

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 17, 1995. Vice-chairman Bob Freeman, Commissioners Tom Staley, Mary Johnson, Bill Donegan, and Mable Butler were present. County Chairman Linda Chapin and Commissioner Clarence Hoenstine were absent. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

ANNUAL REPORT - FISCAL AND HUMAN RESOURCES DIVISION

Staff Report

Human Resources Department Compensation Analyst Kathy Armistead stated that although divisions usually present annual reports on what has been accomplished in the past year, today's presentation would reflect where the division is going, not where it has been.

Ms. Armistead pointed out that the division is changing its way of thinking, getting back to basics, with a perspective similar to a kaleidoscope with all the parts changing relative to each other resulting in new relationships and patterns.

Ms. Armistead outlined the divisions new innovations and programs as follows:

- Putting Citizens First
- Principles for Realizing Our Vision
- Enhancing Workplace Competence
- Use of Teams
- Productivity
- Organizing Around Customer Requirements
- Entrepreneurship

Ms. Armistead introduced the following division staff members who presented reports on their departments as follows:

- Gina Fuselier, Human Resource Department - Enhancing Workplace Competence and Training Initiatives
- Lydia Lopez, Human Resource Department - Enhancing Workplace Competence and Training Initiatives

- Alex Morales, Office of Management and Budget - Purchasing Department Outreach Meetings
- Michael Stillman, Risk Management Department - Safety Training for Supervisors: A Targeted Audience
- Randy Singh, Office of Management and Budget Department - Team Building
- Tim Clark, Real Estate Management Department - The CIP Re-engineering
- Joanne Carol, Purchasing and Contracts Department - Identifying Our Customers
- Andy DiLoreto, Orange County Sheriff's Office - Productivity and the Financial Management Reporting Systems
- Cheryl Kurek, Human Resource Department - Division Survey
- Cassandra Snell, Purchasing and Contracts Department - Reducing Response Time
- Debbie Thompson, Human Resource Department - Organizing Around Customer Requirements and Employment Re-engineering
- Jim Schell, Purchasing and Contracts Department - Tele- reporting
- Laketha Anderson, Human Resource Department - Policy Manual Revisions
- Patsy Porter, Risk Management Department - Principles of Entrepreneurship and The Modified Temporary Duty Program
- Deloris Batson, Minority & Women Business Enterprise Department - Minority and Women Business Enterprise Assistance Programs
- Ms. Armistead concluded the annual report stating that "kaleidoscope" thinking has enabled the division to move forward with the innovative ideas presented.

In conclusion, Fiscal and Human Resources Division Director Sharon Laisure emphasized that the division staff is dedicated to entrepreneurial thinking.

Motion

The Board did not take any action.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA

- 1. Clarification of the Board's intent regarding the Noise Ordinance amendments; countywide (Environmental Protection Department).

Staff Report

Acting Environmental Protection Department Manager Nick Sassic stated that the amended language in the Noise Ordinance, as adopted by the Board on September 26, 1995, would allow the continuance of all special exceptions, variances, and nonconforming uses.

Mr. Sassic stated that, although the Board's inclusion of the amended language was to address concerns about the continued operation of a specific, long-established, motor racetrack in east Orange County, those concerns might be better addressed by specific language rather than general blanket language.

Mr. Sassic requested Board clarification of the amendments.

Discussion

The Board discussed grandfathered variances, charity provisions, and its intent for a specific exemption for motor racing facilities.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Hoenstine were absent; the Board directed staff to amend the language of the Noise Control Ordinance to add a specific exemption for motor racing facilities and delete the provision which exempts all special exceptions, variances, and/or nonconforming uses.

COUNTY CONSENT AGENDA

Discussion

Commissioner Staley requested that County Comptroller Item 2 be amended to insert the language, "or charity inquiries," after "... or if no bid"; County Comptroller Martha Haynie concurred.

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 and Commissioner Hoenstine were absent; the Board:

- deleted Planning and Development Item 1;
- amended the language of County Comptroller Item 2, as noted above;

and further approved the balance of the County Consent Agenda items as follows:

County Administrator

1. Approval to order the tax roll extended prior to completion of the Property Value Adjustment Board hearings (Tax Collector).

County Comptroller

1. Approval to dispose of records held by the Comptroller in accordance with record retention schedules, as approved by the State of Florida, Bureau of Archives and Records Management. Section 28.31, Florida Statutes, requires Board approval to dispose of records maintained for the BCC. Records of importance are microfilmed prior to destruction (Administrative/Fiscal Division).
2. Approval to dispose of assets by public auction, or if no bid is received, to dispose of assets by transporting to the County Landfill (Property Accounting Department).

(As stated in the above motion, this item was amended.)

3. Approval of the minutes of the following meetings of the Board of County Commissioners: September 13, 1995 (Library District Budget Public Hearing), September 21, 1995 (Budget Public Hearing)(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. Florida Public Service Commission Hearing and Prehearing Notices re: Resolution of petition(s) to establish nondiscriminatory rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes, Docket No. 950985-TP; dated September 19, 1995.

(Comptroller Clerk of the Board of County Commissioners).

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y5-179-JS, to the low responsive and responsible bidder, Ten-8 Fire Equipment, Inc., for a one-year term contract, renewable for an additional two years for one and three quarter inch (1 3/4"), three inch (3"), and five inch (5") fire hose for the Fire and Rescue Services Division, \$52,137 Base Year, \$53,180 Option Year One, \$54,560 Option Year Two (\$159,560 total) ([Fire and Rescue Services Division] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y6-100-JS to the lowest responsive and responsible bidder, Liquid Carbonic Industries, for liquid carbon dioxide, \$208,560 total estimated annual cost ([Public Utilities Water Production Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y5-666-RW to the lowest responsive and responsible bidder, Hi-Tech Hoist Corporation, for chair and table carts for the Convention Center's Phase III Expansion, \$257,413.20 ([Convention Center] Purchasing and Contracts Department).
4. Approval for the Sheriff's Office to spend approximately \$7,000 from the Law Enforcement Trust Fund to fund contributions of \$5,000 to CRIMELINE; \$1,000 to the Salvation Army; and \$1,000 to Latino Elderly (OMB).
5. Approval to process payment of \$121,000 to the Orange Blossom Trail Development Board for administrative funding approved in FY 95-96 budget (OMB).
6. Approval to process payment of \$75,000 to the Minority/Women Business Enterprise Alliance, Inc., for administrative costs (OMB).

7.

Approval of Budget Transfers 95-658, 95-659, and 96-08 (OMB).

(Budget Transfers 95-658, 95-659, and 96-08 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

8. Approval of Budget Amendment 96-02 (OMB).

(Budget Amendment 96-02 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

9. Approval of CIP Amendment 02-96 (OMB).

(CIP Amendment 02-96 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval of payment of Intergovernmental Risk Management claims (September 14 and September 21, 1995) totaling \$309,742.09 (Risk Management Department).

11. Receipt and filing of the September 7 and September 14, 1995, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

12. Approval of shift differential payments for Corrections nursing staff in exempt status: \$8 per day, second shift; \$10 per day, third shift; \$18 per day, all weekend shifts (2200 hours Friday through 0700 hours Monday) retroactive to July 11, 1995 (Human Resources Department).

Health and Community Services Division

1. Approval and execution of Memorandum of Understanding between Orange County and the State of Florida, Department of Health and Rehabilitative Services, granting land use and development rights for purposes of a baseball diamond and juvenile delinquency nonresidential program. No additional County funds are required (Human Services Department).

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

Planning and Development Division

1. Approval to pay building permit fees totaling \$176 for two tents erected for District 3 Day on May 15, 1995 (Building Department).

(As stated in the above motion, this item was deleted.)

2. Approval of resolution establishing boating speed limits for Lakes Isleworth, Louise, Waunatta, and Carlton; Districts 1, 2, and 5 (Environmental Protection Department).

(Resolution 95-M-101 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meeting of August 22, 1995, District 4 (Environmental Protection Department).
4. Receipt and filing of the minutes of the Lake Jessamine Water and Navigation Control District Advisory Board meeting of August 17, 1995, District 4 (Environmental Protection Department).
5. Receipt and filing of the minutes of the Windermere Water and Navigation Control District Advisory Board meeting of July 21, 1995, District 1 (Environmental Protection Department).
6. Execution of indemnification agreement between the Sheriff's Office and Orange County whereby the County agrees to hold harmless the Sheriff's Office against claims, damages, expenses, liability, and losses resulting from or arising out of the employment of any law enforcement officer by the Environmental Protection Department, countywide (Environmental Protection Department).

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

Public Works Division

1. Approval to adopt resolution to vacate a portion of plats:
 - a. Park Ridge, District 1 (Development Engineering Department).

b. Orlando Central Park Number Fifty-Nine, District 6 (Development Engineering Department).

2. Approval to install "Stop" and "Yield" signs:

a. Hunter's Creek Subdivision, Tract 315, District 1 (Traffic Engineering Department).

b. Hunter's Creek Subdivision, Tract 305, Phase II District 1 (Traffic Engineering Department).

Vice-chairman Freeman adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with Vice-chairman Freeman, Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, and Mable Butler present. County Chairman Chapin and Commissioner Donegan were absent. Also present were County Attorney Tom Wilkes, Deputy County Administrator Byron Brooks, Chief Deputy Comptroller as Clerk Jim Moye and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by Reception Clerk Jerome Newsome of the General Services Department, followed by the Pledge of Allegiance to the Flag.

RECOMMENDATIONS OF THE BOARD OF ZONING ADJUSTMENT OF OCTOBER 5, 1995

Staff report

Zoning Department Manager Melvin Pittman clarified that the word "cottage" in Conditions 2 and 3 of Item 9, page 9, should be the plural, "cottages."

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 and Commissioner Donegan were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of October 5, 1995, as follows:

- with the exception of Items 13 and 21, subject to the usual right of appeal by any aggrieved parties;
- further, authorized scheduling a public hearing for Item 13 in

the name of Scott Wilt, Esquire, agent for Orange County Sportsmen's Association, Inc., on November 28, 1995, at 2:45 p.m.;

- further, authorized scheduling a public hearing for Item 21 in the name of Crotty Unlimited, Inc., on November 14, 1995, at 1:35 p.m.;

- and further, revised the word "cottage" in Conditions 2 and 3 of Item 9, page 9, to "cottages."

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under the date of October 5, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

-Appellant: Thomas Murphy; Applicant: Lake Drawdy Subdivision, Item 23, October 5, 1995; public hearing date and time: November 7, 1995, at 2:45 p.m.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: CHARLES EVANS DAVIS, ESQUIRE; AGENT FOR JUSTUS 1ST, INC.; PETITION TO VACATE 95-32; A 335.0-FOOT PORTION OF A 60.0-FOOT WIDE UNOPENED RIGHT-OF-WAY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Charles Evans Davis, Esquire, agent for Justus 1st, Inc., Petition to Vacate 95-32, to vacate a 335.0-foot portion of a 60.0-foot wide unopened right-of-way; on property generally located on the south side of S.R. 50 approximately 1300 feet east of State Route 13; District 5; Section 27, Township 22, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman and all present

commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Donegan were absent; the Board adopted a resolution vacating that certain 335.0-foot portion of a 60.0-foot wide unopened right-of-way as described above.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: STONEBRIDGE VILLAGE ASSOCIATES, INC., AND BETTY K. BEATTY; PETITION TO VACATE 95-34, A 1245.0-FOOT PORTION OF A 60.0-FOOT RIGHT-OF-WAY; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Stonebridge Village Associates, Ltd., and Betty K. Beatty, Petition to Vacate 95-34, to vacate a 1245.0-foot portion of a 60.0-foot right-of-way; on property generally located on the east side of Goldenrod Road approximately 2 miles south of Curry Ford Road; District 4; Section 14, Township 23 South, and 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

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 and Commissioner Donegan were absent; the Board adopted a resolution vacating that certain 1245.0-foot portion of a 60.0-foot right-of-way as described above.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: KENNETH S. BAILLARGEON; PETITION TO VACATE 95-36; AN APPROXIMATELY 2.0-FOOT BY 26.0-FOOT UTILITY EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Kenneth S. Baillargeon, Petition to Vacate 95-36, to vacate an approximately 2.0-foot by 26.0-foot utility easement; on property generally located at 4869

Commander Drive in the Conway Manor Subdivision. The subdivision is on the north side of Hoffner Avenue approximately 1000 feet east of Semoran Boulevard; District 4; Section 15, Township 23 South, and 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

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 and Commissioner Donegan were absent; the Board adopted a resolution vacating that certain approximately 2.0-foot by 26.0-foot utility easement as described above.

FRANCHISE REVOCATION PUBLIC HEARING - FRANCHISEE: WESTERN WASTE, INC.; DISTRICTS 3 - 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orange County Public Utilities Department for the revocation of the Western Waste, Inc., franchise.

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

Staff Report

Deputy County Administrator Byron Brooks clarified that this hearing is intended only for input today. Mr. Brooks asked that the Board continue the public hearing until next week, October 24, 1995, at 2:45 p.m. for decision only.

Public Utilities Division Director Alan Ispass reviewed the request for revocation of the franchise and the code requirements. Mr. Ispass described the franchisee's lapses in performance and the

rise in customer complaints. He further presented a history of staff's efforts to bring Western Waste into compliance.

Appearances

The following persons addressed the Board for the franchise:

- Nick Pope, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; P.O. Box 2809, North Eola Drive, Orlando, Florida; for Western Waste.
- Bob Hyres, division manager for Western Waste, Inc., 1334 North Goldenrod Road, Orlando, Florida.

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 and Commissioner Donegan were absent; the Board continued the public hearing to consider the franchise revocation until October 24, 1995, at 2:45 p.m., for decision only.

REZONING PUBLIC HEARING - APPLICANT: MIRANDA FITZGERALD, ESQUIRE; SOUTHCHASE PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT; TO AMEND THE LAND USE PLAN AND NONSUBSTANTIAL DEVIATION TO THE DEVELOPMENT OF REGIONAL IMPACT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miranda F. Fitzgerald, for Southchase Planned Development/Land Use Plan/Development of Regional Impact, for a rezoning for approval of an amended Land Use Plan and determination of a nonsubstantial deviation to the Development of Regional Impact for the following:

1. Increasing the net amount of wetlands on site by 24.5 acres and increasing the amount of mitigation areas by 27 acres;
2. Relocating school site from parcel 6A to parcel 20A and creating a new parcel 20B for the remaining acres as high-density residential (up to 40 du/ac);

3. Changing land use on parcel 6A to low-density residential (up to 4.4 du/ac) and allowing a portion of the site to be developed as a church;
4. Depicting a conceptual alignment of the east-west frontage road, south of the Southern Beltway;
5. Delineating the access points on Orange Avenue and U.S. 441;
6. Requesting approval of the seventh amended Development Order to incorporate the proposed changes;

pursuant to Orange County Code, Section 38-1207; on property generally located on the east side of U.S. 441, one mile south of Taft-Vineland Road extending south to the Osceola County line and east to Orange Avenue; District 4; Section 22, 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

Planning Department Manager David Heath stated that Miranda Fitzgerald, attorney for Southchase, requested a continuance to allow for further discussions among Southchase, Orange County, and the School Board regarding the potential use of Parcel 20b as a park site.

Appearances

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

- Marty Pawlikowski, P.E.; Professional Engineering Consultants; 200 East Robinson Street, Orlando, Florida; for the developer.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Donegan were absent; the Board continued the public hearing to consider a rezoning request by Miranda Fitzgerald, Esquire, for Southchase, Planned Development/Land Use Plan/Development of Regional Impact for a rezoning to amend the Land Use Plan and determination of a nonsubstantial deviation to the Development

of Regional Impact until November 28, 1995, at 2:45 p.m., contingent upon holding another public meeting to continue working on details.

BOARD OF ZONING ADJUSTMENT APPEAL - APPLICANT/APPELLANT: NORTHGATE MARKET, INC.;
BOARD OF ZONING ADJUSTMENT ITEM 10, SEPTEMBER 7, 1995; DISTRICT 2

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Northgate Market, Inc., of the recommendation of the Board of Zoning Adjustment, dated September 7, 1995, on a request by Northgate Market, Inc., for an appeal of the Zoning Manager's determination that a proposed wholesale distribution center is an open-air flea market, on property which is generally located on the northeast corner of Lee Road and Edgewater Drive; District 2; Section 3, Township 22, 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

Zoning Department Manager Melvin Pittman reviewed the request and the Zoning Manager's decision of denial.

Court Reporter

A court reporter, Jenifer Hillis, Zacco & Associates, 635 North Hyer 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 request:

- Steve Bechtel, Esquire; Mateer, Harbert & Bates, P.A.; 225 East Robinson Street, Orlando, Florida; for the applicant.
- Lawrence Grossman, president of Northgate Market (no address given).
- Randy Effron, owner of subject property (no address given).

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

- Gary Fekang, area businessman, 4028 Theig Drive, Melbourne, Florida.

- Emma Lou Marquiz, 2250 Thunderbird Trail, Maitland, Florida; for the business owners.
- Lenny S. Lindgren, 5516 Imperial Avenue, Orlando, Florida; for the Kingswood homeowners' association.
- Sharon Lindgren, area resident, 5516 Imperial Avenue, Orlando, Florida.
- Donato Pasciuto, area resident, 5309 Locksley Avenue, Orlando, Florida.

The Vice-chairman accepted the following exhibits from Lawrence Grossman, president of Northgate Market:

- Clerk's Exhibit 1, a photo copy of a wholesale photo identification card;
- Clerk's Exhibit 2, photo of Webster Wholesale market.

Discussion

Vice-chairman Freeman 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 Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Donegan were absent; the Board upheld the Zoning Manager's determination and denied the request by Northgate Market for a determination that a proposed outdoor wholesale distribution center is not an open-air flea market.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: NORTHGATE MARKET, INC.; BOARD OF ZONING ADJUSTMENT ITEM 11 (DEFACTO DENIAL), SEPTEMBER 7, 1995; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Northgate Market, Inc., for a special exception in Wholesale Commercial District (C-3) zone to operate an open-air flea market, which is generally located on the northeast corner of Lee Road and Edgewater Drive; District 2; Section 3, Township 22, 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

Zoning Department Manager Melvin Pittman outlined the request and identified the location of the subject property and the surrounding zoning classifications, and the Future Land Use Map designations in the area.

Mr. Pittman recommended that the Board deny the request based on the request not meeting the special exception criteria in the Zoning Code Sections 38-78(4), 38-78(5), 38-78(6) and the Comprehensive Policy Plan Land Use Policies 3.2.25 and 3.2.12.

Court Reporter

A court reporter, Jenifer Hillis, Zacco & Associates, 635 North Hyer 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 request:

- Steve Bechtel, Esquire; Mateer, Harbert & Bates, P.A.; 225 East Robinson Street, Orlando, Florida; for the applicant.
- Ray Swier, vice-president of Northgate Marketing (no address given).
- Lawrence Grossman, president of Northgate Market (no address given).
- Randy Effron, owner of subject property (no address given).

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

- Gary Fekang, area businessman, 4028 Theig Drive, Melbourne, Florida.
- Emma Lou Marquiz, 2250 Thunderbird Trail, Maitland, Florida; for the business owners.
- Lenny S. Lindgren, 5516 Imperial Avenue, Orlando, Florida; for the Kingswood homeowners' association.
- Sharon Lindgren, area resident, 5516 Imperial Avenue, Orlando, Florida.

- Donato Pasciuto, area resident, 5309 Locksley Avenue, Orlando, Florida.
- Harry Rice, Kingswood homeowner, 5305 Locksley Avenue, Orlando, Florida.

The Vice-chairman accepted the following exhibits from Lawrence Grossman:

- Clerk's Exhibit 1, a photo copy of a retail photo identification card.

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioner Donegan were absent; the Board denied the request by Northgate Market, Inc., for a special exception to operate an open-air flea market in a C-3 zone in that the request does not meet the criteria for a special exception that requires it to be similar and compatible with the surrounding area and consistent with the pattern of existing development; in addition, it is not consistent with the Comprehensive Policy Plan.

Commissioner Butler left the meeting.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA (CONTINUED)

2. Approval of the resolution authorizing an agreement between Orange County and the Florida Department of Commerce to make physical improvements in connection with the location of Campus Crusade's facilities and approval to award credits totaling \$1,574,600 against assessment of transportation impact fees related to the Campus Crusade project; District 4 (Planning Department).

Staff Report

Planning Department Manger David Heath reviewed the background regarding the grant Orange County has received from the Florida Department of Commerce, Division of Economic Development. Mr. Heath explained that this request is

subsequent to the previous Board approval of this project. He explained that Orange County has been awarded a Florida Department of Commerce, Division of Economic Development grant for \$1,684,600 which is to be used for:

Widening and resurfacing Moss Park Road from Narcoossee Road to Campus Crusade Headquarters' site;

- Improving ditches and swales along both side of Moss Park Road;
- Realigning Moss Park Road at Wewahootee Road intersection;
- Signal installations at the intersection of Moss Park Road and Narcoossee Road and the entrance to the site.

Discussion

Commissioner Hoenstine requested and Mr. Baxter concurred that the award of credits include a contingency that any cost overruns on the Campus Crusade Project would be deducted from the total credit awarded.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with Vice-chairman Freeman County Chairman Chapin and all present commissioners voting AYE by voice vote; County Chairman Chapin and Commissioners Donegan and Butler were absent; the Board adopted the resolution authorizing an agreement between Orange County and the Florida Department of Commerce to make physical improvements as stated in connection with the location of Campus Crusade's facilities, District 4.

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

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 and Commissioners Donegan and Butler were absent; the Board approved the award of credits totaling \$1,574,600 against assessment of transportation impact fees related to the Campus Crusade project, subject to any project overrun costs being deducted from the total awarded credits.

NONAGENDA - TIME WARNER CABLE UPDATE

Staff Report

Telecommunications Department Manager Mike Walker stated this report is in response to the Board's request for information at the public hearing on October 10, 1995, on the following issues:

- The outstanding interest payment of \$5,518.71 on unpaid franchise fees;
- The refusal of Time Warner Cable to supply Orange County with information related to locations, quantities, and maps of their system including specific future plans for their Orange County network;
- The refusal of Time Warner Cable to provide an emergency override on all cable channels for County use in emergency situations.

On the first issue, Mr. Walker explained that Time Warner Cable has paid the recalculated amount of interest, \$5,015.14, but is asking for a waiver of the interest since it was a result of incorrect information supplied by Orange County. He also noted that the city of Orlando and the City of Apopka have waived the interest owed to them based on the same error in information.

Mr. Walker stated that Time Warner Cable has agreed to comply with the two remaining issued, but has asked for a time extension. He explained that staff believes they are acting in good faith and will comply within the requested time frame.

Appearances

The following person addressed the Board:

- Frank Kruppenbacher, Esquire; Kruppenbacher & Associates; 340 North Orange Avenue, Orlando, Florida; for Time Warner Cable.

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 and Commissioners Donegan and Butler were absent; the Board denied the request by Time Warner Cable for a waiver of the interest payment due Orange County for the accrued interest on unpaid franchise fees.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:50 p.m.