

MEETING OPENED

The Board of County Commissioners convened in Commission Chambers on the First Floor, Orange County Administration Center, with Vice-chairman Bob Freeman, Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. County Chairman Chapin was absent. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by Assistant County Administrator Ceretha Leon, followed by the Pledge of Allegiance to the Flag. There being a quorum the Vice-chairman called the meeting to order at 1:30 p.m.

Presentation of Quality Clearing House Proclamation

Vice-chairman Freeman read a proclamation designating the month of October 1995 as Quality Clearing House Month in Orange County and presented it to Assistant County Administrator Ceretha Leon.

County Administrator Jean Bennett recognized the members of the Quality Clearing House Committee and announced that a Quality Showcase is scheduled for October 18, 1995.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Approval and authorization to enter into an engagement letter with the top ranked firm to serve as lead counsel in defense of the County in Ahrens v. Orange County (Pine Hills Landfill litigation) to replace the former firm assigned to the case which had major personnel changes. The top ranking firms are (in order of preference):

- Cabaniss & Burke, P.A.
- de la Parte, Gilbert & Bates, P.A.
- Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.
- Shutts & Bowen

(County Attorney).

Staff Report

County Administrator Jean Bennett informed the Board of the following timetable relating to the Pine Hills Landfill litigation:

- October 10, 1995, selection of counsel;
- October 13, 1995, represent Orange County at the Value Adjustment Board hearing;

- October 24, 1995, Board discussion regarding capping and closing the Pine Hills Landfill;
- November 1995, closed session to discuss the litigation.

Ms. Bennett noted that the Board will have to make budgetary adjustments to cover the litigation and site costs.

Assistant County Attorney Paul Chipok presented background information regarding the litigation and discussed the process utilized in selecting the top-ranked firm.

Discussion

The Board discussed the issue of local versus out-of-county firms and the selected firms' experience in litigating environmental issues. Several commissioners requested the evaluation forms for the top-ranked firms.

Motion

A motion by Commissioner Staley to enter into an engagement letter with Cabaniss & Burke, P.A., to serve as lead counsel in defense of the County in Ahrens v. Orange County (Pine Hills Landfill litigation) to replace the former firm assigned to the case which had major personnel changes died for the lack of a second.

Motion

A motion by Commissioner Donegan and seconded by Commissioner Hoenstine; with Vice-chairman Freeman and Commissioners Donegan and Hoenstine voting AYE by voice vote; Commissioners Staley, Johnson, and Butler voting NO by voice vote; County Chairman Chapin was absent; to enter into an engagement letter with Shutts & Bowen to serve as lead counsel in defense of the County in Ahrens v. Orange County (Pine Hills Landfill litigation) to replace the former firm assigned to the case which had major personnel changes failed.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board deferred County Administrator Discussion Item 1 to the evening session to allow staff to distribute the evaluation forms of the top-ranked firms. (See page 207.)

2. Appointment of a designated commissioner and two alternate commissioners to be available to attend eminent domain mediations and post-mediation negotiations (County Attorney).

Staff Report

County Administrator Jean Bennett noted that Commissioners Freeman and Hoenstine have already served in this capacity. Assistant County Attorney Linda Behmer stated staff recommends that commissioners serve three-month terms.

Discussion

The Board discussed the rewards and drawbacks of being involved in eminent domain negotiations.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Vice-chairman Freeman, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board appointed Commissioner Donegan as the designated commissioner; and Commissioners Staley and Johnson as alternates; to be available for mediation and post-mediation negotiations of eminent domain cases involving settlements greater than \$100,000.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide engineering services for Moss Park Road from Narcoosee Road to the Campus Crusade for Christ site, RFP Y5-813-MK ([Public Utilities Engineering Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select one firm and two ranked alternates to enter into contract negotiations to provide engineering services for Moss Park Road from Narcoosee Road to the Campus Crusade for Christ site, RFP Y5-813-MK, from the following firms listed alphabetically:

- Deleuw Cather & Company
- Glace & Radcliffe
- Greiner, Inc.
- Professional Engineering Consultants

Motion

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

- #1 Glace & Radcliffe
- #2 Deleuw Cather & Company

#3 Greiner, Inc.

and further, authorized staff to enter into contract negotiations to provide engineering services for Moss Park Road from Narcoosee Road to the Campus Crusade for Christ site, RFP Y5-813-MK.

2. Selection of one firm and two ranked alternates to provide engineering services for the International Drive extension (S.R. 535 to International Drive and the Southern Connector) and Spur Road (Osceola/Orange County line to the International Drive extension) RFP Y5-814-MK ([Public Utilities Engineering Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select one firm and two ranked alternates to enter into contract negotiations to provide engineering services for the International Drive Extension (S.R. 535 to International Drive and Southern Connector) and Spur Road (Osceola/Orange County line to the International Drive extension) RFP Y5-814-MK, from the following firms listed alphabetically:

- Dyer, Riddle, Mills & Precourt, Inc.
- GAI Consultants - Southeast, Inc.
- Gee & Jenson, Engineers-Architects-Planners, Inc.
- Glace & Radcliffe, Inc.
- Greiner, Inc.
- Metric Engineering, Inc.

Motion

Upon a motion by Commissioner Hoenstine seconded by Commissioner Staley, and carried with Vice-chairman Freeman and Commissioners Staley, Hoenstine, and Donegan voting AYE by voice vote; Commissioners Johnson and Butler voting NO by voice vote; County Chairman Chapin was absent; the Board approved the following short list ranked as follows:

- #1 Dyer, Riddle, Mills & Precourt, Inc.
- #2 Metric Engineering, Inc.
- #3 Greiner, Inc.

and further, authorized staff to enter into contract negotiations to provide engineering services for the International Drive Extension (S.R. 535 to International Drive and Southern Connector) and Spur Road (Osceola/Orange County line to the International Drive extension) RFP Y5-814-MK.

PUBLIC UTILITIES DIVISION DISCUSSION AGENDA

- 1. Authorization for the County Chairman to sign three resolutions (water, wastewater, and revenue and maintenance fees) repealing the automatic rate increase for fiscal year 1995-1996, all districts (Division Office).

County Administrator Jean Bennett announced that this item has been deferred until 6 p.m. (See page 207.)

Action

The Board did not take any action.

COUNTY CONSENT AGENDA

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

County Comptroller

- 1. Acknowledgment and filing of the Review of Expenditures from the Administration Center Benefits Fund (Administrative/Fiscal Division.)
- 2. Approval to pay Clerk of the Courts' invoices for the month of September 1995, in the total amount of \$120,048.83 (Administrative/Fiscal Division).
- 3. Approval of the minutes of the September 5, 7, and 12, 1995, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
- 4. Acknowledge "File for the Record" documents received in the office of the Comptroller Clerk of the BCC as follows:
 - a. Notice of City of Orlando ordinance annexing to the corporate limits of the city property located at 4466 John Young Parkway; Annexation Docket Number 28741; dated August 28, 1995.
 - b. Florida Public Service Commission Notice of Staff Workshop re: Statewide average rates for tax purposes; dated September 18, 1995.
 - c. Florida Public Service Commission Hearing and Prehearing Notices re: Initiation of show cause proceedings against Northern American Intelcom, Inc., for violation of Commission rules and orders, Docket No. 950149-TC; and Investigation of North American Intelcom, Inc.,

for incorrect billing of collect calls from various prisons, Docket No. 930416-TC; dated September 12, 1995.

- d. Florida Public Service Commission Notice of Rescheduled Hearing re: Petition for approval of modification to the residential load management rate schedule by Florida Power Corporation, Docket No. 941232-EG; dated September 11, 1995.
- e. Orange Soil and Water Conservation District 1995-96 Public Meeting Schedule and District Map filed in accordance with the Uniform Special District Accountability Act of 1989; dated September 14, 1995.

(Comptroller Clerk of the Board of County Commissioners).

- 5. 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 September 19, 1995, through September 28, 1995; total of \$26,178,304.14.
 - Week of September 29, 1995, through October 3, 1995; total of \$34,939,218.63.
 - Week of October 4, 1995, through October 9, 1995; total of \$8,515,288.34.

County Administrator

- 1. Authorization to issue a letter of agreement regarding the proposed annexation by Universal Studios of a portion of Wallace Road and surrounding property, District 1 (County Attorney).

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

- 2. Approval of a resolution to change the name of the Community Coordinated Child Care for Central Florida, Inc., to Community Coordinated Care for Children, Inc. (County Administrator).

(Resolution No. 95-M-94 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval for the County Chairman to execute certificates of acceptance for the 1996 Drug Control and System Improvement Grant funds in the total amount of \$627,442, distributed to the following agencies:

Sheriff's Office Administration
 B.A.D.G.E. for at-risk youth
 Explorer Program for at-risk youth
 Senior Crime Prevention
 Police Athletic League
 Intelligence Database for drug trafficking
 Eatonville DARE program
 Appoka Drug Enforcement Officer
 Juvenile Assessment Center-ID System
 Juvenile Assessment Center-Addictions Receiving Facility

and approval and execution of an agreement with Human Services Associates, Inc., for detoxification services (Intergovernmental Affairs Department).

(Certificates and Agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval of purchase price above appraised value and authorization to disburse warrants, conduct closing, record instruments and pay appropriate recording fees: Gotha Road sidewalk improvements (current sidewalk terminus to existing sidewalk at Gotha Middle School), Deed, Parcel 101, District 1 (Real Estate Management Department).
2. Approval and execution by the County Chairman of a resolution and county deed and authorization to record instrument: West Winter Park Affordable Housing Project, Resolution and County Deed, Parcel 104 District 5 (Real Estate Management Department).

(Resolution No. 95-M-96 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval and authorization to record instruments and pay appropriate recording fees: Azalea Cove Drainage Improvement Project; Temporary Construction Easements; Parcels 701, 703, 710, 711, 713, and 714; District 3 (Real Estate Management Department).
4. Approval and execution by the County Chairman of a resolution and authorization to initiate condemnation proceedings: West Orange Trail, Resolution 2, District 1 (Real Estate Management Department).

5. Approval and execution by the County Chairman of a resolution and authorization to initiate condemnation proceedings: Winter Garden-Vineland Road/C.R. 535 (Buena Vista Drive to Chase Road), Resolution 3, District 1 (Real Estate Management Department).
6. Approval and authorization to record instrument: Villages II at Eastwood Phase I, Temporary Drainage Easement, District 4 (Real Estate Management Department).
7. Approval and authorization to disburse warrant, record instruments and pay appropriate recording fees: Eighth Street drainage relocation, Drainage Easement, Subordination of Encumbrance, and Affidavits, Parcel 801, District 5 (Real Estate Management Department).
8. Approval and execution by the County Chairman of a resolution and county deed and authorization to record instrument in connection with the acquisition of right-of-way by the Florida Department of Transportation: S.R. 414 (Maitland Boulevard Extension), Resolution and County Deed, Parcel 115, District 2 (Real Estate Management Department).

(Resolution No. 95-M-97 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

9. Approval and authorization to advertise notification of auction and conduct public auction, execution by the County Chairman of a resolution and county deed upon closing of the auction and sale of surplus property to the highest bidder; and authorization to record instruments: Sale of surplus property valued in excess of \$5,000 each; Resolution and County Deeds; Districts 1, 2, 4, 5, and 6 (Real Estate Management Department).

(Resolution No. 95-M-93 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval and execution by the County Chairman of a resolution in connection with the sale of surplus property: Sale of surplus property valued less than \$5,000 each, Resolution, all districts (Real Estate Management Department).

(Resolution No. 95-M-92 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. 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 63 (Goldenrod), Warranty Deed, District 5 (Real Estate Management Department)

12. Approval and execution by the County Chairman of a lease agreement between FGHP Properties Limited Partnership and Orange County: Historical Museum artifact collections storage, Lease Agreement, District 1 (Real Estate Management Department).

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

Fire and Rescue Services Division

1. Approval and signature of the County Chairman to process the Disaster Relief Funding Agreement between Orange County and the State of Florida Department of Community Affairs, for reimbursement of expenses incurred in debris removal and protective measures as a result of Orange County's response to Hurricane Erin (Division Office).

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

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y5-1035-GJ to the responsive and responsible bidder, Unisource, for a one-year term contract, renewable for an additional twenty-four months by the Purchasing and Contracts Department to furnish graphic reproduction stock paper. The estimated annual cost is \$159,992 (Purchasing and Contracts Department).
2. Approval to enter into a formal contract, Y6-2047, for administrative services for arts funding with United Arts of Central Florida, Inc., \$640,167 ([Office of Management and Budget] Purchasing and Contracts Department).

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

3. Approval to enter into a formal contract, Y6-2048, for local issue programming of specific interest and benefit to the citizens of Orange County with WMFE-TV/FM (Channel 24), \$90,000 ([Office of Management and Budget] Purchasing and Contracts Department).

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

4. Approval to renew existing insurance policies for property insurance Y4-169C, \$373,124, with Cigna Property and Casualty Insurance Company as provider and Y4-169D, \$271,607 with Industrial Risk Insurers as provider, through A. J. Gallagher as agent for the term of October 1, 1995, through September 30, 1996. Also, request approval for State of Florida Insurance surcharges not to exceed \$1,000 and to add Phase III of the Convention Center to the above described policies upon completion in the estimated amounts of \$108,000 to Y4-169C and \$72,000 to Y4-169D ([Risk Management Department/Convention Center] Purchasing and Contracts Department).
5. Approval to cancel the August 15, 1995, award of Lot A to D.F.A. for Invitation for Bid Y5-624-GJ, and award Lot A to the next low responsive and responsible bidder, Interior Contract Services, to provide furnishings for public spaces for Phase III and IV of the Convention Center. The total cost is \$204,007, which is an increase of \$2,752 from the original D.F.A. award of \$201,255 ([Convention Center] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y5-667-GJ to the lowest responsive and responsible bidders, by "lot" to provide food service small wares (linens) for Phase III and IV of the Convention Center. Louis Wohl & Sons, Company (Lots 1 and 2) \$14,025 and All Seasons Uniforms & Textiles (Lots 3, 4, 5, 6, and 7) \$86,305. Total cost is \$100,330 ([Convention Center] Purchasing and Contracts Department).
7. Approval to award Invitation for Bid Y5-671-GJ to the low responsive and responsible bidder, Louis Wohl & Sons, Inc., to provide food service small wares (china) for Phase III and IV of the Convention Center, \$193,599.60 ([Convention Center] Purchasing and Contracts Department).
8. Approval to award Invitation for Bid Y5-672-GJ to the low responsive and responsible bidder, Mutual Distributors, to provide food service small wares (flatware) for Phase III and IV of the Convention Center, \$79,888.50 ([Convention Center] Purchasing and Contracts Department).
9. Approval to issue Change Order No. 9 to Contract Y3-747 with Bergeron Land Development, Inc., to remove and dispose of an abandoned well tank, Dean Road roadway improvements (S.R. 50 to University Boulevard), in the increased amount of \$1,354.24 ([Highway Construction Department] Purchasing and Contracts Department).
10. Approval of the renewal of the annual software site license/ support for Oracle data base products for FY 95-96, with Oracle Corporation, \$226,210.48 ([Division of Information Technologies] Purchasing and Contracts Department).

11. Approval of the renewal of the annual software license/support agreement for all Computer Associates system software products for FY 95-96, with Computer Associates International, Inc., \$69,117.60 ([Division of Information Technologies] Purchasing and Contracts Department).

(Agreement is on file in the Division of Information Technologies Office.)

12. Approval of the renewal of the annual software license/support for the FOCUS software program for FY 95-96, with Information Builders, \$69,480 ([Division of Information Technologies] Purchasing and Contracts Department).

13. Approval of the renewal of Software license/support for the Unisys software system for FY 95-96 with Unisys Corporation \$53,461.56 ([Division of Information Technologies] Purchasing and Contracts Department).

14. Approval of the renewal of software license/support agreement for the AMS Financial systems for FY 95-96 with American Management Systems, \$120,875 ([Division of Information Technologies] Purchasing and Contracts Department).

(Agreement is on file in the Division of Information Technologies Office.)

15. Approval to enter into a formal contract with the Orange County Dental Research Clinic, for dental services to the medically indigent, \$50,000 ([Medical Clinic] Purchasing and Contracts Department).

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

16. Approval to encumber funds for Contracts Y4-1007A-D for FY 95-96 with the following firms: Comet Bus Line, Gray Line, Laidlaw Transit, Mears Transportation Group, and Lynx, for shuttle bus service at the Convention Center, \$250,000 ([Convention Center] Purchasing and Contracts Department).

17. Approval of Amendment 1 to Continuing Contract Y2-804F to Task Authorization 32 for engineering services for Hunter's Creek/Orangewood Water System Improvements - Phase II with CH2M Hill Southeast, Inc., negotiated in the amount of \$177,611 ([Public Utilities Engineering Department] Purchasing and Contracts Department).

18. Confirmation of the County Chairman's staff reappointments for the month of October 1995 (Human Resources Department):

William Hicks, Manager, Construction Administration Department,
Administrative Support Division

Richard Hosier, Manager, Facilities Management Department,
Administrative Support Division

Jacqueline Miller, Manager, Equal Opportunity/Professional Standards
Department, Fiscal and Human Resources Division

Michael Walker, Manager, Telecommunications Department, Division of
Information Technologies

19. Approval to authorize payment of \$185,042 to the East Central Florida Regional Planning Council which represents the total amount of the assessment for FY 1995-96 (OMB).
20. Approval to process payment in the amount of \$50,000 to the Association to Preserve the Eatonville Community, Inc., for the seventh annual Zora Neale Hurston Festival of the Arts and Humanities (OMB).
21. Approval of Budget Transfers 95-637 through 95-640 and 95-660 (OMB).

(Budget Transfers 95-637 through 95-640 and 95-660 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
22. Approval of Budget Amendments 95-78 and 96-01 (OMB).

(Budget Amendments 95-78 and 96-01 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
23. Approval of CIP Amendments 67-95 and 68-95 (OMB).

(CIP Amendments 67-95 and 68-95 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
24. Approval of payment of Intergovernmental Risk Management claims (August 31 and September 7, 1995) totaling \$283,711.61 (Risk Management Department).
25. Receipt and filing of the August 24 and 31, 1995, minutes of the Intergovernmental Risk Management Committee (Risk Management Department).

Health and Community Services Division

1. Approval of the creation of a Disability Advisory Board for the purpose of providing citizens' input to the Board of County Commissioners about related living and life conditions that affect the disabled community. Appointments to the Board shall reflect the intent to have representation from citizens affected by a diversity of disabilities, all districts (Division Office).

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

2. Approval and execution of a Commercial Rental Agreement between the Osceola County Board of County Commissioners and Orange County for the purpose of operating a community center. The City of Kissimmee and Osceola County will be providing approximately \$70,000 for funding to Orange County. A portion of these funds (\$8,400) will be utilized for rental and all utility expenses (Department of Community Affairs).
3. Approval and execution of renewal of a lease agreement between the Housing Authority of the City of Orlando and Orange County for the purpose of conducting a Head Start Home Base Program. The value of this agreement is \$7,840.80, which shall be treated as an in-kind contribution and no cash payment will be required. The total cost to the County is approximately \$2,970 for all utility expenses, District 3 (Department of Community Affairs).
4. Approval and execution of renewal of lease agreement between JRS Equities and Orange County for the purpose of conducting a Head Start Home Base Program. The value of this agreement is \$6,500 which shall be treated as an in-kind contribution and no cash payment will be required. The total cost to the County is approximately \$4,680 for utility and waste disposal expenses, District 6 (Department of Community Affairs).

(Agreements for Items 2 through 4 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Planning and Development Division

1. Approval and execution of a developer's agreement for discounts and deferrals of impact fees and discounts of water capacity demand charges for Briar Bay Subdivision Affordable Housing Development, District 4 (Housing and Community Development Department).
2. Approval and execution of a developer's agreement for discounts and deferrals of impact fees and discounts of sewer capital charges for the

Hidden Creek Villas Apartments Affordable Housing Development, District 6
(Housing and Community Development Department).

3. Approval and execution of agreements for Project Administration between Orange County and the following Public Service agencies:

- Seniors First
- Community Coordinated Child Care (4-C)
- Consumer Credit Services
- Housing and Neighborhood Development Services (HANDS)
- Metro Urban League
- Quest
- Homes-in-Partnership (H.I.P.)
- Crisis Nursery
- Coalition for the Homeless-Emergency Shelter Grant
- Anthony House-Emergency Shelter Grant
- Crossroads Mission-Emergency Shelter Grant

(Housing and Community Development Department).

4. Approval and execution of the road impact fee agreement regarding an alternative traffic study between Orlando Ale House and Orange County, District 1 (Planning Department).
5. Approval and execution of the road impact fee agreement regarding an alternative traffic study between Bara Investments and Orange County, District 1 (Planning Department).

(Agreements for Items 1 through 5 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Adoption of a resolution supplementing Resolution 95-M-24 pertaining to redevelopment of a specified part of Orange County, allowing modification of original Resolution 95-M-24 to utilize a tax base year of 1995 instead of 1994 for a restricted area within the community redevelopment area, District 5 (Planning Department).

(Resolution No. 95-M-91 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval for expenditure of \$477.20 from Account No. 001-068-2421-4116 for catering of employee appreciation luncheon for the Environmental Protection Department (Division Office).

8. Approval of utilization of up to \$30,000 of the prior year's funding for the continued employment of five positions (Environmental Protection Department).

Public Works Division

1. Approval to establish a "No Parking" zone: West side of Mott Avenue beginning 270 feet north of the right-of-way line of Orange Blossom Trail and extending north 250 feet, District 2 (Traffic Engineering Department).
2. Approval to establish a "No Parking" zone: East side of Powers Drive beginning from the south right-of-way line of Powers Ridge Drive and extending south 300 feet, District 2 (Traffic Engineering Department).
3. Approval to establish a "No Parking" zone: South side of Sun Villa Boulevard beginning 350 feet east of the right-of-way line of Suntree Boulevard and extending east 750 feet, District 5 (Traffic Engineering Department).
4. Approval to establish a "No Parking" zone: West side of Ortman Drive beginning from the north right-of-way line of Jackson Street and extending north 175 feet, District 6 (Traffic Engineering Department).
5. Approval of and execution of the Hold Harmless and Indemnification agreement between Orange County and Fletcher G. Shatley for the purpose of granting Orange County protection from and against any and all claims, damages, losses, and expenses which may result from flooding on Mr. Shatley's property, District 6 (Stormwater Management Department).

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

NONAGENDA - SENTINEL EDITORIAL

Commissioner's Report

Commissioner Donegan discussed an Orlando Sentinel editorial regarding WMFE Channel 24 televising the excerpts of the Board of County Commissioners' meetings. Commissioner Donegan stated his concern is giving WMFE Channel 24 the right to edit, which could result in an issue being presented out of context.

Commissioner Staley pointed out that the contract is for six months and suggested that the Board revisit this issue prior to reconsideration of the contract. Commissioners Johnson, Hoenstine, and Butler concurred.

Staff Report

County Administrator Jean Bennett stated her office will point out to the television station the items which are controversial or may be of interest to citizens. Ms. Bennett stated that Orange County does not have the technology available at this time to televise the entire Board meeting.

Commissioner Donegan stated his intent to bring this matter up for discussion next week.

(See page 204 for further discussion.)

MSTU/BU PUBLIC HEARING - ESTABLISH RIVER PARK PHASE 1 AND 2 MSTU/BU, SPEED HUMP INSTALLATION; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a special purpose taxing district for speed hump installation at River Park Phase 1 and 2 Subdivision, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the residents has an one-time cost of \$65 per lot.

Staff Engineer Carla Bell presented detailed information regarding the project.

Appearances

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

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted a resolution establishing an MSTU/BU for speed hump installation at River Park Phase 1 and 2 Subdivision.

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

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: DONALD MCINTOSH AND ASSOCIATES, PROJECT ABC; ONE-YEAR PERMIT EXTENSION FOR TWO MAN-MADE PONDS; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a permit extension for one year to maintain an approval time frame equivalent to permits issued by the South Florida Water Management District, Army Corps of Engineers, and the Florida Department of Environmental Protection for Donald McIntosh & Associates to alter shoreline for the proposed Project ABC with two man-made ponds, on property adjacent to Lake Whisperwood; District 1; Sections 9 and 17, Township 24, and Range 29; 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

Environmental Coordinator Rick Baird outlined the request and the recommendation for approval subject to conditions.

Appearances

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

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

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Johnson and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved a permit extension for one year to maintain an approval time frame equivalent to permits issued by the South Florida Water Management District, Army Corps of Engineers, and the Florida Department of Environmental Protection for Donald McIntosh and Associates to alter shoreline for the proposed Project ABC with two man-made ponds, 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. Given the recreational nature of Lake Whisperwood, the applicant will take extraordinary care in preventing and correcting any water quality problem, particularly turbidity, that may occur during this work.
3. 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.
4. This permit must be posted in a conspicuous place on site before activity begins and to remain until completion.
5. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the strictest conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANTS: LARRY & MARIE HALL AND PETER FLECK; CONSTRUCTION OF A SEA WALL, LOTS 13 AND 14; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a permit application by Larry and Marie Hall and Peter Fleck to alter shoreline for construction of a seawall under Lakeshore Protection Ordinance, Chapter 15, Article VI and Chapter 33, Articles II and IV, Orange County Code, on property adjacent to Lake Down, which is generally located in Down Acres Estates Subdivision; District 1; Section 9, Township 23, and 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

Environmental Coordinator Rick Baird outlined the request and the recommendation for approval subject to conditions.

Appearances

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

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Butler, and carried Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved a permit application by Larry and Marie Hall and Peter Fleck to alter shoreline for construction of a seawall on Lake Down, subject to the following conditions:

1. The Environmental Protection Department will be notified by the applicant of the dates 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. If these conditions conflict with those of any other department or agency, the permittee must comply with the strictest conditions.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38, ZONING; TO DELETE REFERENCE TO HOBBY KENNELS AND AVICULTURE (HOBBYIST), AND AMEND THE DEFINITION OF "KENNEL" (2ND HEARING)

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

AN ORDINANCE AMENDING THE ACTUAL LIST OF PERMITTED, CONDITIONAL OR PROHIBITED USES WITHIN ZONING CATEGORIES IN UNINCORPORATED ORANGE COUNTY; AMENDING CHAPTER 38, ZONING; AMENDING SECTION 38-1, DEFINITIONS, TO AMEND THE TERM KENNEL AND DELETE THE TERMS HOBBY KENNEL AND AVICULTURE (HOBBYIST); AMENDING SECTION 38-77, USE TABLE, TO DELETE THE HOBBYIST AVICULTURE AND HOBBY KENNEL USES; AMENDING SECTION 38-79(41) TO PROVIDE FOR RAISING GOATS AS A PERMITTED USE; REPEALING SECTIONS 38-79(47) AND 38-79(125), RELATING TO HOBBY KENNELS AND AVICULTURE (HOBBYIST); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

County Administrator Jean Bennett stated this is the second of two public hearings regarding the proposed ordinance.

Zoning Department Manager Melvin Pittman reviewed the proposed ordinance and outlined its provisions. Mr. Pittman explained that the definition of "Kennel" was changed from the previous draft as follows:

Kennel shall mean any building, lot, structure or premises wherein animals, excluding livestock and exotic animals regulated by the Florida Game and Freshwater Fish Commission, are kept for sale, breeding, boarding, buying, letting for hire, or training for a fee. The following are specifically excluded from this definition of kennel:

- (a) Pet shops,
- (b) Animal or pet hospitals,

- (c) Pet beauty parlors,
- (d) Breeding at a residence of two or less litters per calendar year, provided that no more than twenty animals are kept/housed/confined at the residence at any one time,
- (e) Veterinarian facilities,
- (f) Keeping/housing/confining of twenty or fewer animals at a residence at any one time for noncommercial purposes only.

Appearances

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

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and Commissioners Staley, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Donegan voting NO by voice vote; County Chairman Chapin was absent; the Board adopted the proposed ordinance amending Orange County Code, Chapter 38, Zoning; to delete reference to hobby kennels and aviculture (hobbyist), as amended above.

(Ordinance No. 95-33 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SETTLEMENT DOCUMENTS PUBLIC HEARING - CASE NO. CI 93-7604; MARK D. MOSHER AND TUDOR ELECTRIC, INC., VERSUS ORANGE COUNTY, FLORIDA

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request for authorization for the

County Attorney's Office to execute settlement documents, reference Case No. CI 93-7604, Mark D. Mosher and Tudor Electric, Inc., vs. Orange County, Florida.

(The settlement documents are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Assistant County Attorney Paul Chipok outlined the issues of the case and the provisions in the settlement documents.

Appearances

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

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board authorized the County Attorney to execute the settlement documents relating to Case No. CI 93-7604; Mark D. Mosher and Tudor Electric, Inc., versus Orange County, Florida.

(The Settlement Documents are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

REZONING PUBLIC HEARING - APPLICANT: JOHN MOSELER, FIRST HOSPITAL CORPORATION; "CHICKASAW WOODS (FKA EXPRESSWAY CENTER) PLANNED DEVELOPMENT/LAND USE PLAN"; AMENDMENT TO LAND USE PLAN (CONTINUED FROM AUGUST 1, 1995, AND SEPTEMBER 12, 1995); DISTRICT 3

By consensus, the Board reopened the public hearing to consider a request by First Hospital Corporation (John Moseler, Agent) for "Chickasaw Woods (fka Expressway Center) Planned Development/Land Use Plan" to convert the land use from business park uses to single-family residential (52 units/6.6 dwelling units/acre).

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

Staff Report

County Administrator Jean Bennett announced that this item was withdrawn.

Appearances

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

Action

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

**REZONING PUBLIC HEARING - APPLICANT: ROBERT B. PAYMAYESH, P.E.; TURKEY LAKE ROAD
PLANNED DEVELOPMENT/LAND USE PLAN; TO AMEND THE LAND USE PLAN, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Robert B. Paymayesh, P.E., for Turkey Lake Road Planned Development/Land Use Plan, for a rezoning to convert the land use designation from Planned Development Multi-Family of 240 units (11.26 du/ac) and golf course to Planned Development Time-Share/Multi-Family of 660 units (19.76 du/ac), pursuant to Orange County Code, Section 38-1207; on property generally located along the west side of Turkey Lake Road approximately 2.5 miles south of Sand Lake Road; District 1; Section 11, Township 24 South, and 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.

County Attorney Tom Wilkes mentioned that the west side of Interstate-4 south of Sand Lake Road between Interstate-4 and the Sand Lake Chain of Lakes is one of the areas that is becoming more a part of the tourism area and staff is preparing to add this area to the tourism district.

Appearances

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

-Robert Paymaysh, P.E. (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the request by Robert B. Paymayesh, P.E., for Turkey Lake Road Planned Development/Land Use Plan

for a rezoning to convert the land use designation from Planned Development Multi-Family of 240 units (11.26 du/ac) and golf course to Planned Development Time-Share/ Multi-Family of 660 units (19.76 du/ac), subject to the following conditions:

1. Development shall conform to the Turkey Lake Road Time Share Land Use Plan, dated "Received August 11, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. 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.
3. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.

REZONING PUBLIC HEARING - APPLICANT: CHARLIE TRUE, P.E.; ISLEWORTH COUNTRY CLUB PLANNED DEVELOPMENT/LAND USE PLAN; TO AMEND THE LAND USE PLAN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Charlie True, P.E., for Isleworth Country Planned Development/Land Use Plan, for a rezoning to allow for the construction of a boat ramp on Lake Tibet-Butler which is to be restricted to residents of Isleworth and members of the Isleworth Country Club, pursuant to Orange County Code, Section 38-1207; on property generally located on the south side of Deacon Circle within the Tennis Club Facility on Lake Tibet-Butler; District 1; Section 16, Township 23, and 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 request and the Development Review Committee's recommendation of approval.

Appearances

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

- Charlie True, P.E.; McIntosh and Associates, 2200 Park Avenue North, Winter Park, Florida.
- Linda Pelligrini, 5230 Fairway Oaks Drive, Windermere, Florida; representing five area homeowners.

The following person addressed the Board with general comments:

- Gary Durham, 9564 South Kilgore Road, Orlando, Florida, representing the Cypress Creek Basin Association.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the request by Charlie True, P.E., for Isleworth Country Planned Development/Land Use Plan for a rezoning to allow for the construction of a boat ramp on Lake Tibet-Butler which is to be restricted to residents of Isleworth and members of the Isleworth Country Club, subject to the following conditions:

1. Development shall conform to the Isleworth Golf and Country Club Land Use Plan, dated "Received August 7, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly

waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

2. Waiver of Section 28-1203 (3) for Development Plan submittal in conjunction with the Land Use Plan is granted.
3. The developer shall submit to the Environmental Protection Department application for the construction of the boat ramp which shall be reviewed at a public hearing.
4. Use of the boat ramp shall be limited to residents and their guests only.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: PAUL BLACKKETTER; SHUGARD, DEERFIELD WITHIN DEERFIELD/WESTIN PLANNED DEVELOPMENT/LAND USE PLAN; CHANGES TO FLOOR AREA RATIO, SETBACKS, AND STORAGE REQUIREMENTS; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Paul Blackketter for Deerfield/Westin Planned Development/Land Use Plan for the following changes:

- Increase the floor area ratio from .23 to .40;
- Decrease the building setback distance from U.S. 441 from 150 feet from centerline to 40 feet from the right-of-way line;
- Decrease the building setback distance from Deertrace Avenue from 25 feet to 10 feet;
- To allow truck rentals and self-storage as a permitted use;
- To allow outdoor storage of recreational vehicles, boats, and cars prior to the build-out of Phase II;

pursuant to Orange County Code, Chapter 38 Section 1207(d), on property which is generally located at the southwest corner of Deerfield Boulevard and U.S. Highway 441; District 1; Section 27, Township 24 South, and 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, the surrounding land uses, the Development Review Committee recommendation of approval, and the citizen comments received in response to the public hearing notice.

Appearances

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

- Mike Michaelson, 420 Twisting Pine Circle, Lakeland, Florida, for the applicant.
- Dan Hardy of Mike Carter Construction, Inc.; 1227 Ninth Avenue West, Bradenton, Florida.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Vice-chairman Freeman, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the substantial change request by Paul Blacketter for Deerfield/Westin Planned Development/Land Use Plan for the following changes:

- Increase the floor area ratio from .23 to .40;
- Decrease the building setback distance from U.S. 441 from 150 feet from centerline to 40 feet from the right-of-way line;
- Decrease the building setback distance from Deertrace Avenue from 25 feet to 10 feet;
- Allow truck rentals and self-storage as a permitted use;
- Allow outdoor storage of recreational vehicles, boats, and cars prior to the build-out of phase II;

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - GRANADA PLANNED DEVELOPMENT/SANDLAKE CENTER PRELIMINARY SUBDIVISION (CONTINUED FROM SEPTEMBER 19, 1995), DISTRICT 1

By consensus, the Board reopened the public hearing to consider the Granada Planned Development/Sandlake Center Preliminary Subdivision Plan, continued from the September 19, 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 stated that this request was continued from the September 19, 1995, Board meeting at the request of the developer. Mr.

Heath reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

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

- Tom Ross, Esquire (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman closed the public hearing and opened the matter for Board discussion.

Motion

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

1. Development shall conform to the Granada Planned Development and Sandlake Center Preliminary Subdivision Plan, dated "Received August 21, 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 October 10, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Setbacks from Sand Lake Road shall be a minimum of 40 feet from the right-of-way line per the Planned Development regulations.
3. Orange County will not own, operate, or maintain on-site wastewater systems.
4. An easement agreement addressing ownership and maintenance of the common private utilities will be required at the time of platting.

5. A maximum of one pole/pylon sign will be permitted. All other signs shall be according to Section 31.5 of the Orange County Code. Billboards shall be prohibited.

(Note: See page 204 for reconsideration of approval of Condition Number 5.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ANDOVER LAKES PLANNED DEVELOPMENT/PHASE 1C PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Andover Lakes Planned Development/Phase 1C Preliminary Subdivision Plan which is generally located south of Curry Ford Road and east of Young Pine Road; District 4; Section 8, Township 23, and Range 31; 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 the conditions. Mr. Heath noted a correction in the staff report regarding the elementary school which will serve the development, Cypress Springs Elementary School, with a capacity of 758 students and an enrollment of 675 students.

Appearances

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

- Phillip Hollis (no address given), for the developer, ZOM Development.

The following person addressed the Board with general comments:

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

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the Andover Lakes Planned Development/Phase 1C Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Andover Lakes Planned Development Preliminary Subdivision Plan, dated "Received September 6, 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 October 10, 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. At the time of platting, the covenants and restrictions shall be recorded to ensure a Homeowners' Association shall maintain the rear yard environmental swales for Lots 10 and 11 and Lots 22 through 25. These swales shall be constructed as part of the infrastructure.
4. The building setback along Curry Ford Road shall be a minimum of 50 feet from the right-of-way line.
5. The littoral zone within the retention pond shall not be part of a mitigation plan.
6. Prior to construction plan approval, a modification to the approved conservation area impact permit shall be submitted to the Environmental Protection Department.

7. Minimum 1000 square feet of living area.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WEDGEFIELD 10 LOT ADDITION, BLOCK 40, PRELIMINARY SUBDIVISION, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Wedgefield 10-Lot Addition, Block 40, Preliminary Subdivision Plan which is generally located north of S.R. 528 and west of S.R. 520; District 5; Section 1, Township 23, and Range 32; 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 the conditions. For the record, Mr. Heath noted that this subdivision is in the northern portion of Wedgefield, the zoning is single family (R-1A) which allows 75-foot lots, and the Econ Utilities will provide sewer service to the subdivision. Further, Mr. Heath reviewed the citizen comments received in response to the public hearing notice.

Acting Public Utilities Engineering Department Manager Karen Allen reviewed issues relating to provision of water and sewer service to the subdivision.

Appearances

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

- Jacqueline Webb, 3319 Magnolia Boulevard, Orlando, Florida, for the applicant.
- Jeff Baily, 19764 Paddock Street, Orlando, Florida.

The following person addressed the Board with general comments:

Mike Dydo, 2302 Babbit Avenue, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and Commissioners Staley, Johnson, Donegan, and

Butler voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; County Chairman Chapin was absent; the Board approved the Wedgefield 10-Lot Addition, Block 40, Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Wedgefield 10-Lot Addition, Block 40 Preliminary Subdivision Plan, dated "Received August 30, 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 October 10, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. If open cuts for utility connections along Babbitt Avenue and Mardi Gras Street are necessary those streets shall be resurfaced.
3. Prior to construction plan approval, documentation with supporting calculations shall be submitted which demonstrates that the existing stormwater management system is acceptable to the St. John's River Water Management District and Ranger Drainage District to accommodate the proposed improvements.
4. Minimum 1400 square feet of living area.

Vice-chairman Freeman adjourned the afternoon session.

MEETING RECONVENED

The Board of County Commissioners reconvened at 6 p.m. at the Westridge Middle School Cafeteria, 3800 West Oak Ridge Road, Orlando, with County Chairman Linda Chapin, Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Richard Abspar of Oakridge Baptist Church, followed by the Pledge of Allegiance to the Flag.

NONAGENDA - RECONSIDERATION OF CONDITION NUMBER 5 FOR THE GRANADA PLANNED DEVELOPMENT/SANDLAKE CENTER PRELIMINARY SUBDIVISION PLAN**Commissioner's Report**

Commissioner Freeman reviewed the Board's earlier decision to approve the Granada Planned Development/Sandlake Center Preliminary Subdivision Plan. He requested reconsideration of Condition Number 5 relating to signage. Commissioner Freeman noted that the Board has the option of reconsidering the entire plan at next week's meeting or deleting the sentence, "A maximum of one pole/pylon sign will be permitted," from Condition Number 5.

Staff Report

Planning and Development Division Director Bruce McClendon suggested that the condition be reworded to state: "No pole or pylon sign will be permitted. All other signs shall be according to Section 31.5 of the Orange County Code. Billboards shall be prohibited."

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with County Chairman Chapin and all present commissioners voting AYE by voice vote, the Board amended Condition Number 5 for the Granada Planned Development/Sandlake Center Preliminary Subdivision Plan as follows:

5. No pole or pylon sign will be permitted. All other signs shall be according to Section 31.5 of the Orange County Code. Billboards shall be prohibited.

NONAGENDA - WMFE CHANNEL 24 TAPING EXPERIMENT**County Chairman's Report**

County Chairman Chapin welcomed the staff and viewing audience of WMFE Channel 24 Public Television. She announced that the program, a one-hour synopsis of the Board meetings will be broadcast Wednesday, October 11, 1995, on Channel 24 and Thursdays at 7 p.m., Fridays at 11 a.m., and Sundays at 3 p.m. on Orange TV. She stated she hopes this will be a positive experiment and allow the public to become more involved in County government.

County Chairman Chapin addressed the Board's earlier discussion regarding full coverage of the Board meeting on Orange TV. She proposed instructing staff to submit a proposal to offer full coverage of the Board meetings on Orange TV within the next three to six weeks.

Commissioner Donegan related his concerns regarding giving WMFE Channel 24 the right to edit, which could result in an issue being presented out of context. Further, he stated he still intends to bring the item up for discussion next week.

Action

By consensus, the Board directed staff to offer full coverage of the Board meetings on Orange TV.

CABLE TELEVISION PUBLIC HEARING - PROPOSED TRANSFER OF CABLE TELEVISION FRANCHISE FROM CABLEVISION INDUSTRIES TO TIME WARNER, INC. (RESOLUTIONS); ALL DISTRICTS

Notice was given that the Board of County Commissioners would hold a public hearing to consider the proposed transfer of control of Cablevision Industries, Inc., cable franchises (Cablevision Industries of Middle Florida, Inc. [CVI Magna]; Cablevision Industries of Central Florida, Inc. [CVI Winter Garden]; and Cablevision Industries Limited Partnership [CVI Evans]) to Time Warner, Inc.

Staff Report

Assistant County Attorney Joel Prinsell reviewed the applications to transfer control of the Cablevision Industries, Inc., franchises to Time Warner, Inc. Mr. Prinsell reviewed the revised draft resolutions (dated October 10, 1995) authorizing the transfers.

Mr. Prinsell requested that the Board approve the transfer applications and the October 10, 1995, draft of the resolutions authorizing the transfer.

Cable Communications Department Manager Mike Walker discussed issues relating to compliance with the Cable TV Ordinance.

Appearances

The following persons addressed the Board regarding the franchise transfer:

- Diane Pickett (no address given), for Time Warner, Inc.
- Frank Kruppenbacher, Esquire (no address given), for Time Warner, Inc.
- Rick Gunter, director of governmental relations for the Florida region of Cablevision Industries (no address given).

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 County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Donegan, and Butler voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; the Board approved the proposed transfer of Cablevision Industries, Inc., cable franchises (Cablevision Industries of Middle Florida, Inc.; Cablevision Industries of Central Florida, Inc.; and Cablevision Industries Limited Partnership) to Time Warner, Inc.; and further adopted the following resolutions approving:

- the transfer of the cable television franchise from Cablevision Industries of Middle Florida, Inc. ("CVI Magna") to Time Warner, Inc. ("TWI"); and providing an effective date.

(Resolution No. 95-M-98 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- the assignment and transfer of control of the cable television franchise from Cablevision Industries of Central Florida, Inc. ("CVI Winter Garden") to Time Warner, Inc. ("TWI"); and providing an effective date.

(Resolution No. 95-M-99 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- the transfer of control of the cable television franchise from Cablevision Industries Limited Partnership ("CVI Evans") to Time Warner, Inc. ("TWI"); and providing an effective date.

(Resolution No. 95-M-100 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM - DEFERRED

1. Approval and authorization to enter into an engagement letter with the top ranked firm to serve as lead counsel in defense of the County in Ahrens v. Orange County (Pine Hills Landfill litigation) to replace the former firm assigned to case which had major personnel changes. The top ranking firms are (in order of preference):

- Cabaniss & Burke, P.A.
- de la Parte, Gilbert & Bates, P.A.

- Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.
- Shutts & Bowen

(County Attorney).

Staff Report

Assistant County Attorney Paul Chipok stated the information requested by the Board at the afternoon session has been provided and requested that the Board select one firm from the above list to serve as lead counsel in defense of the County in the case (Pine Hills Landfill litigation) to replace the former firm assigned to case which had major personnel changes.

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, the Board selected the firm of Cabaniss & Burke, P.A. to serve as lead counsel in defense of the County in Ahrens v. Orange County (Pine Hills Landfill litigation) to replace the former firm assigned to case which had major personnel changes.

Commissioners Freeman and Staley left the meeting.

PUBLIC UTILITIES DIVISION DISCUSSION AGENDA ITEM - DEFERRED

1. Authorization for the County Chairman to sign three resolutions (water, wastewater, and revenue and maintenance

fees) repealing the automatic rate increase for fiscal year 1995-1996, all districts (Division Office).

Staff Report

Public Utilities Division Director Alan Ispass announced that because of increased efficiency, initial revenue sufficiency analysis indicate that the fiscal year 1995-96 automatic rate increase for water and wastewater service and revenue and maintenance fees is not necessary. Mr. Ispass requested that the Board adopt resolutions repealing the automatic rate increases for water, wastewater, and revenue and maintenance fees for fiscal year 1995-1996.

Motion

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

- amending Resolution No. 87-SW-04 repealing the automatic three percent increase for water system charges for fiscal year 1996; providing for an effective date.

(Resolution No. 95-SW-02 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- amending Resolution No. 87-SW-03 repealing the automatic three percent increase for wastewater system charges for fiscal year 1996; providing for an effective date.

(Resolution No. 95-SW-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- pertaining to Section 37-358 of the Orange County Code (Ordinance 90-26) repealing the automatic three percent increase for revenue and maintenance fees for fiscal year 1996; providing for an effective date.

(Resolution No. 95-M-90 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - PUBLIC INPUT

County Chairman Chapin announced that Commissioner Butler has scheduled an opportunity for citizens from District 6 to address the Board regarding issues which are of particular concern to them.

Public Discussion

The following persons addressed the Board:

Al Anthony, representing the Tangelo Park Community Association, addressed the Board regarding law enforcement and animal control issues.

Greg May addressed the Board regarding neighborhood blight in the Holden Heights area.

Ken Dalen, representing the Oak Hill Subdivision, addressed the Board regarding the lack of law enforcement in the subdivision.

Lil Bull, representing the Morningside Park Homeowners' Association, addressed the Board regarding commercial encroachment.

Gifford Persing, representing the Southwood Homeowners' Association, addressed the Board regarding recreation.

Bob Castlin, representing the Oak Hill Manor Homeowners' Association, addressed the Board regarding trash at bus stops and enforcement of the speed limit along Oak Ridge Road.

Ann Hildebrand addressed the Board regarding implementing after-hours telephone service and maintenance of the medians at John Young Parkway and Americana Boulevard.

MEETING ADJOURNED

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

