being a quorum, the County Chairman called the meeting to order at 1:30 p.m. The Board paused for an invocation by the Reverend Daniel Green, Assistant Pastor of the Eastland Baptist Church, followed by the Pledge of Allegiance to the Flag.

**PRESENTATION OF SAFETY AWARDS**

Acting Building Department Manager Melvin Pittman introduced Larry Helgae, Black & Veatch Project Manager, and Paul Weida, Loss Control Manager, who presented safety awards given by the Occupational Safety and Health Administration (OSHA) to building inspectors Dale Griefenstein, Mike Smith, Gene Price, and Jim Hand for the inspection program at the Orlando Utilities Commission Curtis H. Stanton Energy Plant.

**PRESENTATION OF PROCLAMATION**

County Chairman Chapin presented a proclamation to Acting Zoning Department Manager Mitch Gordon designating the week of June 12 - 18, 1995, as Code Enforcement Week.

**COUNTY CHAIRMAN'S REPORT - DISCUSSION AGENDA**

1. Designation of voting delegate and alternate delegates for the 1995 NACo Conference.

**County Chairman's Report**

County Chairman Chapin presented the request and asked Commissioner Butler to act as the voting delegate for Orange County. There were not any other commissioners attending the conference; therefore, alternate delegates were not appointed.

**Action**

**By consensus, the Board appointed Commissioner Butler as Orange County's voting delegate to the 1995 National Association of Counties Conference.**

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA

1. Consideration of the Membership and Mission Review Board (MMRB) recommendations for appointments to the following advisory boards (Agenda Development Department).

## Staff Report

Dottie Wynn, chairman of the Membership and Mission Review Board, presented the MMRB's recommendations, and the Board took the following actions:

Affordable Housing Advisory Committee

## Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board reappointed the following individuals to the Affordable Housing Advisory Committee for terms expiring June 30, 1997:

- Paul Mashburn, Residential Home Building Industry category;
- Pauline Orr, Advocate for Low and Very Low-income category;
- Judith Kovichars, At-Large category;
- Wilson Arnes, At-Large category;

and further, postponed the decision to fill a vacancy in the Labor Representative Engaged in Home Building category.

Development Advisory Board

## Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board reappointed the following individuals to the Development Advisory Board for terms expiring June 30, 1997:

- John O'Donnell;
- Richard Van Slyke;
- Leila Jammel Nodarse.

## Motion

Upon a motion by Commissioner Butler, seconded by

Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board appointed Karl Lotspeich and Scott Henderson to the Development Advisory Board in the State-chartered Conservation Organization Representatives category, for terms expiring June 30, 1997.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board appointed Paul Mashburn to the Development Advisory Board to fill a vacancy created by the resignation of Ernesto Gonzalez-Chavez for a term expiring June 30, 1997.

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 appointed Roger Gatlin to the Development Advisory Board to fill a vacancy created by the expiration of the term of John Reich for a term expiring June 30, 1997.

Health Facilities Authority

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with Commissioners Donegan, Freeman, Hoenstine, Johnson, and Staley voting AYE by voice vote, County Chairman Chapin and Commissioner Butler voting NO by voice vote; the Board appointed Jack Martin to the Health Facilities Authority to fill a vacancy created by the resignation of Commissioner Hoenstine for a term expiring December 31, 1998.

Minority/Women Business Enterprise Advisory Committee

Motion

Upon a motion by Commissioner Donegan, seconded by County Chairman Chapin, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board reappointed Linda Rayam Wise and Christina Yulis to the Minority/Women Business Enterprise Advisory Committee for terms expiring June 30, 1997.

The Board members made nominations to fill two vacancies created by the expiration of the term for Robert Overton and the resignation of Emmitt Griner. For the purpose of staggering terms, one term expires June 30, 1997, and one term expires June 30, 1998, as follows:

- Commissioner Donegan - Robert Henry
- Commissioner Hoenstine - Peggy Harris
- Commissioner Johnson - Laura A. Quigley

AYE votes cast by voice vote as follows:

Robert Henry - County Chairman Chapin and Commissioners Butler, Donegan, and Freeman

Peggy Harris - Commissioners Butler, Donegan, Freeman, Hoenstine, Johnson, and Staley

Laura A. Quigley - County Chairman Chapin and Commissioners Hoenstine, Johnson, and Staley

Ms. Harris received a majority for a term expiring June 30, 1997. The vote was tied between Robert Henry and Laura Quigley. A second vote was taken:

Robert Henry - County Chairman Chapin and Commissioners Butler, Donegan, and Freeman

Laura A. Quigley - Commissioners Hoenstine, Johnson, and Staley

Mr. Henry received a majority for a term expiring June 30, 1998; no further votes were cast.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Acceptance of the findings and conclusions of the Merchandise Mart Feasibility Study and authorization for staff to prepare and issue a request for proposals for development of a Merchandise Mart Facility, all districts (County Administrator).

**Staff Report**

Assistant County Administrator Warren Wagner presented the Merchandise Mart Feasibility Study, defined the term "Merchandise Mart," and explained the necessity and purpose of the study. Mr. Wagner introduced Orange County Planning Department Chief Planner Bob Wieggers, who highlighted processes involved in the study and the scope of work performed by the consultant. Mr. Wieggers introduced Ray Hayhurst who served as the prime contact with the consultant team.

**Discussion**

The Board discussed the site recommendation, the cost of leasing the site; the potential use of County property; the Economic Development Council, Convention and Visitor's Bureau, and the Orange County Convention Center; the future cost and expense to Orange County; the Request For Proposal (RFP) process, and alternate site locations.

**Motion**

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

2. Discussion regarding whether to appeal the Ninth Circuit Court Order granting Petition for Writ of Certiorari in Central Florida Investments v. Orange County, Case No. CI93-4891 to the Fifth District Court of Appeal (County Attorney).

**Staff Report**

Assistant County Attorney Paul Chipok reviewed the history and facts concerning this case. Mr. Chipok identified three possible actions that the Board could take:

- Appeal Judge Turner's order;
- Do not file an appeal, but hold another public hearing;
- Do not appeal, but hold another public hearing only after the substantive issues are addressed and decided in the courts.

**Discussion**

The Board discussed the ramifications of each option.

**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 directed staff not to appeal the Ninth Circuit Court

Order granting Petition for Writ of Certiorari in Central Florida Investments v. Orange County, Case No. CI93-4891 to the Fifth District Court of Appeal; and further, directed staff to pursue the separate pending action for injunctive and declaratory relief.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF JUNE 1, 1995

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 accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of June 1, 1995, subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under the date of June 1, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant: Barry Watson; Applicant: Southeastern Capital of Orlando,

Item 16, June 1, 1995; public hearing date and time: July 11, 1995, 1:50 p.m.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the May 9 and 16, 1995, Board of County Commissioners' meetings (Comptroller Clerk of the Board of County Commissioners).
2. Acknowledge File for the Record documents received in the office of the Comptroller Clerk of the Board of County Commissioners as follows:
  - a. Florida Public Service Commission Hearing and Prehearing Notice re: Initiation of show cause proceedings against Equal Access Corporation for violation of the Interlata Rate Cap and Rule 25-4.043, F.A.C., response require-

ment; dated May 23, 1995.

- b. Florida Public Service Commission Hearing and Prehearing Notice (Docket No. 940826-TL) re: Request for approval of capital recovery requirement by Indiantown Telephone System, Inc.; dated May 23, 1995.

(Comptroller Clerk of the Board of County Commissioners)

- 3. Warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:

Week of May 30, 1995, to June 5, 1995; total of \$5,098,917.56.

Week of June 6, 1995, to June 12, 1995; total of \$16,644,637.20.

**County Administrator**

- 1. Approval of a resolution authorizing staff to enter into a grant Memorandum of Agreement should funds be awarded for beautification of Orange Avenue as ranked and prioritized by the Orangescape Committee (Intergovernmental Affairs Department).

(Resolution 95-M-43 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

\*(Grant Memoranda of Agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Administrative Support Division**

- 1. Approval and authorization to record instrument: Country Chase Unit 4, Temporary Utility Easement, District 6 (Real Estate Management Department).
- 2. Approval and authorization to record instrument: Harbor Drive (north of West Bay Street between Harbor Drive and Temple Grove Drive), Drainage Easement, Parcel 802, District 1 (Real Estate Management Department).

**Fiscal and Human Resource Division**

1. Approval to award Invitation for Bid Y5-182-NS to the low responsive and responsible bidder, Turtle Southeast, Inc., for a one-year term contract, renewable for two (2) additional years, for the milling of existing asphalt. Total estimated cost of the base year and two option years is \$312,000 ([Highway Construction Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y5-183-NS to the low responsive and responsible bidder, Asphalt Recycling, Inc., for a one-year term contract, renewable for two (2) additional years, for asphalt base stabilization. Total estimated cost of the base year and the two (2) option years is \$966,000 ([Highway Construction Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-184-NS to the low responsive and responsible bidder, Adler Construction, Inc., for a one-year term contract, renewable for two (2) additional years, for edgedrain/underdrain installation. Total estimated cost of the base year and two (2) option years is \$915,643 ([Highway Construction Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y5-644-HF to the low responsive and responsible bidder, Banner Welder, Inc., for the purchase of one (1) Jenz AZ50 yard waste shredder for the Orange County Landfill, \$245,000 ([Public Utilities/Resource Recovery Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y5-737-CT to the low responsive and responsible bidder, Southern Site Construction, Inc., for Orange County Landfill internal road improvement, \$118,443.65 ([Public Utilities/Engineering Department] Purchasing and Contracts Department).
6. Approval of Task Authorization 42, Contract Y4-900B, continuing soils testing, with L. J. Nodarse & Associates, Inc., for Old Winter Garden Road, \$86,565 ([Highway Construction Department] Purchasing and Contracts Department).
7. Approval of Budget Amendment 95-52 (OMB).

(Budget Amendment 95-52 is on file in the office of the

Comptroller Clerk of the Board of County Commissioners.)

8. Approval of CIP Amendments 35-95 and 36-95 (OMB).

(CIP Amendments 35-95 and 36-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

THIS PAGE INTENTIONALLY LEFT BLANK

**Health and Community Services Division**

1. Approval and execution of the Emergency Food Assistance Program Contract between Orange County and the State of Florida Department of Agriculture and Consumer Services, approving a \$20,826 grant to provide donated food to eligible low-income households in Orange County. There will be no cost to the County. This is a renewal agreement, all districts (Department of Community Affairs).

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

2. Approval and execution of contract between Orange County and the State of Florida, Department of Juvenile Justice, to provide a staff secure shelter program. No increase to the manning table. No additional County funds required, all districts (Human Services Department).

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

**Planning and Development Division**

1. Approval and execution of a partial release from the Developer's Agreement for Discounts of Impact Fees for the Orange Oakridge Park Affordable Housing Development, District 6 (Housing and Community Development Department).

**Public Utilities Division**

1. Approval of payment of landfill disposal fees from the general fund for the June 17, 1995, Tangelo Park Civic Association Neighborhood Clean-up, District 6 (Division Office).

**Public Works Division**

1. Approval to install "Yield" signs:
  - a. Emerald Forest Unit 1 Subdivision, District 1.
  - b. Curry Ford Road East Phase 1 Subdivision, District 3.
  - c. Flowers Pointe Phase III Subdivision, District 3.

(Traffic Engineering Department)

2. Approval to install "Stop" and "Yield" signs in the Country Chase Unit 4 Subdivision, District 6 (Traffic Engineering Department).
3. Approval to establish a three-way "Stop" condition at the intersection of Hempel Avenue and Gotha Road, District 1 (Traffic Engineering Department).
4. Approval and execution of a Traffic Signal Maintenance agreement with the City of Winter Garden whereby Orange County will maintain six (6) traffic signals and two (2) flashing beacons for a period of two (2) years for the sum of \$8,214, District 1 (Traffic Engineering Department).

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

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ORANGEWOOD/WINDSOR WALK UNITS 3 AND 4 PRELIMINARY SUBDIVISION, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Orangewood/Windsor Walk Units 3 and 4 Preliminary Subdivision Plan on property which is generally located south of Central Florida Parkway, east of Galvin Drive, District 1, Section 9, Township 24 South, Range 29 East, 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:

- Gary Singer, Unibilt, Inc.; 6305 Westwood Avenue, Suite 200, 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 Freeman, seconded by Commissioner Staley, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved the Orangewood/Windsor Walk Units 3 and 4 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Orangewood/Windsor Walk Units 3 and 4 Preliminary Subdivision Plan, dated "Received April 28, 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 June 13, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master drainage plan for this Planned Development.
3. Prior to preconstruction conference, the common wastewater lines shall be dedicated to the County. The existing common wastewater lines shall be in compliance with current Orange County regulations.
4. The front yard building setbacks shall be a minimum of 20 feet. Lots 36, 37, and 39 shall have a minimum front yard building setback of 15 feet subject to providing a minimum driveway length of 20 feet on the lot.
5. A left-turn lane along Central Florida Parkway at the eastern entrance to the project shall be required.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: PHIL HOLLIS; "ANDOVER LAKES PLANNED DEVELOPMENT/LAND USE PLAN"; TO CONVERT PARCEL 7, RECONFIGURE PARCEL 17, AND REDUCE LOT SIZING ON PARCEL 18; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Phil Hollis, Hollis Engineering, Inc., for "Andover Lakes Planned Development (PD)/Land Use Plan (LUP)" to convert Parcel 7 from 236 multi-family units to 52 patio home units with dimensions of 50 feet by 100 feet; reconfigure Parcel 17 to provide 236 multi-family units on the northern portion of Parcel 17 and 124 patio home units with dimensions of 40 feet by 95 feet on the southern portion of Parcel 17-A; and Parcel 18 is reducing lot sizes from 62 feet by 100 feet to 50 feet by 100 feet, pursuant to Orange County Code, Chapter 30, Article III on property which is generally located on the southeast corner of Young Pine Road and Curry Ford Road Extension, District 4, Section 9, Township 23 South, Range 31 East, 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 change request and the DRC's 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:

- John A. Moseler, ZOM Development; 2262 Lee Road, Winter Park, Florida; for the applicant.

No one appeared in opposition to the request.

The following person addressed the Board with general comments:

- Andrew Foti, 2914 St. Augustine 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 commissioners present and voting AYE by voice vote, the Board approved the request by Phil Hollis, Hollis Engineering, Inc., for "Andover Lakes Planned Development (PD)/Land Use Plan (LUP)" to convert Parcel 7 from 236 multi-family units to 52 patio home units with dimensions of 50 feet by 100 feet; reconfigure Parcel 17 to provide 236 multi-family units on the northern portion of Parcel 17 and 124 patio home units with dimensions of 40 feet by 95 feet on the southern portion of Parcel 17-A; and Parcel 18 is reducing lot sizes from 62 feet by 100 feet to 50 feet by 100 feet; which constitutes a substantial change to the development on the above described property.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JOHN RINEHART; "BELMERE PLANNED DEVELOPMENT/LAND USE PLAN"; TO RECONFIGURE DEVELOPMENT, ELIMINATE GOLF COURSE, CHANGE LOT SIZES, AND MODIFY CONDITIONS; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by John Rinehart; Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart; for "Belmere (fka Whitney Lakes) Planned Development (PD)" to reconfigure all development to the southern portion of the project with the northern 177 +/- acres to be left as future development; elimination of the golf course; provide a mix of lot sizes ranging from 5,000 square feet to 14,500 square feet with no increase in the total number of units previously approved (366 units); and modification of the original LUP conditions from the May 21, 1985, Board of County Commissioners meeting, pursuant to Orange County Code, Chapter 30, Article III, on property which is generally located on the south side of Roberson Road, the east side of Windermere Road and the west side of Maguire Road, District 1, Section 13, Township 22, Range 28, 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 change request and the DRC's determination of substantial change; and further, stated the DRC recommended approval of the request subject to two conditions:

1. If, by June 13, 1998, Orange County amends its Comprehensive Policy to permit a gross density of four (4) units per acre on Parcel G, then in such event, and at the time that an

amendment to the Planned Development (PD) is approved, the developer shall dedicate 15 acres for a park in a location in Parcel G which is mutually acceptable to the County and the developer. Said units may be clustered, but shall not exceed a density greater than four dwelling units per gross acre over Parcel G. The property shall be dedicated subject to restrictive covenants requiring adequate buffers and providing other restrictions similar to those imposed with respect to Windermere Groves (i.e., R. D. Keene Park). The said property shall be provided at no cost to the County, provided that the County shall develop the park within two (2) years of dedication in a manner comparable to other recently developed County parks and provided further that developer shall receive credit for the value of the dedicated parcel in the event that the County adopts a park/recreational funding mechanism. The developer shall make available an additional five (5) acres adjacent to the said 15 acres that Orange County may purchase at fair market value on or before June 13, 2000. The 15 acres shall be counted towards satisfying the open space requirements for the project.

2. The developer shall contribute \$250 per unit that shall be used to improve County park facilities. Said impact fee shall be paid at the time of issuance of building permit and shall be due only with respect to those units within Parcels A through F.

#### Appearances

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

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; 215 North Eola Drive, Orlando, Florida; for the applicant.
- John Rinehart; Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart (no address given).
- Ginger Martin, 11329 Winston Willow Court, Windermere, Florida.

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

- Scott Glass, 203 Laurenberg Lane, Ocoee, Florida.
- Carl Patterson, 219 West 3rd Avenue, Windermere, Florida.

- Joani Charles, Post Office Box 701, Windermere, Florida.
- Becky Vose, Esquire (no address given).
- Russ Wagner, planner for the City of Ocoee; 150 Lakeshore Drive, Ocoee, Florida.

The following person addressed the Board with general comments:

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board continued the public hearing to consider the request by John Rinehart, for Belmere Planned Development (PD)/Land Use Plan (LUP) until June 27, 1995, at 2:45 p.m., for decision only.

BOARD OF ZONING ADJUSTMENT APPEAL - APPLICANT/APPELLANT: BEVERLY SMALL; ITEM #35, MAY 4, 1995; DISTRICT 6

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Beverly Small of the recommendation of the Board of Zoning Adjustment, on a request by Ms. Small for approval of a variance in R-1A zone for Community Residential Home (six (6) clients) within 1,000 feet of five (5) other Community Residential Homes, as follows:

1. 6214 Ardenwood Court, Orlando, Florida - 682 feet;
2. 2120 Stebbins Court, Orlando, Florida - 280 feet;
3. 6725 Ambassador Drive, Orlando, Florida - 664 feet;
4. 2389 Locke Avenue, Orlando, Florida - 790 feet;
5. 2086 Alleghey Court, Orlando, Florida - 820 feet;

on property which is generally located on the south side of Ambassador Court, 150 feet south of Ambassador Drive, 135 feet east of the intersection, or 2118 Ambassador Court, District 6, Section 13, Township 22, Range 28, 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 stated that the applicant had withdrawn the request.

**Action**

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

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: AARON J. GOROVOTZ; PETITION TO VACATE 95-19, VACATE FIVE (5) UNOPENED ROAD EASEMENTS; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Aaron J. Gorovotz, for Intram/Park Square Joint Venture, Petition to Vacate 95-19, to vacate five (5) unopened road easements, District 1, Section 3, Township 24 South, Range 28 East, 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**

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

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

No one appeared in opposition to the request.

**Discussion**

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

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board adopted a resolution vacating those certain five (5) unopened road easements, as described above.

**ORDINANCE PUBLIC HEARING - PERTAINING TO SETTING THE SALARIES AND COMPUTATION OF FUTURE SALARIES FOR THE COUNTY CHAIRMAN AND THE BOARD OF COUNTY COMMISSIONERS**

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

AN ORDINANCE PERTAINING TO THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA; SETTING THE SALARIES TO BE RECEIVED BY THE COUNTY CHAIRMAN AND COUNTY COMMISSIONERS; ESTABLISHING THE METHOD BY WHICH SALARIES FOR THE COUNTY CHAIRMAN AND COUNTY COMMISSIONERS WILL BE COMPUTED IN THE FUTURE; PROVIDING FOR ANY RETROACTIVE ADJUSTMENTS OF SALARY; PROVIDING OTHER RELATED PROVISIONS, INCLUDING EFFECTIVE DATES.

Staff Report

County Administrator Jean Bennett and County Attorney Tom Wilkes reviewed the proposed ordinance and outlined the provisions.

Appearances

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

- Richard Spears, 9132 Ridge Pine Trail, Orlando, Florida.
- Bruce Hosfield, Post Office Box 2975, Orlando, Florida.

The following persons addressed the Board in opposition to the proposed ordinance:

- J. D. Wells, 3107 Trentwood Boulevard, Belle Isle, Florida.
- Debbie Warren, 8815 Hackney Prairie Road, Orlando, Florida.
- Roger Fore, 5703 Joyce Street, Orlando, Florida.
- Debbie Green, 6528 Clarcona Ocoee Road, Orlando, Florida.
- Marty W. Sharpe, 6530 Nina Rosa Drive, Orlando, Florida.
- Bertica Cabrera, 1304 Shorewood Drive, Orlando, Florida.

The following person addressed the Board with general comments:

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

For the record, County Administrator Jean Bennett read Sections 205 and 207 of the Orange County Charter regarding compensation and duties, respectively, of the County commissioners.

Discussion

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

**Motion**

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

**County Chairman Chapin adjourned the afternoon session.**

**MEETING RECONVENED**

The Board of County Commissioners reconvened at Hunter's Creek Middle School, 13400 Town Loop Boulevard, District 4, Orlando, Florida, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Also present were Acting Chief Deputy Comptroller as Clerk Mark Fostier, County Administrator Jean Bennett, Assistant County Attorney Joel Prinsell, and Assistant Deputy Clerk Tom Stark.

**HEALTH AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA**

1. Parks and Recreation Master Plan - Needs Assessment approval and endorsement to:
  - Continue seeking potential partnerships for joint projects and report on their potential to the Board of County Commissioners;
  - Pursue the ordinance necessary for "Park Land Dedication" with the Planning Department and/or fees-in-lieu-of;
  - Continue to fulfill our current Capital Improvement Program (CIP) by master planning the community and neighborhood parks contained therein for the purpose of obtaining public input as well as obtaining preliminary

cost estimates to more accurately develop the five-year CIP;

-Pursue the development of the new neighborhood park system as part of the CIP;

#### Staff Report

Parks and Recreation Department Manager Lynn Sordel reviewed the history relating to the Parks and Recreation Department Master Plan. Mr. Sordel also described the different types of parks, highlighted the existing park system, reviewed associated costs, detailed the proposed system of future park development, and addressed funding opportunities for the private sector to reduce overall costs to the County.

#### Discussion

The Board discussed funding sources, labor costs, and land availability.

#### Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board authorized the Parks and Recreation Department to:

Continue seeking potential partnerships for Neighborhood Park System joint projects and report on their potential to the Board of County Commissioners;

Pursue the ordinance necessary for "Parkland Dedication" with the Planning Department and/or fees-in-lieu-of;

Continue to fulfill the current Capital Improvement Program by master planning the community and neighborhood parks contained therein for the purpose of obtaining public input as well as obtaining preliminary cost estimates to more accurately develop the five-year Capital Improvement Program;

Pursue the development of the new Neighborhood Park System as part of the Capital Improvement Program.

**PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA**

1. Discussion regarding the proposed Eminent Domain Ordinance (Zoning Department).

Staff Report

Assistant County Attorney Bryant Applegate reported that the proposed ordinance is a common sense approach to eminent domain saving taxpayers thousands of dollars by reducing damage claims and attorney fees. Mr. Applegate pointed out that the proposed ordinance authorizes and empowers staff to grant waivers and exceptions, thus simplifying the eminent domain procedures, which is the source of the cost savings. He then reviewed the proposed ordinance and outlined its provisions.

Motion

The Board did not take any action.

**ORDINANCE PUBLIC HEARING - AMENDING CHAPTER 38 ("ZONING"), LAND DEVELOPMENT CODE/STANDARD INDUSTRIAL CLASSIFICATION CODE (1ST HEARING)**

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

AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING PROVISIONS OF CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE REGARDING CERTAIN ZONING DISTRICTS; ADOPTING A PERMITTED USE TABLE; ADOPTING SPECIAL EXCEPTION CRITERIA AND CONDITIONS; INCORPORATING BY REFERENCE THE GROUP DESCRIPTIONS IN THE 1987 STANDARD INDUSTRIAL CLASSIFICATION MANUAL COMPILED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning and Development Division Director Bruce McClendon stated that this is the first of two public hearings to consider the proposed ordinance. Assistant County Attorney Bryant Applegate reviewed the proposed ordinance and outlined its provisions. Mr. Applegate further outlined recommended changes to the proposed ordinance as follows:

1. Deletion of the current restrictions and limitations on the size of stadiums.

2. Differentiation between nontalking poultry and talking poultry in the definition of "poultry."
3. Addition of the definition of "poultry" in certain special conditions, and the addition of a 100-foot setback for keeping poultry in an adjacent residential district.

Appearances

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

- Corb Sarchez, 132 Waverly Place, Orlando, Florida.

No one appeared in opposition to the proposed ordinance.

The following person addressed the Board with general comments:

- Domingo Manuel (no address given).

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion. Commissioner Hoenstine requested that the provision which limits night watchman facilities for businesses to two (2) years be removed.

County Chairman Chapin announced that the second of two public hearings to consider the proposed ordinance will be held in two weeks.

**Motion**

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

**DISCUSSION AGENDA ADDENDUM 1 - COMMISSIONER'S REPORT**

Commissioner Hoenstine wishes to discuss with the Board the zoning conditions and a developer's agreement regarding the recreational facilities within the Eastwood Planned Development.

Commissioner's Report

Commissioner Hoenstine reviewed the history of the Eastwood Planned Development and reported that the developer has not complied with an agreement which required completion of the Central Park facilities by June 1, 1995, and completion of the Lakeshore Park by June 1, 1995.

**Discussion**

The Board discussed the history of the Eastwood Planned Development and the terms of the agreement with the developer. Commissioner Hoenstine indicated his intent to offer a motion that would impose sanctions on the developer for failure to comply with the terms of the agreement.

**Appearances**

The following persons addressed the Board:

- Kathy Massey, 13324 Fairway Point Drive, Orlando, Florida, for the Eastwood Homeowners' Association.
- Tom Warlick, Esquire; 2912 Lakeshore Drive, Orlando, Florida; for the developer, Bengé Corporation.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote, the Board approved scheduling a public hearing for the Sherwood (Parcel 15 and 16) Preliminary Subdivision Plan on August 1, 1995, with the understanding that if the park facilities are not completed prior to that date, the hearing will be canceled; and further, agreed to allow a change determination public hearing concerning Eastwood Central Park Preliminary Subdivision Plan to be held on July 11, 1995, as previously scheduled.

**NONAGENDA - NOTICE OF CLOSED SESSION**

Assistant County Attorney Joel Prinsell announced an upcoming closed session on June 27, 1995, regarding Apopka-Vineland Road, as follows:

Pursuant to Chapter 286.011 of the Florida Statutes, as amended by Chapter 93-232, Laws of Florida, the County Attorney is requesting a closed session with the Board of County Commissioners at its regularly scheduled meeting on June 27, 1995, in order that the Board may discuss with its attorneys the following: Orange County v. Dr. Phillips, Inc., et al.; Case No.: CI 95-2088, Parcels 1123/9123/8123; Project: Apopka-Vine- land Road (Lake Avenue to Sand Lake Road) Owner: Dr. Phillips, Inc.

This closed session will commence at 3:45 p.m. Present will be the Board of County Commissioners; the County Administrator or

her designee; the County Attorney or his designee; the County Comptroller or her designee; the Clerk of the Board of County Commissioners or her designee; Assistant County Attorney Linda S. Brehmer; William E. Wythe, Manager, Highway Construction, or his designee; John D. Terwilliger, Manager, Real Estate Management Department, or his designee; and Stephen Cross, Real Estate Review Appraiser, Real Estate Management.

This closed session will be transcribed by a certified court reporter. The session will last approximately 15 minutes.

**MEETING ADJOURNED**

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

**THIS PAGE INTENTIONALLY LEFT BLANK**