

MEETING OPENED

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

WORKSESSION - AFFORDABLE HOUSING PROGRAMS/FUNDING

Staff Report

Housing and Community Development Department Manager W.D. Morris addressed the Board and stated that the purpose of this worksession is to update the Board about affordable housing initiative programs and activities involving Orange County as requested by County Chairman Chapin and Commissioner Staley.

Assistant Housing and Community Development Department Manager Mitchell Glasser addressed the Board and presented an history of the Affordable Housing Program. Mr. Glasser stated that the needs of affordable housing were first examined by the Affordable Housing Task Force in 1988 and 1989. He pointed out that new and innovative partnerships have been formed with local banks, nonprofit organizations, and builders to deliver affordable housing to the community.

Housing Development Coordinator Franz Dutes gave an overview of accomplishments and status of the Public Service Funds (PSF) Program.

Senior Housing Development Assistant Joanna Dyson gave an overview of the State Housing Initiatives Partnership (SHIP) program which includes the following strategies:

- Infill
- Down Payment Assistance
- Rehabilitation
- Multi-family construction

Ms. Dyson narrated a slide presentation showing multi-family construction throughout various sections of Orange County.

Discussion

The Board discussed the breakdown of funds, the application process, and the possibility of staff arranging tours to afford commissioners the opportunity to view various affordable housing developments throughout the County.

Action

The Board did not take any action.

WORKSESSION - EQUITABLE DISTRIBUTION OF GAS TAX**Staff Report**

Office of Management and Budget Department Manager Sharon Donoghue gave a slide presentation regarding local option gas tax equitable distribution.

Ms. Donoghue discussed the history of the gas tax beginning in 1983 with the passage of an ordinance authorizing a four-cent gas tax levy in Orange County.

Ms. Donoghue also reported on the 1990 and 1994 Census reports regarding Orange County's population. She pointed out that Orange County has proposed a five-year phase-in with a "hold-harmless" clause for cities with declining population.

Legal Counsel

County Attorney Tom Wilkes advised the Board that all cities must be notified when the public hearing is held on the gas tax distribution changing the distribution formula. Mr. Wilkes stated that the formula can be changed under the Statute by either negotiating the formula with the City of Orlando or terminating the agreement and proceeding with the statutory formula. He further noted that the public hearing notice must include a statement to the effect that, since it is anticipated that the distribution formula will be changed, the cities should not obligate their gas tax to any bond holder, note holder, or other entity. He suggested that the Orlando City Council be invited to participate in the negotiations.

Motion

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

public hearing to consider the equitable distribution of gas tax; and further, to notify all municipalities of the public hearing.

WORKSESSION - BRIEFING REGARDING ECONOMIC DEVELOPMENT COMMISSION

Rick Tesch, president of the Economic Development Commission (EDC) of Mid-Florida, Inc., addressed the Board and presented an history of the EDC's investments.

Mr. Tesch outlined the following services provided to the County by the EDC during the past year:

- Business Retention and Expansion
- Domestic Business Development
- International Business Development
- Projected 1995/96 Budget

Discussion

The Board discussed the benefits derived from the EDC, the importance of building business partnerships, whether the EDC is working with other companies to accomplish a common goal and sources of funding for the EDC.

Mr. Tesch introduced the following four members of his executive team:

- Michael Bobroff, Senior Vice President
- Pat Werner, Vice President, Domestic Business
- Hal Sumrall, Vice President, International Business
- Kathy Ramsberger, Vice President, Film and Television Office

Action

The Board did not take any action.

NONAGENDA - PROCEDURE FOR BUDGET HEARINGS

County Chairman Chapin provided Board members with clarification of the process of restoring funding to the budget.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Appointment to the Citizen Review Board (CRB) members as required by the CRB Ordinance enacted on June 27, 1995, (County Attorney).

Staff Report

County Attorney Tom Wilkes advised the Board that, as required by the Citizens Review Board Ordinance, nominees to the Citizens Review Board must be appointed by August 1, 1995.

The following nominations were made:

- Sheriff's Office - Dr. Paul McQuilkan and Dr. Alberto Horan
- Commissioner Staley - Ed Hlinak
- Commissioner Hoenstine - Lamar Thomas
- Commissioner Donegan - Benjamin Sibley

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman, Johnson, and Butler were absent; the Board appointed the following nominees to the Citizens Review Board for a term expiring December 31, 1995:

- Sheriff's Office - Dr. Paul McQuilkan and Dr. Alberto Horan;

and further, appointed the following nominess to the Citizens Review Board for a term expiring December 31, 1996:

- Commissioner Staley - Ed Hlinak
- Commissioner Hoenstine - Lamar Thomas
- Commissioner Donegan - Benjamin Sibley

FISCAL AND HUMAN RESOURCE DIVISION DISCUSSION AGENDA

1. Select one firm and two ranked alternates to provide continuing mechanical engineering services, RFP Y5-903-MK for the following firms, listed alphabetically ([Administrative Support] Purchasing and Contracts Department).

Staff Report

Deputy Chief of Purchasing and Contracts Johnny Richardson requested that the Board select one firm and two ranked alternates to provide continuing mechanical engineering services, from the following firms, listed alphabetically:

- IMDC, Inc.

- Peninsula Engineering, Inc.
- Ralph Hahn & Associates

Motion

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

- #1 Ralph Hahn & Associates
- #2 Peninsula Engineering, Inc.
- #3 IMDC, Inc.

and further, authorized staff to enter into contract negotiations to provide continuing mechanical engineering services, RFP Y5-903-MK.

2. Approval to award Invitation for Bid, Y5-173-J0, to the low responsive and responsible bidder, Acme Glass Company, Inc., for a one-year term contract, renewable for two (2) additional years, for glass replacement at the 33rd Street Corrections Complex. The total estimated cost of the base year and the two options years is \$412,515 ([Facilities Maintenance Department] Purchasing and Contracts Department).

Staff Report

Deputy Chief of Purchasing and Contracts Johnny Richardson requested Board approval to award Invitation for Bid, Y5-173-J0, to the low responsive and responsible bidder, Acme Glass Company, Inc., for a one-year term contract, renewable for two (2) additional years, for glass replacement at the 33rd Street Corrections Complex.

Discussion

The Board questioned the amount of the contract and the number of facilities to be covered by this contract.

County Administrator Jean Bennett directed staff to meet with commissioners on an individual basis to answer their questions and to bring this issue back to the Board in two weeks.

Action

By consensus, the Board deleted this item from the agenda.

COUNTY CONSENT AGENDA**Motion**

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

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the total amount of \$338,144.29 (Administrative/Fiscal Division).
2. Acknowledgment and filing of the Orange County Health Facilities Authority Financial Statements and Schedules for the year ended September 30, 1994 (Administrative/Fiscal Division).
3. Acknowledgment and filing of the Review of County Field Purchase Order Processing Procedures (Administrative/Fiscal Division).
4. Approval to dispose of assets by donation, trade-in, interdepartmental sale, and sale through sealed bid (Property Accounting Department).
5. Approval of the minutes of the June 13 and 27, 1995, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
6. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:

-Week of July 18, 1995, through July 24, 1995; total of \$32,606,945.50.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and authorization to record instrument: Hilton Grand Vacations, Water Line Easement and Subordination of

Encumbrance, District 1 (Real Estate Management Department).

2. Approval and authorization to record instrument: Palm Lake Elementary School, Subordination of Encumbrance, District 1 (Real Estate Management Department).
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 \$30: Fire Station #70 (Pine Castle), Warranty Deed, Parcel 101; District 4 (Real Estate Management Department).

Fiscal and Human Resource Division

1. Recommend Board approval to enter into a 48-month lease for two D30D Caterpillar articulated dump trucks, Y5-404-R2, to the low responsive and responsible bidder, Ringhaver Equipment Company, \$459,136 ([Resource Recovery Department] Purchasing and Contracts Department).

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

2. Approval to award Invitation for Bid Y5-738-CT to the low responsive and responsible bidder, Southland Building Contractors, Inc., for construction of the L. B. McLeod Road Waste Transfer Station Hazardous Waste Drop-Off Facility, \$94,900 ([Public Utilities/Engineering Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-1001-R2 to the low responsive and responsible bidder, Contech Construction Products, Inc., for a one-year term contract, renewable for an additional 24 months, to furnish corrugated pipe, \$574,000 ([Highway Maintenance Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y5-1002-R2 to the low responsive and responsible bidder, Excavated Products, for a one-year term contract, renewable for an additional 24 months, to furnish shell road base, \$95,000 ([Parks and Recreation Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y5-1006-JS to the low responsive and responsible bidder, Rinker Material

Corporation, to provide PSI ready-mix concrete, \$1,750,000 total (\$540,000 Basic Year; \$580,000 Option Year 1; \$630,000 Option Year 2) ([Highway Maintenance Department] Purchasing and Contracts Department).

6. Approval to award Invitation for Bid Y5-748-CT to the low responsive and responsible bidder Adler Construction, Inc., for improvements to the Hunter's Creek Reclaimed Water System, \$204,993 ([Public Utilities/Engineering Department] Purchasing and Contracts Department).
7. Approval to continue to purchase temporary nursing services from Nurse's House Call for the Corrections Division to fill in for vacant staff positions, \$41,000 ([Corrections Division] Purchasing and Contracts Department).
8. Approval of Change Order 6, to Contract Y2-789, with Central Florida Underground, Inc., for the installation of a new 12-inch water line across Goldenrod Road at the intersection of East Colonial Drive (S.R. 50), \$59,440.23 ([Public Utilities/Construction Department] Purchasing and Contracts Department).
9. Approval of Change Order 8 to Contract Y4-734 with Southland Construction, Inc., for Hiawassee Road paving, drainage, and utility improvements, \$12,488.37 ([Highway Construction Department] Purchasing and Contracts Department).
10. Approval to award Contract Y5-3018 to the Local Health Council of East Central Florida, Inc., for fiscal agent services for Ryan White Title I pass-through accounts, \$670,868 ([Medical Clinic] Purchasing and Contracts Department).

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

11. Approval to procure micro-surfacing services using Polk County's term contract with Florida Highway Products, Inc., to resurface roads around the Dubsdread Golf Course, \$68,566.42 ([Highway Maintenance Department] Purchasing and Contracts Department).
12. Approval of addition to Personnel Policy Manual/Administrative Regulations 7.01. Item 1 Section 7, Code of Conduct Political Activity Restrictions. This revision to Policy outlines the

restrictions required of County employees when seeking political office; Classification and Compensation/Non-Bar- gaining Unit - Non-Classified Positions; Classification and Compensation/Bargaining Unit - Non-Classified Positions. This revision to Policy is submitted to correct a previous oversight. Deputy County Administrators, not Assistant County Administrators, are Category 1 Executive Employees (Human Resource Department).

13. Approval of Budget Transfers 95-473 and 95-474.(OMB).

(Budget Transfers 95-473 and 95-474 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

14. Approval of Budget Amendments 95-59 and 95-60 (OMB).

(Budget Amendments 95-59 and 95-60 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Health and Community Services Division

1. Approval and execution of revised Community Action Board (CAB) Bylaws. The Community Action Board, which is the advisory board of the Department of Community Affairs, reviews all fiscal and program plans prior to submission to the Board of County Commissioners, all districts (Department of Community Affairs).

Planning and Development Division

1. Approval to notify the City of Winter Park of the County's intent not to have the Road Maintenance Responsibility Agreement automatically renewed on October 1, 1995; and authorize staff to negotiate with the City of Winter Park to revise the agreement (Division Office).
2. Approval of a revision to the Oak Grove Circle Affordable Housing Developer's Agreement in the maximum initial sales price of units to \$62,900 in the Oak Grove Circle single-family affordable housing development, District 5 (Housing and Community Development Department).
3. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Opus South

Corporation and Orange County, District 1 (Planning Department).

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

- 4. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Autozone, Inc., and Orange County, District 3 (Planning Department).

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

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, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Freeman entered the meeting where indicated. Commissioner Mary Johnson was absent. Also present were County Comptroller as Clerk Martha Haynie, Deputy County Administrator Byron Brooks, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Don Yates, pastor of the First Baptist Church of Apopka, followed by the Pledge of Allegiance to the Flag.

Presentation of the Chairman's Award to the June winner - Presentation and Publication Standards Committee

County Chairman Chapin presented the Chairman's Award for June to the following members of the Presentation and Publication Standards Committee for their teamwork in developing an information booklet outlining guidelines under which staff makes its presentations to the Board:

- Warren Wagner
- Joan Davies
- Linda Moore
- Grace Moreny
- Terry Bowley
- Larry Davis
- County Administration
- Telecommunications Department
- Administrative Support Division
- Parks and Recreation Department
- Planning Department
- Housing and Community Development Department

- Lt. David Cohen - Fire and Rescue Services Division
- Erle Hughes - Health and Community Services Department

Presentation regarding conversion from ticket based toll collection system to coin system on the Florida Turnpike

Steve Pastelnick, from the Florida Department of Transportation, addressed the Board and reported that conversion to the coin system on the Florida Turnpike will be implemented on August 20, 1995. He pointed out this will result in shorter waits, fewer stops, quicker toll processing, and increased safety at toll booths. Mr. Pastelnick outlined the various changes at interchanges along the Florida Turnpike.

Commissioner Freeman entered the meeting.

Update on Olympic Soccer

Staff Report

Jeff Clark, City/County coordinator for the 1996 Orlando Olympic Soccer Committee, gave a video presentation on Olympic soccer. Mr. Clark pointed out that the Florida Citrus Sports Commission has contracted with the Atlanta Committee for the Olympic Games (ACOG), and that the games will run from July 20-26, 1996. He noted that the operating budget will be \$3.2 million and that the largest budget item will be security.

Mr. Clark stated the Orlando Olympic Soccer Committee is negotiating with ACOG for an acceptable ticket sales program. He concluded that, despite a recent newspaper article, the committee is confident that Olympic Soccer will be a success.

Action

The Board did not take any action.

NONAGENDA - UPDATE ON NATIONAL ASSOCIATION OF COUNTIES (NACO) CONFERENCE

Commissioner's Report

Commissioner Mable Butler, who just returned from the NACO conference in Atlanta, Georgia, reported that Orange County received 48 achievement awards, making it the second best county in the United States. Commissioner Butler presented the awards to County Chairman Chapin.

County Chairman Chapin announced she will have an awards ceremony in the future to present the awards to staff.

Commissioner Freeman left the meeting.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 8, ARTICLE II, PERTAINING TO WATER SAFETY AND BOATING USE

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA RELATING TO WATER SAFETY; PERTAINING TO BOAT USE IN ORANGE COUNTY, FLORIDA; MAKING FINDINGS AND SETTING FORTH INTENT; AMENDING ARTICLE II OF CHAPTER 8 OF THE ORANGE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Alison Yurko reviewed the proposed ordinance and outlined the amendments. Ms. Yurko noted that there is also a proposed resolution for adoption which imposes speed limits on lakes in Orange County. She stated that this ordinance will be applied countywide except for the cities of Winter Park, Maitland, Orlando, Belle Isle, and the Reedy Creek Improvement District.

Ms. Yurko outlined recommended changes to the proposed ordinance as follows:

- Subsection 8-30: require barefoot waterskiers must wear personal flotation devices.
- Subsection 8-31: require boats and personal watercraft to be 100 feet from any object arising from the water; and further, after the words "... object arising from the water," add a parenthetical to read, "excluding ski jumps or slalom courses."
- Subsection 8-31: provide that the 100-foot distance will be measured from the boat, personal watercraft or any extension.
- Subsection 8-33: require that personal watercraft shall be 300 feet behind any boat towing a waterskier, 100 feet from any

anchored vessel, 300 feet to the side, and 500 feet in front and back of a ski jump in use. Personal watercraft is prohibited from using ski jumps unless they are designed for jet skis; personal watercraft cannot create a wake 100 feet from persons in the water; personal watercraft cannot exceed manufacturers recommended maximum weight or number of occupants.

- Subsection 8-34: require persons swimming 100 feet from shore, and all scuba and skin divers to be accompanied by a boat or have a standard buoy or flag.
- Subsection 8-35: make it unlawful to tamper with another person's boat or trespass upon their boathouse or dock.
- Subsection 8-36: make it unlawful to tamper with or damage any markers, buoys, signs, or signals maintained by the County.
- Subsection 8-37: require the use of factory-issue muffling equipment on motorboats and personal watercraft in order to reduce noise.

Legal Counsel

County Attorney Tom Wilkes advised the Board that none of these changes were initiated by staff; they were all obtained from citizen input.

Appearances

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

- Oriana Schoneberg, 4400 Raymer Drive, Orlando, Florida.

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

- Jeff Holaday, 2364 Gatlin Avenue, Orlando, Florida.

Appearances

The following persons addressed the Board with general comments:

- Raul Cries, 1404 Lake Price Drive, Orlando, Florida.
- Russell Conoley, 508 Shannon Road, 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 Butler, and carried with County Chairman Chapin and Commissioners Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; Commissioners Freeman and Johnson were absent; the Board adopted the proposed ordinance amending Orange County Code, Chapter 8, Article II, pertaining to water safety and boating use, to include revisions as outlined by staff as follows:

- Subsection 8-30: require barefoot waterskiers must wear personal flotation devices.
- Subsection 8-31: require boats and personal watercraft to be 100 feet from any object arising from the water; and further, after the words "... object arising from the water," add a parenthetical to read, "excluding ski jumps or slalom courses."
- Subsection 8-31: provide that the 100-foot distance will be measured from the boat, personal watercraft or any extension.
- Subsection 8-33: require that personal watercraft shall be 300 feet behind any boat towing a waterskier, 100 feet from any anchored vessel, 300 feet to the side, and 500 feet in front and back of a ski jump in use. Personal watercraft is prohibited from using ski jumps unless they are designed for jet skis; personal watercraft cannot create a wake 100 feet from persons in the water; personal watercraft cannot exceed manufacturers recommended maximum weight or number of occupants.
- Subsection 8-34: require persons swimming 100 feet from shore, and all scuba and skin divers to be accompanied by a boat or have a standard buoy or flag.
- Subsection 8-35: make it unlawful to tamper with another person's boat or trespass upon their boathouse or dock.
- Subsection 8-36: make it unlawful to tamper with or damage any markers, buoys, signs, or signals maintained by the County.

- **Subsection 8-37: require the use of factory-issue muffling equipment on motorboats and personal watercraft in order to reduce noise.**

(Ordinance No. 95-19 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; Commissioners Freeman and Johnson were absent; the Board adopted the proposed resolution pertaining to boating speed limits.

(Resolution No. 95-M-65 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - LAKE UNDERHILL PINES PRELIMINARY SUBDIVISION, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Lake Underhill Preliminary Subdivision Plan on property which is generally located north of Lake Underhill Road and west of the Eastern Beltway; Section 30, Township 22 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 request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Larry Ray, 5210 South Orange Avenue, Orlando, Florida, for the applicant.
- Steve Gayle, vice president of Lake Underhill Pines Homeowners' Association; 131 South Deerwood Avenue, Orlando, Florida.

No one appeared in opposition to the plan.

Discussion

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

Commissioner Hoenstine requested that a condition be added stating that the minimum square footage for all houses shall be 1200 square feet.

Motion

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

1. Development shall conform to the Lake Underhill Pines Preliminary Subdivision Plan, dated "Received June 9, 1995," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

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

2. A waiver of Orange County Code Section 34-250(c) to allow sheet flow into the retention pond is approved.
3. Prior to construction plan approval, a permit from Florida Power Corporation will be required which would allow the use of a portion of the power easement for the retention pond.
4. Prior to construction plan approval, a drainage permit from

the Expressway Authority shall be required for the outfall (discharge) from this project into the expressway drainage system.

5. A mandatory homeowners association shall be required and shall be responsible for the maintenance of the wall along Lake Underhill.
6. A waiver of Section 34-209 to allow a landscape buffer in lieu of a six-foot (6') wall along the Eastern Beltway is granted.
7. The minimum square footage for all houses shall be 1200 square feet.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WESTLAKE PRELIMINARY SUBDIVISION, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Westlake Preliminary Subdivision Plan on property which is generally located north of Beggs Road and east of Lakeville Road; Section 35, Township 21 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

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

Appearances

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

- Charlie True, P.E.; McIntosh and Associates; 2200 Park Avenue North, Winter Park, Florida; for the applicant.

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

- Laura Leslie, 6766 Goldeneye Drive, Orlando, Florida.
- Steve Cotten; president of Willowcreek Homeowners' Association; 6767 Goldeneye Drive, Orlando, 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 Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board approved the Westlake Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

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

This Preliminary Subdivision Plan approval automatically expires on July 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, wastewater mains, and force mains shall be determined.
3. This project is proposed to drain through the subdivision to the south at a rate not to exceed predevelopment flow. Prior to construction plan approval, the developer shall provide documentation that easements have been acquired to discharge into this system.
4. For those lots platted next to property zoned Industrial, deed covenants and restrictions shall identify these areas as being zoned Industrial. In addition, the plat shall specify that those persons purchasing these lots shall be informed

that the adjacent zoning is Industrial prior to the closing on these lots.

5. The tot lot shall be completed prior to the issuance of the certificate of completion.
6. Side street setback must be a minimum of 15 feet.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - LAKE FLORENCE VISTAS PRELIMINARY SUBDIVISION (CONTINUED FROM JUNE 27, 1995), DISTRICT 1

By consensus, the Board reopened the public hearing to consider the Lake Florence Vistas Preliminary Subdivision Plan, continued from the June 27, 1995, Board meeting.

(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 explained that the public hearing was continued to allow Commissioner Freeman time to revisit the site. Mr. Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

A court reporter, Donna Cimino, 20 North Orange Avenue, Orlando, Florida, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

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

- Gary Singer, the appallicant, Unibilt Corpotion; 6305 Westwood Boulevard, Orlando, Florida.
- Bill Tipton, Jr.; Tipton and Associates; 7600 Maguire Boulevard, Orlando, Florida; for the applicant.
- Bill Fritze, P.E., Henderson & Bodwell (no address given) for the applicant.

No one appeared in opposition to the plan.

Discussion

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

For the record, County Chairman Chapin read the following motion which was submitted by Commissioner Freeman. "I move that the Preliminary Subdivision Plan for Lake Florence Vistas be denied on the basis that their proposed access to Good Homes Road is at a dangerous location and having additional turning movements at this location could further aggravate the situation. At such time as the curve is realigned, the developer could resubmit his Preliminary Subdivision Plan."

Motion

Upon a motion by County Chairman Chapin for Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board denied the Lake Florence Vistas Preliminary Subdivision Plan on the above-described property, on the basis that their proposed access to Good Homes Road is at a dangerous location and having additional turning movements at this location could further aggravate the situation. At such time as the curve is realigned, the developer could resubmit his Preliminary Subdivision Plan.

PLANNING AND ZONING BOARD-CALLED PUBLIC HEARING - APPLICANT: ELOISE A. RYBOLT, "RYBOLT PROPERTY WEST"; CASE Z-95-028, MAY 18, 1995 (CONTINUED FROM JUNE 27, 1995); DISTRICT 5

By consensus, the Board reopened the public hearing to consider a request by Eloise A. Rybolt, "Rybolt Property West" for a change in zoning classification from Country Estate Cluster District (R-CE-C) and Single-Family Dwelling District (R-1A) to Planned Development (PD), continued from the June 27, 1995, Board meeting.

(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 explained that the public hearing was continued to readvertise the property location. Mr. McClendon outlined the request and identified the location of the subject property, the surrounding

zoning classifications, and the Future Land Use Map designations in the area.

Discussion

Commissioner Donegan requested the following conditions be added:

- Multi-family be deleted from the plan and the overall density be dropped to four (4) dwelling units/acre;
- Redesign intersection at Rouse Road and McCullough Road to two left-turn lanes going onto Alafaya Trail and resignalization of light;
- Tanner Road to be added to Public Works plan for impact fee study;
- Put in speed bumps along Lake Price Road if the majority of homeowners up to 200 feet from the sanctuary agree to speed bumps;
- Move Lake Price traffic to Tanner Road in a different mode;
- There will be only single-detached homes.

Appearances

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

- Hugh Harling, Harling Locklin & Associates; 850 Courtland Street, Orlando, Florida; for the applicant.
- Steve Keegan, 13820 Lena Street, Orlando, Florida.
- Raul Cries, 14042 Lake Price Road, Orlando, Florida.
- Tom Oria, 14254 Lake Price Road, Orlando, Florida.

The following person addressed the Board with general comments:

- Maria Vester, 8430 Port Said Street, Orlando, Florida.

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 Donegan, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board approved the request by Eloise A. Rybolt, "Rybolt Property West" for a change in zoning classification from Country Estate Cluster District (R-CE-C) and Single-Family Dwelling District (R-1A) to Planned Development (PD), on the above described property; subject to the following conditions:

1. Development shall conform to the Rybolt Property West Land Use Plan, dated "Received April 14, 1995," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
3. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
4. A mandatory homeowners' association shall be required for each village.
5. Multi-family shall be deleted from the plan and the overall density be dropped to 4 units/acre.
6. Redesign intersection at Rouse Road and McCullough Road to two left-turn lanes going onto Alafaya Trail and the resignalization of the light.
7. Tanner Road shall be added to Public Works plan for impact fee study.

- 8. Put in speed bumps along Lake Price Road if the majority of homeowners up to 200 feet from the sanctuary agree to speed bumps.
- 9. Move Lake Price traffic to Tanner Road in a different mode.
- 10. There will be only single-detached homes.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: BARRY WATSON.
APPLICANT: SOUTHEASTERN CAPITAL OF ORLANDO; ITEM 16, JUNE 1, 1995 (CONTINUED FROM
JULY 11, 1995); DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Barry Watson of the recommendation of the Orange County Board of Zoning Adjustment dated June 1, 1995, on a request by Southeastern Capital of Orlando for approval of a variance in R-1A zone to erect single-family residence 13 feet from the rear (west) property line in lieu of 30 feet, on property which is generally located on the west side of Barton Drive, 200 feet north of Roush Avenue; Section 21, Township 22, Range 30; 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

Assistant Zoning Department Manager Joanne McMurray outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request.

Appearances

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

- Barry Watson, the applicant, 832 Irma Avenue, Orlando, Florida.

No one appeared in opposition to the 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

Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by Barry Watson for Southeastern Capital of Orlando for a variance in R-1A zone to erect single-family residence 13 feet from the rear (west) property line in lieu of 30 feet.

CABLE TELEVISION PUBLIC HEARING - PROPOSED TRANSFER OF CABLE TELEVISION FRANCHISE FROM TELESAT CABLEVISION, INC., TO TELESAT ACQUISITION LIMITED PARTNERSHIP (DBA ADELPHIA CABLE COMMUNICATIONS) - RESOLUTION; ALL DISTRICTS

Notice was given that the Board of County Commissioners would hold a public hearing to consider the proposed transfer of control of Telesat Cablevision, Inc., CATV franchise to Telesat Acquisition Limited Partnership ("TALP") which will conduct business under the name of Adelphia Cable Communications ("Adelphia").

Staff Report

Assistant County Attorney Joel Prinsell reviewed the request and asked the Board to approve, in the form of a resolution, the transfer of control of Telesat Cablevision, Inc., CATV franchise to Telesat Acquisition Limited Partnership ("TALP") which will conduct business under the name of Adelphia Cable Communications ("Adelphia").

Appearances

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

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson, and Butler were absent; the Board adopted a resolution approving the proposed transfer of control of Telesat Cablevision, Inc., CATV franchise to Telesat Acquisition Limited Partnership ("TALP") which will conduct business under the name of Adelphia Cable Communications ("Adelphia").

(Resolution No. 95-M-67 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: ELLSWORTH GALLIMORE, "TURTLE CREEK SUBDIVISION"; DREDGE AND FILL PERMIT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a permit application by Ellsworth Gallimore, "Turtle Creek Subdivision" to alter shoreline/dredge and fill under Lakeshore Protection Ordinance, Section 15-219, Chapter 15, Article VI and Chapter 33, Articles II and IV, Orange County Code, on property which is generally located on Apopka-Vineland Road; District 1, Sections 9 and 10, 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

Acting Environmental Protection Department Manager Nick Sassic outlined the request and the recommendation of approval subject to conditions.

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 Hoenstine, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board approved a permit application by Ellsworth Gallimore "Turtle Creek Subdivision" to alter shoreline/dredge and fill, subject to the following conditions:

1. The Environmental Protection Department will be notified by the applicant of the date the activity will begin and upon completion of the work.

2. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that State water quality standards on turbidity are not being violated. If turbid water is found outside of the work area or confining screens, the department shall be notified, construction shall stop and may not resume until corrected to the satisfaction of the department.
3. This permit must be posted in a conspicuous place on site before activity begins and to remain until completion.
4. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. A separate permit from the Florida Department of Environmental Regulation or the Florida Department of Natural Resources, if applicable, will be obtained prior to this permit becoming valid.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: TRINITY PREP SCHOOL; DREDGE AND FILL PERMIT, LAKES MARTHA AND BURKETT, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a permit application by Trinity Prep School to alter shoreline/dredge and fill under Lakeshore Protection Ordinance, Section 15-219, Chapter 15, Article VI and Chapter 33, Articles II and IV, Orange County Code, on property which is located adjacent to Lakes Martha and Burkett; District 5, Sections 1 and 36, Township 22 South, Range 30 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

Acting Environmental Protection Department Manager Nick Sassic outlined the request and the recommendation of approval subject to conditions.

Appearances

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

- Tim Egan, P.E.; Dyer, Riddle, Mills & Precourt; 1505 East Colonial Drive, Orlando, Florida; for the applicant.

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

- Theresa Schofstad, 3650 South Lake Burkett Lane, Orlando, Florida.

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 Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board approved a permit application by Trinity Prep School to alter shoreline/dredge and fill on Lakes Martha and Burkett, subject to the following conditions:

1. The Environmental Protection Department will be notified by the applicant of the date the activity will begin and upon completion of the work.
2. During construction, turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.). If turbid water is found outside of the work area or confining screens, the department shall be notified, construction shall stop and may not resume until corrected to the satisfaction of the department. There shall be a backup turbidity barrier stored on site.
3. There shall be a total of two (2) additional 50-foot transects located in Lake Martha adjacent to the marsh mitigation areas. These lakes will also be monitored for emergence of nuisance species.
4. The cypress trees to be planted shall be nursery grown.
5. The monitoring/maintenance period shall be six (6) years.
6. This permit must be posted in a conspicuous place on site, before activity begins and to remain until completion.

7. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. A separate permit from the Florida Department of Environmental Regulation, if applicable, will be obtained prior to this permit becoming valid.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: MCINTOSH AND ASSOCIATES, INC., FOR STONEBRIDGE VILLAGE ASSOCIATES, LIMITED, "GOLDENROD PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP)"; TO CONVERT THE LAND USE FROM MULTI-FAMILY TO SINGLE-FAMILY RESIDENTIAL, REDUCE CERTAIN BUILDING SETBACKS, AND ESTABLISH MINIMUM BUILDING SETBACKS ON INDIVIDUAL LOTS; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by McIntosh and Associates, Inc., for Stonebridge Village Associates, Limited, "Goldenrod Planned Development/Land Use Plan (PD/LUP)" to:

- Convert the land use from multi-family (232 units at 16.0 du/ac) to single family residential (74 units at 4.57 du/ac);
- To reduce the building setback along Fort Jefferson Boulevard from 35 feet to 25 feet;
- To establish minimum building setbacks on individual lots (i.e., 20 feet front yard and 15 feet rear yard);

pursuant to Orange County Code, Section 38-1207, on property which is generally located east of Goldenrod Road approximately one mile north of Narcoosee Road; Section 14, Township 23, Range 30; 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 announced that this substantial change request will be held in conjunction with the Preliminary Subdivision Plan public hearing immediately following.

Mr. Heath reviewed the substantial 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 Florio, P.E.; McIntosh and Associates, Inc.; 2200 Park Avenue North, Winter Park, Florida; for the applicant.

No one appeared in opposition to the the request.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board approved the request by McIntosh and Associates, Inc., for Stonebridge Village Associates, Limited, "Goldenrod Planned Development/Land Use Plan (PD/LUP)" to:

- Convert the land use from multi-family (232 units at 16.0 du/ac) to single family residential (74 units at 4.57 du/ac);
- To reduce the building setback along Fort Jefferson Boulevard from 35 feet to 25 feet;
- To establish minimum building setbacks on individual lots (i.e., 20 feet front yard and 15 feet rear yard);

which constitutes a substantial change to the development on the above described property.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - STONEBRIDGE LANDINGS, TRACT 2, PARCEL 1 PRELIMINARY SUBDIVISION; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Stonebridge Landings, Tract 2, Parcel 1 Preliminary Subdivision Plan on property which is generally located south of Charlin Parkway and east of Goldenrod Road; Section 13 and 14, Township 23, Range 30; 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 of approval subject to conditions.

Appearances

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

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 Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board approved the Stonebridge Landings, Tract 2, Parcel 1 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Stonebridge Landings Planned Development, BCC approvals and the Stonebridge Landings Tract 2, Parcel 1 Preliminary Subdivision Plan, dated "Received June 20, 1995," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

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

2. Prior to construction plan approval, a drainage study to verify the 100-year flood elevation of 87.5 needs to be submitted and approved by the county engineer.
3. The side yard setback shall be five (5) feet, 15 feet for side street. Waiver of section 38-1405(g) to reduce side street setbacks for Lots 5, 6, 18, 46, and 69 is granted.

4. Waiver of Section 38-1254(2)(b) to allow a 25-foot setback from Goldenrod Road in lieu of a 50-foot setback is approved.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - BAY HARBOR PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Bay Harbor Preliminary Subdivision Plan on property which is generally located south of Sand Lake Road and east of Apopka-Vineland Road; Section 3, Township 24 South, and Range 28 East and Section 34, Township 23 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

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of 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 appeared in opposition to the plan.

Discussion

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

For the record, Commissioner Hoenstine requested that there be proper berms to the rear and sides of the lakefront lots.

Motion

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

1. Development shall conform to the Bay Harbor Preliminary Subdivision Plan, dated Received May 15, 1995," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners. This Preliminary Subdivision Plan approval automatically expires on July 25, 1996, in accordance with Orange County Subdivision Regulations, as amended.
2. Request for waiver (note #6, sheet 6) from Section 34-226 of the Orange County Code is granted to allow discharge to Big Sand Lake once water quality treatment has been provided.
3. Funds for construction of a five-foot (5') sidewalk along Apopka-Vineland Road fronting the length of the project shall be deposited in escrow based upon a rate of \$10/linear foot.
4. The recreation area shall be constructed in conjunction with the infrastructure of each phase.
5. The proposed lift station shall be dedicated to Orange County.
6. 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 a utility supplier 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 funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to the County confirming existence of the funds.
- e. Three 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 homeowners' association within 60 days following receipt by the homeowners' association 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 homeowners' association 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 homeowners' association, 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.
- 1. 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 homeowners' association 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.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38 (ZONING); ZONING CLEAN-UP AMENDMENTS ORDINANCE (2ND HEARING)

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

AN ORDINANCE PERTAINING TO THE USE OF LAND IN UNINCORPORATED ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY CODE, CHAPTER 38, ZONING; AMENDING SECTION 38-1 BY DELETING THE DEFINITIONS FOR ADULT ARCADE, ADULT BOOKSTORE, ADULT DANCING, ADULT MOTEL, AND ADULT MOTION PICTURE THEATRE; AMENDING SECTION 38-3, GENERAL RESTRICTIONS ON LAND USE, BY ADDING SUBSECTION G PERTAINING TO CALCULATION OF SINGLE-FAMILY DWELLING MINIMUM LOT SIZE; AMENDING SECTION 38-380, PERTAINING TO MAXIMUM STRUCTURE HEIGHT IN R-CE DISTRICT; AMENDING SECTION 38-582, PERTAINING TO MOBILE HOMES AND RECREATIONAL VEHICLES; AMENDING SECTION 38-79, SUBSECTION 114, WHICH WAS FORMERLY NUMBERED AS SECTION 38-1403, PERTAINING TO ACCESSORY BUILDINGS AND SCREEN ROOMS REGARDING MAXIMUM STRUCTURE SIZE AND CONSENT OF ABUTTERS CRITERIA AND PROVIDING FOR SCREEN ENCLOSURES; AMENDING SECTION 38-79, SUBSECTION 10, WHICH WAS FORMERLY NUMBERED AS SECTION 38-1404(A)(3) PERTAINING TO EASEMENT ENCROACHMENT BY SWIMMING POOLS; AMENDING SECTION 38-1405, YARDS; AMENDING SECTION 38-1408, LOCATION OF FENCES; AMENDING SECTION 38-1411, TEMPORARY STRUCTURES; AMENDING SECTION 38-1479 TO

PROVIDE REVISED CRITERIA FOR OFF-STREET PARKING; AMENDING SECTION 38-1501 BY PROVIDING MAXIMUM BUILDING HEIGHT CRITERIA IN THE A-R AND R-CE DISTRICTS, AND CORRECTION OF A SCRIVENER'S ERROR REGARDING ACREAGE REQUIREMENTS IN THE A-2 DISTRICT; AMENDING THE SEVERAL AGRICULTURAL AND RESIDENTIAL DISTRICTS TO PROVIDE THAT PARKS AND RECREATION FACILITIES OWNED BY NON-PROFIT ORGANIZATIONS REQUIRE A SPECIAL EXCEPTION EXCEPT WHEN THE FACILITY IS REVIEWED AND APPROVED AS PART OF THE ORIGINAL SUBDIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

County Chairman Chapin stated that this is the second of two public hearings to consider the proposed ordinance.

Assistant Zoning Department Manager Joanne McMurray reviewed the proposed ordinance and outlined the amendments. Ms. McMurray further outlined recommended changes to the proposed ordinance as follows:

- Require 25-foot corner triangle on commercial and industrial zoned properties only; a 15-foot corner triangle on residential properties; and further, the same regulations are to apply to fences;
- Exclude "garage apartments" relative to accessory buildings and increase the separation from other structures from 6 feet to 10 feet.

Appearances

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

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 Donegan, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board adopted the proposed ordinance amending Orange County Code, Chapter 38 (Zoning); Zoning Clean-up to include revisions as outlined by staff as follows:

- Require 25-foot corner triangle on commercial and industrial zoned properties only; a 15-foot corner triangle on residential properties; and further, the same regulations are to apply to fences;
- Exclude "garage apartments" relative to accessory buildings and increase the separation from other structures from 6 feet to 10 feet.

Ordinance No. 95-20 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38 (ZONING); CREATING A "CONVENTION PLAZA DISTRICT OVERLAY ZONE" (2ND HEARING)

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

AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE BY CREATING A NEW ZONING DISTRICT TO BE KNOWN AS THE "CONVENTION PLAZA DISTRICT OVERLAY ZONE" ("CPD"); PROVIDING THAT THE CPD OVERLAY ZONE SHALL ONLY APPLY TO THE CONVENTION PLAZA DISTRICT, WHICH IS PRESENTLY ZONED C-2 ("GENERAL COMMERCIAL"); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

County Chairman Chapin stated that this is the second of two public hearings to consider the proposed ordinance.

Chief Planner John Smogor reviewed the proposed ordinance and outlined the amendments. Mr. Smogor further outlined recommended changes to the proposed ordinance as follows:

- page 10, Item 14, change "A minimum of 50% of the ground floor directly facing the front road right-of-way..." to read, "A minimum of 50% of the ground floor facing and directly fronting on the road right-of-way ..."

Appearances

The following person addressed the Board with general comments:

- Bill Kercher, P.E.; Glatting Jackson Kercher Anglin Lopez Rinehart; 33 East Pine Street, Orlando, Florida.

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

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board continued the public hearing to consider the proposed ordinance amending Orange County Code, Chapter 38 (Zoning); creating a "Convention Plaza District Overlay Zone" until August 29, 1995, at 5:01 p.m.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38 (ZONING); CREATING REGULATIONS AND ADDING DEFINITION FOR "ACCESSORY DWELLING UNIT" (2ND HEARING)

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

AN ORDINANCE AFFECTING THE USE OF LAND IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE BY ADDING A DEFINITION FOR THE TERM "ACCESSORY DWELLING UNIT" AND CREATING REGULATIONS FOR "ACCESSORY DWELLING UNITS"; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

County Chairman Chapin stated that this is the second of two public hearings to consider the proposed ordinance.

Senior Planner Robert LeBeau reviewed the proposed ordinance and outlined the amendments. Mr. LeBeau further outlined recommended changes to the proposed ordinance as follows:

- page 5, Item 6, Setbacks; after the words "ten (10) feet," add "and the distance separation shall not be less than the

distance required under Section 610 ("Buildings Located on the Same Lot") and Table 600 of the 1991 edition of the Standard Building Code, as it may be amended from time to time."

- page 5, Item 8, Parking; additional sentence to read, "The additional space requirement may be met by using the garage, carport, or driveway of the primary dwelling unit."
- page 6, Item 10, Addition of a section entitled "Electrical" which reads, "The owner of an accessory dwelling unit may apply for and obtain a separate power meter subject to the approval of the utility company and complying with all applicable laws, ordinances, and regulations."

Appearances

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

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Staley, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board adopted the proposed ordinance amending Orange County Code, Chapter 38, (Zoning); creating regulations and adding definition for "Accessory Dwelling Unit" to include revisions as outlined by staff as follows:

- page 5, Item 6, Setbacks; after the words "ten (10) feet," add "and the distance separation shall not be less than the distance required under Section 610 ("Buildings Located on the same Lot") and Table 600 of the 1991 edition of the Standard Building Code, as it may be amended from time to time."
- page 5, Item 8, Parking; additional sentence to read, "The additional space requirement may be met by using the garage, carport, or driveway of the primary dwelling unit."
- page 6, Item 10, Addition of a section entitled "Electrical" which reads, "The owner of an accessory dwelling unit may apply for and obtain a separate power meter subject to the approval

of the utility company and complying with all applicable laws, ordinances, and regulations."

(Ordinance No. 95-21 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTIONS 23-29, 23-56, AND 23-91; AMENDMENTS TO LAW ENFORCEMENT, FIRE AND RESCUE, AND ROAD IMPACT FEES (2ND HEARING)

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

AN ORDINANCE AMENDING SECTION 23-29, 23-56, AND 23-91 OF THE ORANGE COUNTY CODE BY PERMITTING THE LAW ENFORCEMENT IMPACT FEE, THE FIRE AND RESCUE SERVICE IMPACT FEE, AND THE ROAD IMPACT FEE TO BE PAID FOR CERTAIN TYPES OF PILOT PROJECTS PRIOR TO AUTHORIZATION OF PRE-POWER OR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY (INSTEAD OF PRIOR TO ISSUANCE OF A BUILDING PERMIT); ESTABLISHING A SUNSET PROVISION; PROVIDING AN EFFECTIVE DATE.

Staff Report

County Chairman Chapin stated that this is the second of two public hearings to consider the proposed ordinance.

Chief Planner John Smogor reviewed the proposed ordinance and outlined the amendments.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote; Commissioners Freeman and Johnson were absent; the Board adopted the proposed ordinance amending Orange County Code, Sections 23-29, 23-56, and 23-91; amendments to Law Enforcement, Fire and Rescue, and Road Impact Fees.

(Ordinance No. 95-22 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

MEETING ADJOURNED

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

