

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 7, 1995. County Chairman Linda Chapin, Commissioners Bob Freeman, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Commissioner Tom Staley 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. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

WORKSESSION - RESULTS OF COUNTYWIDE HISTORIC PRESERVATION SURVEY

Staff Report

Historic Museum Executive Director Sarah Van Arsdel stated that the presentation is the result of the Countywide Historic Preservation Survey. Ms. Van Arsdel explained that the survey, conducted over the last year, is a look at historic buildings and historical archaeological sites throughout both incorporated and unincorporated Orange County. She stated that the goal of the survey was to identify all historic structures built before 1945 and that the goal had been achieved.

Historic Museum Preservation Officer Wade Lawrence presented the findings of the survey in a computerized presentation depicting many of the historic structures located by the survey.

Mr. Lawrence stated that the survey was conducted for the following reasons:

- to give an inventory of the County's irreplaceable historic resources,
- to help foster a sense of pride through public information,
 - for staff use in planning the Future Land Use Map, Zoning, and Development of Regional Impact,
- to determine priorities for establishing a historic preservation program,
- and for use as a prerequisite for future federal and state programs.

Mr. Lawrence explained that a total of 1,895 buildings and structures and 12 cemeteries were recorded through the survey and that the three oldest buildings are believed to have been built prior to 1880.

Mr. Lawrence stated that in addition to the 19 buildings in Orange County that are currently on the Historic Registry, the survey located an additional 65 individual buildings that are eligible.

Mr. Lawrence explained that virtually all of Orange County has now been surveyed and following areas are potential historic districts:

- Tildenville Historic District
- Gatlin Avenue Historic District (Edgewood)
- Dubsdread Historic District (Orlando and Orange County)
- Hampton Dubose Academy/James Laughlin Estate District (Zellwood)
- Merritt Park Historic District

Mr. Lawrence concluded the presentation with the recommendations that the findings of this survey are made available to the public, encouragement be given to individual and district listings on the National Register of Historic Places, a local marker program be instituted, and Orange County history be promoted in all County publications.

Discussion

The Board discussed contacting owners of potential National Historic Register structures, investigating the homes on the survey that are vacant, and contacting WMFE Channel 24 television about receiving a copy of the presentation for future use.

Motion

The Board did not take any action.

WORKSESSION - APPROVAL OF LEGISLATIVE PRIORITIES FOR 1996

Staff Report

Assistant County Administrator Lane Stephens stated that this year he is presenting the Legislative Priorities earlier than usual and will be returning with more as the legislative session draws near.

Mr. Stephens stated he is presenting a general overview of the legislative priorities and the respective requested actions for each as follows:

Federal Program Funding and Health Care Reform - Require county government participation in health care reform and the creation of block grant distribution formulas; and remember the mantra of local governments, no unfunded mandates.

Juvenile Continuum of Care - Appropriations to the Department of Juvenile Justice in the amounts of \$3.791 million for capital construction and \$1.839 million for operation and maintenance costs, to be expended on the Orange County Continuum of Care for Juvenile Offenders.

Mental Health Assessment and Treatment Center - Support funding for the Orange County "mental health care" plan, that is still being developed.

Historic Preservation Special Categories Grant - Complete funding of the Historical Preservation Special Categories Grant Fund as recommended by the Secretary of State.

- Sales Tax Rebate for Professional Sports Teams - Amend Section 288.1162, Florida Statutes, to provide that additional professional sports franchise teams may be certified by the Department of Commerce and that at least one certified team must be located in a high tourism area, as defined in Chapter 125.0104, Florida Statutes.

Ride Bus Logo Local Bill - Support for and adoption of a local bill authorizing the International Drive Master Transit and Improvement District and Lynx to operate certain buses displaying neon lighting.

Article V Funding - Support Senator Ron Silver in his efforts to address Article V funding.

Workers Compensations Presumption Issues - Oppose any legislation which authorizes in-the-line-of-duty presumptions for AIDS, HIV, or cancer.

Special Districts: Orange County Library District - Exclude from any legislative remedies those independent special districts created by referendum.

Small Scale Comprehensive Plan Amendments - Adopt legislation which eliminates the allowable acreage for small-scale amendments, or increase the threshold to 100 acres.

Hazardous Materials Planning - The Florida Legislature should re-enact Chapter 92-150, Laws of Florida, or during its review of the fees, ensure that whatever new fee structure is established covers the costs incurred by local governments in the inspection process.

- Partial Year Ad Valorem Assessments - Support equitable partial-year assessments of ad valorem property.
- Save-Our-Seniors Constitutional Amendment - Oppose legislation to provide additional homestead exemption for seniors in certain income brackets.
- State Recycling Grants - Support legislation to eliminate State recycling grants over time and to allow certain counties with a population of over 400,000 who have achieved the 30% measure to continue to receive funds for an additional three years.

Discussion

The Board discussed the Save-Our-Seniors program and its lobbyists, the possible danger of combining Library District millage with the County millage, and the effect of partial-year tax assessments on individual property owners as well as business owners.

The Board further discussed professional sports team tax incentive options, the tax deferral program for senior citizens, and ways to achieve greater flexibility with the local option gas tax for the purchase of land for parks and associated operating costs.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board conceptually approved the 1996 legislative priorities as follows:

- Federal Program Funding and Health Care Reform - Require county government participation in health care reform and the creation of block grant distribution formulas; and remember the mantra of local governments, no unfunded mandates.
- Juvenile Continuum of Care - Appropriations to the Department of Juvenile Justice in the amounts of \$3.791 million for capital construction and \$1.839 million for operation and maintenance costs, to be expended on the Orange County Continuum of Care for Juvenile Offenders
- Mental Health Assessment and Treatment Center - Support funding for the Orange County "mental health care" plan, that is still being developed.

- Historic Preservation Special Categories Grant - Complete funding of the Historical Preservation Special Categories Grant Fund as recommended by the Secretary of State.
- Sales Tax Rebate for Professional Sports Teams - Amend Section 288.1162, Florida Statutes, to provide that additional professional sports franchise teams may be certified by the Department of Commerce and that at least one certified team must be located in a high tourism area, as defined in Chapter 125.0104, Florida Statutes.
- Ride Bus Logo Local Bill - Support for and adoption of a local bill authorizing the International Drive Master Transit and Improvement District and Lynx to operate certain buses displaying neon lighting.
- Article V Funding - Support Senator Ron Silver in his efforts to address Article V funding.
- Workers Compensation Presumption Issues - Oppose any legislation which authorizes in-the-line-of-duty presumptions for AIDS, HIV, or cancer.
- Special Districts: Orange County Library District - Exclude from any legislative remedies those independent special districts created by referendum.
- Small Scale Comprehensive Plan Amendments - Adopt legislation which eliminates the allowable acreage for small-scale amendments, or increase the threshold to 100 acres.
- Hazardous Materials Planning - The Florida Legislature should re-enact Chapter 92-150, Laws of Florida, or during its review of the fees, ensure that whatever new fee structure is established covers the costs incurred by local governments in the inspection process.
- Partial Year Ad Valorem Assessments - Support equitable partial-year assessments of valorem property.
- Save-Our-Seniors Constitutional Amendment - Oppose legislation to provide additional homestead exemption for seniors in certain income brackets.
- State Recycling Grants - Support legislation to eliminate State recycling grants over time and to allow certain counties with a

population of over 400,000 who have achieved the 30% measure to continue to be able to receive funds for an additional three years.

and further directed staff to investigate and report to the Board on the possibility of increasing the flexibility of the local option gas tax to allow for the purchase of park land and to assist with the operation costs of those parks.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Freeman wishes to discuss water tables and under- drains.

Commissioner's Report

Commissioner Freeman reported that roads in Marblehead, Ridgemore, Willows of Lake Rhea, and Courtleigh Park subdivisions are deteriorating because of high water tables. He asked staff whether underdrains could be installed; and if so, would that solve the problem.

Additionally, Commissioner Freeman questioned whether the engineers and developers could be held responsible for incorrect new road construction data.

Staff Report

In response, Public Works Division Director Ajit Lalchandani reviewed the current regulations for new construction and the possible need to increase those requirements.

Mr. Lalchandani stated that the Public Works Department has already developed a plan of action for the subdivisions under discussion. He further reported that the rate of road failure in the county resulting from high water tables is only two percent of all recent road construction.

Discussion

The Board discussed the inconsistencies between wet and dry retention ponds, the historic significance of the last two years' total rainfall, the difficulty of estimating rainfall, the correlation of increased standards to lot cost, and the effect of traffic on roadways.

Action

By consensus, the Board directed staff to schedule a work- session regarding water tables and underdrains.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

- 1. Selection of one proposer for contract award of countywide pay phones and equipment for Orange County, RFP Y5-1024-R2* ([Telecommunications Department Purchasing and Contracts Department]).

Staff Report

Deputy Chief of Purchasing and Contracts Johnny Richardson requested that the Board select one firm and two ranked alternates to provide payphones and equipment for Orange County from the following firms, listed alphabetically:

- BellSouth Telecommunications
- MCI
- Sprint Payphone Services, Inc.

Discussion

The Board discussed MCI's not being eligible for Minority/Women's Business Enterprise certification because it operates out of Georgia.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the following short list ranked as follows:

- #1 BellSouth Telecommunications
- #2 Sprint Payphone Services, Inc.
- #3 MCI

and further, authorized staff to enter into contract negotiations to provide payphones and equipment for Orange County, RFP Y5-1024-R2*.

(For reconsideration of this item see page 295.)

PLANNING AND DEVELOPMENT DIVISION - DISCUSSION AGENDA

- 1. Approval of the Bithlo and Winter Garden Community Action Plans and adoption of resolutions recognizing the significant community and staff commitment to the Targeted Community Initiatives (TCI) process, Districts 1 and 5 (Community Affairs Department).

Staff Report

Assistant Community Affairs Department Manager Joseph Gray reviewed the Bithlo and Winter Garden Community Action Plans.

Mr. Gray stated that the Community Action Plans are the result of the Targeted Community Initiative that was instituted almost one year ago. He explained that the initiative was designed to partner Orange County government with its citizens to find realistic solutions to the problems that face the communities.

Mr. Gray stated that the plans are outlines for a three-year action plan to address the local conditions and community needs.

Mr. Gray further stated that each of the plans include major projects such as:

- Bithlo Community Park
- Winter Garden Community Center
- Americorps
- Street lights
- Road Paving
- Youth Services
- Health and Social Service Networks
- Housing Improvements

Mr. Gray requested the Board approve the Bithlo and Winter Garden Community Action Plans and adopt the resolutions recognizing the significant community and staff commitment to the Targeted Community Initiative.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the Bithlo and Winter Garden Community Action Plans; and further, adopted two resolutions recognizing the significant community and staff commitment to the Targeted Community Initiative.

(Resolution 95-M-106 and 95-M-108 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PUBLIC UTILITIES DIVISION - DISCUSSION AGENDA

- 1. Denial of request to paint "Hunters Creek" on elevated water storage tank, District 1 (with implications in all districts) (Division Office).

Staff Report

Public Utilities Division Director Alan Ispass reviewed the request of American General Land Development, Inc., to paint "Hunters Creek" on the elevated water storage tank located on John Young Parkway north of Hunters Creek Boulevard. Mr. Ispass also reviewed the history of water storage tanks being used for advertisement.

Appearances

The following person addressed the Board:

- Roger Gatlin, engineer; American General Land Development, Inc. (no address given) for the applicant.

No one appeared in opposition to the request.

Discussion

The Board discussed the potential advantage of saving the County \$50,000 per year by allowing Hunter's Creek to take over the maintenance of the water tower and paint the logo, the possibility of leasing the towers out to highest bidder for advertising, and the potential need for regulations and guidelines if the towers were to be use for advertising.

Motion

A motion by Commissioner Freeman, seconded by County Chairman Chapin; with County Chairman Chapin and Commissioners Freeman and Hoenstine voting AYE by voice vote; Commissioners Johnson, Donegan, and Butler voting NO by voice vote; Commissioner Staley was absent; to direct staff to investigate drafting an ordinance to allow signage for community identification on a case-by-case basis and present a report to the Board failed.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Freeman, seconded by Commissioner Donegan, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board:

- deleted Fiscal and Human Resources Division Item 10;

and further, approved the balance of the County Consent Agenda items including County Administrator Addendum 1, as follows:

County Administrator

1. Approval for the County Chairman to execute the C.O.P.S. MORE Grant Award and accept funds (\$159,885) to free community police unit officers from routine administrative duties by funding mobile data terminals. Matching funds are budgeted by the Sheriff's Office for this project (Intergovernmental Affairs Department).
2. Approval of a resolution authorizing assistant county attorneys and support staff to provide free legal services to citizens of Orange County who cannot otherwise afford legal representation (County Attorney).

(Resolution 95-M-102 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

County Administrator - Addendum 1

3. Approval and execution of resolutions authorizing agreements between Orange County and the Florida Department of Commerce, Division of Economic Development to make physical improvements in connection with the expansion of facilities by AT&T Micro-electronics (John Young Parkway) and Charles Schwab (Maitland Boulevard) and accept future maintenance and attendant costs; and, execution of the agreements (Intergovernmental Affairs Department).

(Resolutions 95-M-104 and 95-M-105 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

County Comptroller

1. Approval to pay Lynx the amount of \$1,066,666.67. This represents the operating subsidy and capital expenditure for October 1995 (Administrative/Fiscal Division).

2. Approval to pay the Property Appraiser's first quarter billing in the amount of \$1,322,619.03 (Administrative/Fiscal Division).
3. Acknowledgment and filing of the Orlando-Orange County Expressway Authority Financial Statements for the fiscal year ended June 30, 1995 (Administrative/Fiscal Division).
4. Approval to dispose of assets through trade-in to be applied toward the purchase of new assets and through donation to the Sheriff's Office (Property Accounting Department).
5. Approval of the minutes of the October 10, 1995, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
6. 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: Investigation into temporary local tele- phone number portability solution to implement competi- tion in local exchange telephone markets; Docket No. 950737-TP; dated October 5, 1995.
 - b. Florida Public Service Commission Hearing Notice re: Determination of funding for universal service and carrier of last resort responsibilities; Docket No. 950696-TP; dated October 5, 1995.
 - c. Ordinance No. 95-8 annexing certain properties pursuant to Florida Statute 171.044, to extend the territorial limits of Town of Windermere, Florida; from the Town of Windermere; dated September 19, 1995; received October 17, 1995.
 - d. South Florida Water Management District (SFWMD) certifi- cate and tax levy on land within Orange County lying within the boundaries of the SFWMD; SFWMD Resolution 95-34 adopting tax rates and certifying the levy for the district and the Okeechobee Basin of the district; SFWMD Resolution 95-35 adopting tax rates and certifying the

levy for the district and Big Cypress Basin of the district; dated September 27, 1995; received October 17, 1995.

(Comptroller Clerk of the Board of County Commissioners)

7. Authorize the disbursements of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:

Week of October 24, 1995, through October 30, 1995; total of \$26,144,209.03.

Week of October 31, 1995, through November 6, 1995; total of \$9,863,639.84.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and execution by the County Chairman of notice of reservation and authorization to record instrument and pay appropriate recording fees: Old Winter Garden Road (Kirkman Road to Ivey Lane), Notice of Reservation, District 6 (Real Estate Management Department).
2. 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), Resolution and County Deed, Parcel 118, District 2 (Real Estate Management Department).

(Resolution 95-M-109 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. 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 4, District 1 (Real Estate Management Department).
4. Approval and execution by the County Chairman of a lease agreement between Mario and Heliodora Riveron and Orange

County: Office space for Human Services Department, Lease Agreement, District 4 (Real Estate Management Department).

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

5. Approval and execution by County Chairman of notice to Tax Collector of application for tax deed and any other necessary documents and authorization to disburse warrants, record instrument and pay appropriate recording fees in connection with the purchase of Parcel 10-23-28-0000-00002: Apopka-Vineland Road (Conroy Road to Old Winter Garden Road), Notice to Tax Collector of Application for Tax Deed, District 1 (Real Estate Management Department).

Fiscal and Human Resources Division

1. Approval to award contracts to Orange County hospitals for indigent patient care ([Medical Clinic] Purchasing and Con- tracts Department).

Y6-3089 Orlando Regional Healthcare System Sexual Battery
 Y6-3090- Orlando Regional Healthcare System Indigent Patient Care
 Y6-3091- Florida Hospital
 Y6-3093- Columbia Park Medical Center
 Y6-3095- Princeton

(Contracts are on file in the office of the Comptroller Clerk to the Board of County Commissioners.)

2. Approval of renewal of the annual software license/support agreement for Vision software products for FY 95-96 with SHL Systemhouse, Inc., \$130,925 ([Division of Information Technol- ogies] Purchasing and Contracts Department).

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

3. Approval to issue a blanket purchase order to Ringhaver Equip- ment Company for Caterpillar OEM (original equipment manufac- turer) parts and service for FY 95-96, \$418,000 estimated annual cost ([Resource Recovery Department] Purchasing and Contracts Department).

4.

Approval to award Invitation for Bid Y5-675-R2 to the low responsive and responsible bidders by lots, to provide electrical cabling and equipment for Phases III and IV of the Convention Center, \$567,946.46

Maddux Supply Company	1, 4, 8, and 24
Consolidated Electrical Supply	2, 5, 13, 16, 19, and 25
Graybar	3, 7, 10, 15, 17, and 18
Wurth Florida, Inc.	22
Aldan Electrical Supply, Inc.	14 and 23
Quality Electrical Supply, Inc.	20
Northern Wire and Cable	6
EM Services, Inc.	9, 11, 12, and 21

([Convention Center] Purchasing and Contracts Department).

5. Approval to award Invitation for Bid Y5-680-GJ to the low responsive and responsible bidder, Sico North America, Inc., to provide stage fixtures for Phases III and IV of the Convention Center, \$540,942 ([Convention Center] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y5-768 to the low responsive and responsible bidder, Envirosmiths, Inc., to remove and dispose of cattails from Lake Jessamine, \$77,370 ([Environmental Protection Department] Purchasing and Contracts Department).
7. Approval to award Invitation for Bid Y5-783-NS to the low responsive and responsible bidder, ERC General Contracting Services, Inc., for soil remediation (petroleum contamination) and groundwater remedial system installation at the Orange County West Orange Highway Maintenance Facility, \$244,245.19 ([Highway Maintenance Department] Purchasing and Contracts Department).
8. Approval to enter into a 12-month term contract, renewable for a maximum 60 additional months, with Florida Hospital to provide occupational medical services for the Board and all elected officials pursuant to RFP Y5-1021-SS, \$1,311,271 estimated annual cost ([Risk Management Department] Purchasing and Contracts Department).
9. Approval to award Invitation for Bid Y6-604-HF to the low responsive and responsible bidders, Yale Industrial Trucks,

for Lot 1 in the amount of \$9,298; and Evan Equipment Company for Lots 2 through 20 in the total amount of \$121,543; to furnish warehouse shelving and accessories for the Orange County Convention Center expansion ([Convention Center] Purchasing and Contracts Department).

10. Approval to award Invitation for Bid Y6-702-NS to the low responsive and responsible bidder, Michael R. Cooper Construction, Inc., for construction of a compressed natural gas fuel station for the Fleet Management Department, \$152,777 ([Fleet Management Department] Purchasing and Contracts Department).
11. Approval of Change Order 14, Contract Y2-723, with Sverdrup Southern Constructors, Inc., for John Young Parkway, Phase III (Americana Boulevard to 33rd Street) roadway improvements, \$21,721.78 ([Highway Construction Department] Purchasing and Contracts Department).
12. Approval of Change Order 10 Contract Y3-747 with Bergeron Land Development, Inc., for Dean Road roadway improvements (S.R. 50 to University Boulevard), \$43,205.62 ([Highway Construction Department] Purchasing and Contracts Department).
13. Approval of Change Order 10, Contract Y4-734 with Southland Construction Inc., for Hiawasse Road paving, drainage and utility improvements (Conroy-Windermere to city limits) \$12,103.75 ([Highway Construction Department] Purchasing and Contracts Department).
14. Approval of Change Order 2, Contract Y4-755 with Trimble Enterprises, Inc., for the System "A" Bithlo Master Drainage Plan, \$65,993.60 ([Highway Construction Department] Purchasing and Contracts Department).
15. Approval of Change Order 1, Contract Y5-729 with Hubbard Construction, Inc., for intersection improvements to Old Winter Garden Road (Kirkman Road to Ivey Lane), \$970,140 ([Highway Construction Department] Purchasing and Contracts Department).
16. Approval of Budget Transfers 95-690 through 95-692 (OMB).

(Budget Transfers 95-690 through 95-692 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

17. Approval of Budget Amendments 95-79, 96-03, and 96-04 (OMB).

(Budget Amendments 95-79, 96-03, and 96-04 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

18. Approval of CIP Amendments 05-96 and 06-96 (OMB).

(CIP Amendments 05-96 and 06-96 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

19. Approval of payment of Intergovernmental claims (October 12 and 20, 1995) totaling \$232,799.31 (Risk Management Department).

20. Receipt and filing of the October 5 and 12, 1995, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

21. Adoption of a resolution approving the issuance of the Orange County Health Facilities Authority First Mortgage Revenue Bonds, Series 1995 in a principal amount not to exceed \$25,000,000 (Veranda Nursing and Rehabilitation Center Project) (Orange County Health Facilities Authority).

(Resolution 95-HFA-05 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Health and Community Services Division

1. Approval and execution of Addendum IV to the Conceptual Approval Agreement for Kelly Park Expansion extending the agreement to April 7, 1996, in order to maintain approval of the \$468,500 matching grant from the State, District 2 (Parks and Recreation Department).

Planning and Development Division

1. Approval to utilize Orange County's Hope III Program funds to renovate a home in South Apopka owned by the County and subsequently sell it to a low-income family. Proceeds from the sale of this unit will be utilized to acquire additional properties from the local Federal Housing Administration Office, District 2 (Housing and Community Development Department).

2.

Approval and execution of an amendment to a single-family developer's agreement to defer law enforcement, fire, and road impact fees for Windover Park Subdivision, an affordable housing development, District 4 (Housing and Community Development Department).

- 3. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Boyd Retail Corporation, a Florida corporation, (for Walgreens) and Orange County, District 1 (Planning Department).

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

- 4. Approval of a Fee Waiver Request (Board of Zoning Adjustment) of \$341 (except \$42 for legal advertising) for Mrs. Murl Cutting, 130 Hart Street, District 1 (Zoning Department).

- 5. Approval of nonsubstantial deviation to the approved Southland Executive Park Developments of Regional Impacts and authorization for the County Chairman to execute an amended development order incorporating the proposed changes, District 6 (Zoning Department).

(Amended Development Order is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Utilities Division

- 1. Authorization for the County Chairman to execute the Curry Ford Road/Goldenrod Road Utility Relocations and Improvements Settlement Agreement in the amount of \$14,170.76 for all claims resulting from conflicts and/or delays on the project, District 3 (Division Office).

(2nd amendment to agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- 2. Authorization for the County Chairman to execute the Second Amendment to Lease and License Agreement with Team Classic Golf Services, Inc., to increase the acreage covered in the original lease agreement from 590 acres to 871 acres, District 1 (Division Office).

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

3.

Approval of the payment of \$1,970,000 to Metcalf & Eddy Services, Inc., for the County's share of the tenth year of operation of the City of Orlando/Orange County Water Conserv II Joint Facilities, Districts 1, 4, and 6 (Division Office).

Public Works Division

1. Adoption of a resolution vacating a portion of a plat:
 - a. Munger Land Company, District 1 (Development Engineering Department).

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
2. Approval to install a "Yield" sign in the Kelly Park Hills South Phase 3 Subdivision, District 2 (Traffic Engineering Department).
3. Approval to establish a "No Parking" zone on both sides of Rock Springs Road beginning 100 feet south of the south right-of-way line of Simon Avenue and extending north 800 feet, District 2 (Traffic Engineering Department).

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, with County Chairman Linda Chapin, Commissioners Bob Freeman, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Tom Staley 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 City of Winter Park Commissioner Joe Terenova, followed by the Pledge of Allegiance to the Flag.

Presentation of Service Awards

County Chairman Chapin presented a 20-year pin and plaque to Ted A. Ingerman, Facilities Management Department, Administrative Support Division.

NONAGENDA - PRESENTATION OF RESOLUTION

County Chairman Chapin presented a resolution to Gloria Clarey, a recreation leader at Buena Vista Park, for "going above and beyond" by administering CPR to save Willie Bacon's life on October 16, 1995.

NONAGENDA - PRESENTATION OF PROCLAMATION

County Chairman Chapin presented a proclamation designating the Month of November 1995 as Epilepsy Awareness Month to Barbara Cornelius, the Education and Prevention Coordinator with the Epilepsy Association of Central Florida; and Cathy Flemming, "The Winning Kid" representing the Epilepsy Association of Central Florida.

**NOTE: THE FOLLOWING 3 PUBLIC HEARINGS WERE CONSIDERED TOGETHER:
(SEE PAGE 282 FOR APPEARANCES, DISCUSSION, AND MOTION.)**

MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 305 PHASE 1 AND 2 MSTU/BU, STREET LIGHTS, DISTRICT 1

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 street lights at Hunters Creek Tract 305 Phase 1 and 2; District 1; Section 29 and 32, Township 24, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$58 per lot for street lights.

MSTU/BU PUBLIC HEARING - ESTABLISH SOUTHCHASE PHASE 1B VILLAGE 5 MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

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 street lights and retention pond(s) maintenance at Southchase Phase 1B Village 5; District 4; Section 23, Township 24, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$35 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance at.

MSTU/BU PUBLIC HEARING - ESTABLISH SOUTHCHASE PHASE 1B VILLAGE 10 MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

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 street lights and retention pond(s) maintenance at Southchase Phase 1B Village 10; District 4; Section 14, Township 24, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$51 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

Appearances

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

Discussion

County Chairman Chapin closed the public hearings and opened the matter for board discussion.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the resolutions establishing special purpose taxing districts as follows:

- Hunters Creek Tract 305 Phase 1 and 2, annual cost of \$58 per lot for street lights;
- Southchase Phase 1B Village 5, annual cost of \$35 per lot for street lights and \$54 per lot for retention pond(s) maintenance;

- Southchase Phase 1B Village 10, annual cost of \$51 per lot for street lights and \$54 per lot for retention pond(s) maintenance.

(Resolutions are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTIONS 33-271 AND 33-277; REVISING DESCRIPTION OF PROPERTIES IN THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT BUS AREA, DISTRICT 6

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

AN ORDINANCE PERTAINING TO FINANCE; AMENDING SECTIONS 33-271 AND 33-277 OF THE ORANGE COUNTY CODE TO REVISE THE DESCRIPTION OF THE PROPERTIES INCLUDED IN THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT AND THE BUS SERVICE AREA TO ADD ADDITIONAL PARCELS OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Kaye Collie reviewed the proposed ordinance and informed the Board that the property owner of Parcel 30-23-29-2786-00-010 has requested to be deleted from the included property and staff concurred.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the proposed ordinance amending Orange County Code, Sections 33-271 and 33-277; and further, amended Exhibit B to delete Parcel 30-23-29-2786-00-010.

(Ordinance No. 95-34 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

RESOLUTION PUBLIC HEARING - PERTAINING TO THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT, DISTRICT 6

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

A RESOLUTION PERTAINING TO THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT MUNICIPAL SERVICE TAXING UNIT; AMENDING THE DISTRICT BOUNDARIES TO ADD ADDITIONAL PARCELS TO BE INCLUDED IN THE MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Kaye Collie reviewed the proposed resolution and outlined its provisions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the proposed resolution pertaining to the International Drive Master Transit and Improvement District Municipal Service Taxing Unit.

(Resolution 95-M-103 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

RESOLUTION PUBLIC HEARING - PERTAINING TO THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT BUS AREA MSTU, DISTRICT 6

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

A RESOLUTION PERTAINING TO THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT BUS AREA MUNICIPAL SERVICE TAXING UNIT; AMENDING THE DISTRICT BOUNDARIES TO ADD ADDITIONAL PARCELS TO BE INCLUDED IN THE BUS AREA MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Kaye Collie reviewed the proposed resolution and informed the Board that the property owner of parcel 30-23-29-2786-00-010 has requested to be deleted from the included property and staff concurred.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the proposed resolution pertaining to the International Drive Master Transit and Improvement District Bus Service Area Municipal Taxing Unit; and further, amended Exhibit B to delete Parcel 30-23-29-2786-00-010.

(Resolution 95-M-107 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - EASTWOOD PLANNED DEVELOPMENT/AUGUSTA PARCEL 18, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eastwood Planned Development/ Augusta Parcel 18 Preliminary Subdivision Plan on property which is generally located north of Golfway Boulevard and east of Woodbury Road; District 4; Section 36, Township 22, 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 of approval subject to conditions.

Appearances

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

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

The following person addressed the Board with general comments:

- Will Smith, Eastwood homeowner (no address given).

No one appeared in opposition to the plan.

Discussion

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

Commissioner Hoenstine stated that he was in favor of the development but with an additional condition:

"If the installation of the utility reuse lines along Golfview Boulevard has not been completed by the issuance of the 777th building permit, the number of building permits may be exceeded for a period of five (5) months. However, once the installation is completed, Golfview Drive must be completed within 90 days from the date of written notice from the County Engineer."

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the Eastwood Planned Development/Augusta Parcel 18 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Eastwood Planned Development/Augusta Parcel 18 Preliminary Subdivision Plan, dated "Received August 18, 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 November 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

- 2. Prior to construction plan submittal, the revised Master Drainage plan with supporting calculations shall be submitted to the County Engineer for approval.
- 3. Master water and wastewater utilities plans shall be revised prior to construction plan submittal.
- 4. The project shall provide a landscaped buffer along the Planned Development perimeter where Road "A" is adjacent.
- 5. If the certificate of completion for Lakeshore Park is not issued by December 31, 1995, no development permits including building permits shall be issued for this development.
- 6. If the installation of the utility reuse lines along Golfview Boulevard has not been completed by the issuance of the 777th building permit, the number of building permits may be exceeded for a period of five (5) months. However, once the installation is completed, Golfview Drive must be completed within 90 days from the date of written notice from the County Engineer.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - EASTWOOD PLANNED DEVELOPMENT/HEATHER GLEN PARCEL 23, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eastwood Planned Development/ Heather Glen Parcel 23 Preliminary Subdivision Plan on property which is generally located east of Eastwood Golf Course and north of Alafaya Trail; District 4; Section 36, Township 22, 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 of approval subject to conditions.

Appearances

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

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

No one appeared in opposition to the plan.

Discussion

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

Commissioner Hoenstine stated that he was in favor of the development, but with an additional condition:

"If the installation of the utility reuse lines along Golfview Boulevard has not been completed by the issuance of the 777th building permit, the number of building permits may be exceeded for a period of five (5) months. However, once the installation is completed, Golfview Drive must be completed within 90 days from the date of written notice from the County Engineer."

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the Eastwood Planned Development/Heather Glen Parcel 23 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Eastwood Planned Development/Heather Glen Parcel 23 Preliminary Subdivision Plan, dated "Received August 18, 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 November 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan submittal, the revised Master Drainage plan with supporting calculations shall be submitted to the County Engineer for approval.

3. If the certificate of completion for Lakeshore Park is not issued by December 31, 1995, no development permits including building permits shall be issued for this development.
4. If the installation of the utility reuse lines along Golfview Boulevard has not been completed by the issuance of the 777th building permit, the number of building permits may be exceeded for a period of five (5) months. However, once the installation is completed, Golfview Drive must be completed within 90 days from the date of written notice from the County Engineer.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - EASTWOOD PLANNED DEVELOPMENT/KENSINGTON PARCEL 26, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Eastwood Planned Development/ Kensington Parcel 26 Preliminary Subdivision Plan on property which is generally located south of Golfway Boulevard and east of Woodbury Road; District 4; Section 36, Township 22, 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 of approval subject to conditions.

Mr. Heath stated staff was in favor of development but with an additional condition:

- If the certificate of completion for the Lakeshore Park is not issued by December 31, 1995, no development permits, including building permits, shall be issued for this development.

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

Discussion

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

Commissioner Hoenstine stated that he was in favor of the development, but with an additional condition:

"If the installation of the utility reuse lines along Golfview Boulevard has not been completed by the issuance of the 777th building permit, the number of building permits may be exceeded for a period of five (5) months. However, once the installation is completed, Golfview Drive must be completed within 90 days from the date of written notice from the County Engineer."

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the Eastwood Planned Development/Kensington Parcel 26 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Eastwood Planned Development/Kensington Parcel 26 Preliminary Subdivision Plan, dated "Received September 14, 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 November 7, 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. Wastewater system shall comply with the wastewater master plan approved on December 29, 1993, or as may be amended.
4. An eight-in water main shall be stubbed out to the south property line.

- 5. A waiver of Section 34-171 of the Orange County Code to allow a 24-foot pavement width for Street A (at entrance) in lieu of a 36-foot is granted.
- 6. If the certificate of completion for the Lakeshore Park is not issued by December 31, 1995, no development permits, including building permits, shall be issued for this development.
- 7. If the installation of the utility reuse lines along Golfview Boulevard has not been completed by the issuance of the 777th building permit, the number of building permits may be exceeded for a period of five (5) months. However, once the installation is completed, Golfview Drive must be completed within 90 days from the date of written notice from the County Engineer.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - CRYSTAL LAKE COVE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Crystal Lake Cove Preliminary Sub- division Plan on property which is generally located west of Crystal Lake Drive and south of Lake Margaret Drive; District 4; Section 7, Township 23, and Range 30; Orange County, Florida.

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

Staff Report

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

Appearances

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

- Frank Anderson, 425 West Colonial Drive, Suite 103, Orlando, Florida; for the applicant.

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

- Joyce Mertens, 3009 Illingworth Avenue, Orlando, Florida.
- Cathleen Oldson, 3003 Illingworth Avenue, Orlando, Florida.

- Louise Barbash, 3015 Illingworth Avenue, Orlando, Florida.
- Michael Stevens, 3021 Illingworth Avenue, Orlando, Florida.
- Annie Sundquist, 3024 Leslie Drive, Orlando, Florida.
- Bob Moore, 3113 Illingworth Avenue, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin, Commissioners Johnson, Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioner Staley was absent; the Board approved the Crystal Lake Cove Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Crystal Lake Cove Preliminary Subdivision Plan, dated "Received September 29, 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 November 7, 1996, in accordance with Orange County Subdivision Regulations, as amended.
2. Prior to construction plan approval, documentation with supporting calculations shall be submitted to Orange County Engineering which indicates that the proposed retention pond (Tract A) can accommodate a 100 Year/24 hour storm event.
3. A waiver from Section 34-207 requiring connection to a sanitary sewer is granted.
4. Minimum living area shall be 1200 square feet.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - PEPPER MILL WEST PLANNED DEVELOPMENT/TRACTS F AND G, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Pepper Mill West Planned Development/Tracts F and G Preliminary Subdivision Plan on property which is generally located west of John Young Parkway and south of Central Florida Parkway; District 4; Section 20, 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 Robert Mandell, president of Greater Construction Company, requested a continuance.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board continued the public hearing to consider the Pepper Mill West Planned Development/Tracts F and G Preliminary Subdivision Plan until December 5, 1995, at 1:50 p.m.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: THOMAS MURPHY, APPLICANT: LAKE DRAWDY SUBDIVISION, BOARD OF ZONING ADJUSTMENT ITEM 23, OCTOBER 5, 1995, DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Thomas Murphy of the recommendation of the Board of Zoning Adjustment on a request by Lake Drawdy Subdivision to amend conditions of previous special exception approval on December 4, 1990, by the Board of County Commissioners regarding the Lake Drawdy Terrace recreation area. Amendments are proposed to Conditions 4, 5, 7, 8, and 9 (storage of boats/trailers on-site, parking of vehicles on-site, use of

motorized boats, hours of operation, and proposed vehicular access respectively), on property which is generally located on the east side of Drawdy Drive, 1/10 mile south of Drawdy Court on the west shore of Lake Drawdy; District 5; Section 9, Township 22, Range 32; in 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 subject property and surrounding zoning classifications; he further noted that the Board of Zoning Adjustment recommended denial of the request.

Appearances

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

- Hugh Harling, P.E.; 850 Courtland Street, Orlando, Florida for the applicant.
- Frederick Leonhardt, Esquire; Gray, Harris & Robinson, P.A.; 201 E. Pine Street, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board continued the public hearing to consider an appeal by Thomas Murphy of the recommendation of the Board of Zoning Adjustment on a request by Lake Drawdy subdivision to amend conditions of previous special exception approval on December 4, 1990, by the Board of County Commissioners regarding the Lake Drawdy Terrace recreation area until January 9, 1996, at 1:50 p.m.

NONAGENDA - ALTERNATES FOR NOVEMBER 8, 1995, METROPOLITAN PLANNING ORGANIZATION

Deputy County Administrator Howard Tipton requested Board approval for Commissioner Butler to serve as Commissioner Staley's alternate

at the November 8, 1995, Metropolitan Planning Organization meeting.

Action

By consensus, the Board directed staff to investigate who is eligible to serve as an alternate for a County Commissioner at a Metropolitan Planning Organization meeting and report to the Board at 4 p.m.

(See pages 295 and 296 for appointment of alternate.)

NONAGENDA - REQUEST FOR RECONSIDERATION

Commissioner's Report

Commissioner Freeman stated he would like the Board members to reconsider Fiscal and Human Resources Division Discussion Item 1, selection of one proposer for contract award of countywide pay phones and equipment for Orange County, RFP Y5-1024-R2*.

Discussion

The Board discussed a possible loss to the County of \$4.3 million over five years, the need to have this issue resolved quickly since installation is imminent, a desire for oral presentations, the discrepancy in figures that were given to BellSouth and AT&T, and the proposers' eligibility for Minority/Women Business Enterprise certification.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, and Hoenstine voting AYE by voice vote; Commissioners Donegan and Butler voting NO by voice vote; Commissioner Staley was absent; the Board approved reconsideration of Fiscal and Human Resources Division Discussion Item 1, selection of one proposer for contract award of countywide pay phones and equipment for Orange County, RFP Y5-1024-R2*, to allow oral presentations on November 14, 1995, at 9 a.m.

NONAGENDA - ALTERNATES FOR METROPOLITAN PLANNING ORGANIZATION MEETINGS

Staff Report

County Attorney Tom Wilkes stated that, although the Florida Statutes state "An appointed alternate member must be an elected official serving in the same governmental entity or area that the

regular member serves," it is open to interpretation. Mr. Wilkes also pointed out that the rules of the Metropolitan Planning Organization state that an alternate cannot vote.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board appointed County Comptroller Martha Haynie to serve as Commissioner Freeman's alternate and Commissioner Butler to serve as Commissioner Staley's alternate at the Metropolitan Planning Organization meeting on November 8, 1995.

CLOSED SESSION -AHRENS V. ORANGE COUNTY, CASE NO. CI94-6390, PINE HILLS LANDFILL LITIGATION.

For the record, County Attorney Tom Wilkes stated that this closed session is being held pursuant to Florida Statute 286.401.1 and the meeting of the Board of County Commissioners will be adjourned following the closed session. Mr. Wilkes noted since no one from the public was in attendance, except for one previously briefed newspaper reporter, that he would not read the list of everyone who will be in attendance at the closed session. However, he stated that the list is available to the public.

The Board held a privileged discussion pursuant to Section 286.011(8), Florida Statutes. The County Attorney's Office shall file a transcript of the discussion in the Comptrollers Clerk's Office within 30 days of the conclusion of the action.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:55 p.m.