

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 28, 1995. Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan were present. Commissioner Mable Butler was absent. County Chairman Linda Chapin, Commissioner Bob Freeman, and County Attorney Tom Wilkes entered where indicated. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, and Deputy Clerk Rosilyn Stapleton. There being a quorum, Commissioner Donegan called the meeting to order at 9 a.m.

**HEALTH AND COMMUNITY SERVICES DIVISION ANNUAL REPORT**

## Staff Report

Health and Community Services Division Director Larry Jones reported that, in a workshop in December 1994, staff identified five value-based priorities: Partnersshipping, sharing responsibility for social change, reducing bureaucracy, community decision making, and improved communication. Mr. Jones further detailed how those priorities have resulted in various programs.

Arthropod Control Department Manager Dr. Tom Grove presented a brief overview of the function and mission of the Arthropod Control Department, followed by a presentation by Citizens' Commission for Children Department Manager Lee Ann Lowery regarding the activities of the Citizens' Commission for Children.

Human Services Department Manager Tom Weinberg enumerated some of the services provided by the 240 department staff, noting that many of the staff have masters-level degrees. He presented a video which highlighted the various programs provided by the Health and Human Services Division.

**County Chairman Chapin entered the meeting.**

## Discussion

The Board discussed the Arthropod Control Department volunteer program and the Teen Advisory Board activities.

**WORKSESSION - UPDATE REGARDING COURTHOUSE MUSEUM PROGRAM**

## Staff Report

Orange County Historical Museum Director Sara Van Arsdel presented plans, drawings, and detailed sketches for renovation and use of

the 1927 Orange County Courthouse in downtown Orlando. Ms. Van Arsdel reported that the History Center will offer program elements involving Galleries/Exhibits, Education, Research, Collections, Visitor Services, and Administrative Support.

#### Discussion

County Chairman Chapin reminded the Board that the decision to make the 1927 Courthouse into a historic center is a result of a task force chaired by Commissioner Donegan. The Board also discussed the scheduled fall 1998 completion target.

#### COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Hoenstine wishes to discuss issues regarding a lawsuit between the City of Edgewood, private property owners, and the Florida Department of Transportation.

#### Commissioner's Report

Commissioner Hoenstine reported that the State of Florida Department of Transportation appears to be unwilling to divest itself of the Van Marren parcel located in unincorporated Orange County, and that the class plaintiffs want the City of Edgewood to take possession and determine its use. Commissioner Hoenstine solicited the Board's approval of a proposed resolution expressing a willingness to accept title to the Van Marren parcel from the State of Florida Department of Transportation.

**County Attorney Tom Wilkes entered the meeting.**

#### Discussion

There was not any further discussion.

#### Motion

**Upon a motion by Commissioner Donegan, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board adopted the proposed resolution expressing a willingness to accept title to the Van Marren Parcel from the State of Florida Department of Transportation.**

(Resolution 95-M-110 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**CONVENTION CENTER DISCUSSION AGENDA**1. Convention Center Phase III and Phase IV Construction Project.

## Staff Report

Convention Center Executive Director Tom Ackert reported on the numerous amendments to the master plan, reviewed established goals, and three priorities: Budget, Quality, and Schedule of Completion. Mr. Ackert then outlined how goals set by the Board of County Commissioners were achieved.

Project Supervisor Jack McGowan reported that Phase III is 99.5% complete and that the Certificate of Occupancy is expected to be issued next week. Mr. McGowan explained that Phase IV is 84% complete and on schedule for completion in August 1996. He pointed out that the request is not for an increase in the construction budget, but for a transfer of funds.

## Discussion

The Board discussed the source of financing for the retrofit of the existing portion of the Convention Center and the schedule for installation of telephones.

**Motion**

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board approved the transfer of previously approved and budgeted funds from the project contingency account into the construction accounts for the Convention Center Phase III and Phase IV Construction Project.

**FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA**1. Approval of proposed enhancements to the Minority/Women Business Enterprise (M/WBE) certification process.

## Staff Report

Fiscal and Human Resources Division Director Sharon Laisure presented the request, asking Board approval of the proposed enhancements to the Minority/Women Business Enterprise certification process.

## Discussion

The Board discussed the potential ramifications of having

challenged issues go from the M/WBE advisory committee to Circuit Court, bypassing the Board.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Hoenstine voting AYE by voice vote; Commissioner Donegan voting NO by voice vote; Commissioners Freeman and Butler were absent; the Board approved the inclusion of the following enhancements to the M/WBE certification process:

1. A quantified check list of reasons for denial;
2. An "Intent to Deny" letter forwarded to the applicant who may be denied;
3. An opportunity for an applicant who receives an "Intent to Deny" letter to meet with staff and two rotating, non-voting members of the M/WBE Advisory Committee;
4. A recommendation of certification or denial will be made to the M/WBE Advisory Committee;
5. A decision to deny or certify the applicant will be forwarded to the applicant by the M/WBE Manager;
6. A denied applicant can appeal to the M/WBE Advisory Committee for a quasi-judicial hearing;
7. The M/WBE Advisory Committee may utilize a hearing officer to make findings of fact and a recommended decision;
8. The M/WBE Advisory Committee shall make the final decision whether to certify or deny the applicant;
9. The applicant will be advised within ten (10) working days of the final decision;
10. Appeals of the M/WBE Advisory Committee's decision will be by trial de novo to the Circuit Court.

and further, directed staff to schedule a review of the M/WBE certification process in six months for the Board review of any issues which have been challenged.

2.

Selection of one firm and two ranked alternates to provide architectural/engineering services for the miscellaneous improvements to the Public Utilities Operation Center, RFP Y6-801-MK, from the following firms, listed alphabetically ([Public Utilities Engineering Department] Purchasing and Contracts Department):

Staff Report

Deputy Chief of Purchasing and Contracts Johnny Richardson requested that the Board select from the following three firms listed alphabetically:

- Farmer & Baker Architects, Inc.
- Perez & Perez/Martin, Inc.
- Schweizer Planning and Design, Inc.

Discussion

There was not any further discussion.

Motion

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

- #1 Farmer & Baker Architects, Inc.
- #2 Schweizer Planning and Design, Inc.
- #3 Perez & Perez/Martin, Inc.

and further, authorized staff to enter into contract negotiations for architectural/engineering services for the miscellaneous improvements to the Public Utilities Operation Center, RFP Y6-801-MK.

PUBLIC UTILITIES DIVISION DISCUSSION AGENDA

1. Approval to withhold the extension of residential collection franchises beyond December 31, 1997, pending the evaluation of waste and recyclable collection options, all districts (Division Office).

Staff Report

Public Utilities Division Director Alan Ispass presented the request, noting that a study is scheduled to be completed next

May, at which time several options will be presented to the Board.

#### Discussion

The Board discussed the timeframe in which a decision must be made, the history of waste collection in Orange County, other available programs and techniques, and how these alternate programs could result in a savings to the taxpayers.

#### Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board approved withholding the extension of residential collection franchises beyond December 31, 1997, pending the evaluation of waste and recyclable collection options.

#### COUNTY CONSENT AGENDA

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

#### County Administrator

1. Approval to enter into an agreement with property owners fronting on Orange Avenue (Sand Lake Road to Taft Vineland Road) in Taft for a three-foot arboreal easement (County Administrator).
2. Approval to issue payment of taxable costs (criminal defense costs) to Ford S. Hausman, through his attorney, Robert A. Leventhal, in the amount of \$16,883.37 subject to preaudit by the County Comptroller as required under Section 129.09 of Florida Statutes. Funds are available in Pooled Expenditures, Line Item Number 001-023-0413-4474 (County Attorney).

#### County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the total amount of \$354,824.39 (Administrative/Fiscal Department).
2. Approval of the minutes of the October 24, 1995, meeting of the Board of County Commissioners (Clerk of the Board of County Commissioners Office).

3. Approval to revise the minutes of April 4, 1995, as approved by the Board of County Commissioners on May 2, 1995, regarding the Board's decision and conditions of approval of the Preliminary Subdivision Plan for Cypress Point Phase IV, District 1, to add conditions Number 3 through 8 which were unintentionally omitted from the minutes, as follows (Clerk of the Board of County Commissioners Office):
3. Prior to building, a landscape buffer plan for recreation tract shall be submitted and approved by the Zoning Department.
4. All drainage easements shall be a minimum of 20 feet wide. Actual width will be determined at construction plan review stage.
5. The minimum width of the median between inbound and outbound lanes shall be 15.5 feet.
6. A five-foot (5') sidewalk shall be constructed along Kilgore Road and Point Cypress Drive fronting the length of the project.
7. Recreation Tract G shall be completed prior to the issuance of the first Certificate of Occupancy for this development.
8. Building setbacks along Kilgore Road shall be a minimum of 15 feet.
9. Acknowledge "File for the Record" documents received in the office of the Comptroller Clerk of the BCC as follows (Clerk of the Board of County Commissioners Office):
  - 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 pursuant to Section 364.162, Florida Statute; dated October 27, 1995.**
  - b. **Certified copy of the resolution of the West Orange Healthcare District establishing millage in compliance with Florida Statute 200.065; dated September 26, 1995.**

c. Proposed fiscal year 1996 budget of the Orange Soil and Water Conservation District filed in accordance with the Uniform Special District Accountability Act of 1989; dated November 3, 1995.

d. Public Official bonds filed for the following members of the Board of Trustees of West Orange Healthcare District from Cappleman and Associates Insurance:

- Walter Q. Cobb, Jr.; dated October 9, 1995;
- H. Gerald Jowens, dated October 9, 1995;
- A. Kurt Ardaman, dated October 30, 1995;
- Carolyn H. Sawyer, dated October 30, 1995.

e. Notice of Adoption of City of Ocoee Ordinance 95-23 (Case AR-94-09-09) annexing to the corporate limits of the city, property located on the east side of Marshall Farms Road north of S.R. 50; dated October 17, 1995.

f. Notice of Adoption of City of Ocoee Ordinance 95-25 (Case AR-95-06-02) annexing to the corporate limits of the city, property located on the north side of S.R. 50 west of Florida's Turnpike; dated October 17, 1995.

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

Week of November 21, 1995, to November 27, 1995; total of \$32,026,059.28

(Finance and Accounting Department)

#### **Administrative Support Division**

1. Approval and authorization to record instruments: Silver Pines Apartments, Drainage Easement, Sanitary Easement and Subordinations of Encumbrances, District 6 (Real Estate Management Department).
2. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs and approval of any additional recording fees not to exceed \$30: Econlockhatchee River South aka Long Branch Park, Warranty Deed, Districts 4 and 5 (Real Estate Management Department).

3. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$30: EKS, Warranty Deed, District 4 (Real Estate Management Department).
4. Approval and execution by the County Chairman of Option Agreement for sale and purchase from Orange County to Board of Trustees of the Internal Improvement Fund of the State of Florida: West Orange Trail; Option Agreement for sale and purchase; Parcels 106, 109C, 109D, 109K, 109L, 109M, 118, 121, 123, and 126; Districts 1 and 2 (Real Estate Management Department).

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

#### **Convention Center**

1. Approval of payment of invoice from the International Drive Master Transit and Improvement District in the amount of \$370,000 for the Convention Center's participation assessment for costs associated with the I-Ride bus system, pursuant to the agreement approved by the Board of County Commissioners on December 12, 1992.

#### **Fiscal and Human Resources Division**

1. Approval to purchase additional radio equipment from Motorola, Inc., Contract Y3-139 to provide portable radios and vehicle radios for use at the County Landfill, \$52,970 ([Resource Recovery Department] Purchasing and Contracts Department).

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

2. Approval to award Invitation for Bid Y5-668-GJ to the low responsive and responsible bidders by lot to provide food service small wares (equipment and utensils) for Phases III and IV of the Convention Center, \$360,140 as follows ([Convention Center] Purchasing and Contracts Department):

Contract Y5-668A -Louis Wohl & Sons, Inc.; Lots 1, 3, 5, 8, 9, 10, 18, 19, 21, and 23; totaling \$242,238;

Contract Y5-668B -Bass & Swaggerty, Lots 2 and 11, totaling \$24,521;

Contract Y5-668C -Rykoff Sexton, Inc.; Lots 3, 7, 12, 13, 14, 16, 17, and 20; totaling \$86,045;

Contract Y5-668D -Calico Industries, Inc., Lot 6, totaling \$1,893;

Contract Y5-668E -Lee Equipment Company, Lots 15 and 22, totaling \$5,443.

3. Approval to award Invitation for Bid Y6-111-GJ to the low responsive and responsible bidder, Martin's Uniforms Division Superior Surgical Manufacturing Company, Inc., for a one-year term contract, renewable for an additional 24 months to furnish Convention Center uniforms, \$87,498.75 ([Convention Center] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y6-115-JS to the low responsive and responsible bidder, Centerline Industries, Inc., for a one-year term contract, renewable for an additional two (2) years, for traffic paint, \$366,022.80 (\$122,007.60 base year, \$122,007.60 option year one, \$122,007.60 option year two) ([Traffic Engineering Department] Purchasing and Contracts Department).
5. Approval of Task Authorization 3, Contract Y2-804E, engineering services for Hunter's Creek/Meadow Woods Interconnect with Sverdrup Civil Corporation, \$508,524 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
6. Approval of Amendment 5 to Contract Y2-810A for additional engineering services for Curry Ford Road (Goldenrod Road to Eastern Beltway) with Lochrane Engineering, \$24,481.43 ([Highway Construction Department] Purchasing and Contracts Department).
7. Approval of Amendment 1 to Task Authorization 21, Contract Y2-902 with Boyle Engineering for continuing engineering services for water and wastewater projects for the Bay Hill Reclaimed Water Transmission Line, \$67,428 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
8. Approval of Change Order No. 5 to Contract Y4-748 with Gibbs &

Register, Inc., for Piedmont-Wekiwa Road Phase 2 (S.R. 436 to Seminole County Line) \$7,333.13 ([Highway Construction Department] Purchasing and Contracts Department).

9. Approval to award Invitation for Bid Y6-706-CT to the low responsive and responsible bidder, Wharton-Smith, Inc., for interior and exterior repairs to three buildings at Orange County Water Reclamation Facilities, \$1,681,000 ([Public Utilities Engineering] Purchasing and Contracts Department).
10. Approval of addition to the Personnel Policy Manual and Administrative Regulations 7.01: Item 1, Section 7, Code of Conduct, Promotion of Private Business. This revision adds the stipulation that an employee may not be utilized by another employee to perform private or personal business during regular work hours (Human Resources Department).
11. Approval for the Sheriff's Office to spend approximately \$2,250 from the Law Enforcement Trust Fund to fund contributions of \$1,250 to the Tangelo Park Pilot Program and \$1,000 to Serenity Home, Inc. (OMB).
12. Approval for the Sheriff's Office to spend approximately \$17,233 from the Law Enforcement Trust Fund to purchase a base-mobile radio system (OMB).
13. Approval to disburse Orange County's portion of the City of Orlando's Community Redevelopment Agency tax increment in the amount of \$2,121,765 (OMB).
14. Approval to disburse payments of \$441,827.25 to the Health Department as approved in the fiscal year 1995-96 budget in equal quarterly installments on the following schedule: December 5, 1995; January 30, 1996; April 30, 1996; and July 30, 1996. (OMB).
15. Approval to process payment of \$150,000, as approved by the Board of County Commissioners during the budget process, to the Black Business Investment Fund (OMB).
16. Approval of Budget Transfers 96-93 and 96-109 (OMB).

(Budget Transfers 96-93 and 96-109 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

17. Approval of Budget Amendments 96-07, 96-08, 96-10, and 96-11 (OMB).

(Budget Amendments 96-07, 96-08, 96-10, and 96-11 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

18. Approval of CIP Amendments 10-96 through 12-96 (OMB).

(CIP Amendments 10-96 through 12-96 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

19. Approval of payment of Intergovernmental claims (October 26 and November 2, 1995) totaling \$718,864.05 (Risk Management Department).

20. Receipt and filing of the October 20 and 26, 1995, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

21. Approval of the issuance of Orange County Health Facilities Authority First Mortgage Revenue Bonds, Series 1995 (Orlando Lutheran Towers, Inc.) not to exceed \$19,000,000 (Orange County Health Facilities Authority).

(Resolution 95-HFA-06 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 Contract Y6-614 with Human Services Associates, Inc., in the amount of \$300,000 for expansion of the Juvenile Assessment Center, all districts (Health and Community Services Division).

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

2. Approval and execution of agreement terminating the Interlocal Agreement between Orange County and the City of Orlando for administration of the Housing Opportunities for Persons with AIDS (HOPWA) program, all districts (Health and Community Services Division).

(Agreement is on file in the office of the Comptroller Clerk

of the Board of County Commissioners.)

3. Approval and execution of Application for a License to operate a child care facility at the Allen Head Start Center for children (ages 3 to 5) residing in Orange County. This application is needed to increase the number of children currently being served at the Allen Head Start Center from 15 to 36. Head Start funds will cover the cost. No county funds are needed (Health and Community Services Division).

#### **Planning and Development Division**

1. Approval and execution of the contract for inspection of underground storage tanks with the Florida Department of Environmental Protection for fiscal year 1995-96; and (1) approval to utilize \$63,000 for vehicle replacements and computer upgrade; and (2) approval of the manning table, Countywide (Environmental Protection Department).

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

2. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meeting of September 28, 1995; and (1) approval of the expenditure of up to \$24,610 for property for a stormwater pond; and (2) authorization for the Real Estate Management Department to extend the offer to the owners of the property, District 4 (Environmental Protection Department).
3. Receipt and filing of the minutes of the Lake Conway Water and Navigation Control District Advisory Board meeting of September 12, 1995, District 4 (Environmental Protection Department).
4. Receipt and filing of the minutes of the Windermere Water Navigation Control District Advisory Board meeting of September 22, 1995, District 1 (Environmental Protection Department).
5. Approval and execution of a Tri-party Drainage Agreement among Orange County, the City of Belle Isle, and Centex Homes for drainage improvements to the Lake Conway basin, District 4 (Environmental Protection Department).

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

6. Approval and execution of a Developer's Agreement for discounts of impact fees for an affordable housing development consisting of four single-family infill lots in the South Apopka Targeted Community area, District 2 (Housing and Community Development Department).

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

7. Approval by the Board of County Commissioners and execution by the Chief of Purchasing and Contracts of an amendment to the the Single Family Developer's Agreement for development of SHIP-assisted infill homes by Habitat for Humanity of Winter Park-Maitland, Inc., District 5 (Housing and Community Development Department).

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

8. Approval by the Board of County Commissioners and execution by the Chief of Purchasing and Contracts of an amendment to the Single Family Developer's Agreement for development of SHIP-assisted infill homes by the City of Winter Park, District 5 (Housing and Community Development Department).

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

#### **Public Works Division**

1. Approval to install "Stop" signs on Deerfield Boulevard at the intersection of Balcombe Road, District 4 (Traffic Engineering Department).
2. Approval to replace existing "Yield" signs with "Stop" signs:
  - a. Hurn Court approach to Woodruff Drive, District 4 (Traffic Engineering Department);
  - b. Bandelier Drive approach to Logandale Drive, District 5 (Traffic Engineering Department).
3. Approval to replace existing "Yield" signs with "Stop" signs on the Esopus Street and on the Beaverkill Court approaches to River Park Boulevard. Approval to install a "Yield" sign on Schoharie Court intersecting River Park Boulevard. Approval

to remove an unwarranted "Stop" sign on Kennebec Court intersecting River Park Boulevard, District 3 (Traffic Engineering Department).

4. Approval to establish a "No Parking" zone on the south side of Welch Road beginning at the east right-of-way line of Thompson Road and extending east 320 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, Tom Staley, Mary Johnson, Clarence Hoenstine, and Bill Donegan were present. Commissioner Mable Butler was absent. Also present were County Administrator Jean Bennett, County Attorney Tom Wilkes, Chief Deputy Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by Assistant County Attorney Carol Levin-Reiss, followed by the Pledge of Allegiance to the Flag.

**PRESENTATION OF AWARD**

County Chairman Chapin presented an award of National Association of Government Deferred Compensation Administrators (NAGDCA) 1995 Recognition to Pat Bythwood, Chairman, on behalf of the Orange County Deferred Compensation Committee.

County Administrator Jean Bennett explained deferred compensation and introduced Pat Bythwood, chairman of the Orange County Deferred Compensation Committee. Ms. Bythwood acknowledged the members of the Orange County Deferred Compensation Committee.

**PRESENTATION OF PROCLAMATION**

County Chairman Chapin presented a proclamation to Arbor Calvert, a member of the Board of Directors of the American Red Cross, in recognition of the many American Red Cross volunteers who gave their time and energy throughout the 1995 Hurricane season.

**PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF NOVEMBER 16, 1995****Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of November 16, 1995, with the exception of the following ordinances which will be heard by the Board:

- Amendments to the On-site Sewage Disposal System Ordinance (OSDS);
- Amendments to the Sidewalk Ordinance;
- Amendments to the Ordinance pertaining to taxes, deleting the requirement of prepayment of taxes;
- Amendments to the definition of the Development Review Committee (DRC);

and further, with the exception of Case Z-95-080, in the name of Samuel Benson, "Sutton Lakes Community," on January 9, 1996, at 2:45 p.m.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under the date of November 16, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed

**NOTE: THE FOLLOWING THREE (3) PUBLIC HEARINGS WERE CONSIDERED TOGETHER; FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGES 339 AND 340.**

**MSTU/BU PUBLIC HEARING - AMEND COUNTRY CHASE UNITS 1 - 4 MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 6**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for street lights and retention pond(s) maintenance at Country Chase Units 1-4; Sections 14 and 23, Township 22, Range 28; Orange County, Florida.

(The legal property description is on file in the office of the

Comptroller Clerk of the Board of County Commissioners.)

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$54 per lot for street lights and \$27 per lot for retention pond(s) maintenance.

**MSTU/BU PUBLIC HEARING - AMEND SOUTHCHASE 1A PARCEL 5, PHASES 1 - 3, 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 amendment of an MSTU/BU for street lights and retention pond(s) maintenance at Southchase 1A Parcel 5, Phases 1-3; Section 22, 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 \$47 per lot for street lights and \$54 per lot for retention pond(s) maintenance.

**MSTU/BU PUBLIC HEARING - ESTABLISH OAK GROVE CIRCLE MSTU/BU, STREET LIGHTS AND RETENTION POND(S) MAINTENANCE, DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lights and retention pond(s) maintenance at Oak Grove Circle; Section 16, Township 22, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$40 per lot for street lights and \$27 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 Butler was absent; the Board adopted resolutions:

- Amending Country Chase Units 1 - 4, annual cost of \$54 per lot for street lights and \$27 per lot for retention pond(s) maintenance.
- Amending Southchase 1a Parcel 5, Phases 1 - 3, annual cost of \$47 per lot for street lights and \$54 per lot for retention pond(s) maintenance.
- Establishing Oak Grove Circle, annual cost of \$40 per lot for street lights and \$27 per lot for retention pond(s) maintenance.

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

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: THE LAND PLANNING GROUP, "CASSIS PLANNED DEVELOPMENT"; CASE Z-95-042, SEPTEMBER 21, 1995; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by The Land Planning Group, "Cassis Planned Development," for a change in zoning classification from Agricultural District (A-1) to Planned Development (PD), which is generally located north and south of Bali Boulevard; west of Avalon Road (S.R. 545); District 1; Section 31, Township 24, and Range 27; 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 and Development Division Director Bruce McClendon outlined the request and identified the location of the subject property, the zoning classifications, and the Future Land Use Map designations in the area.

**Appearances**

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

- Tim Green, Vice President of Land Planning Group, Mt. Dora, Florida, for the applicant.

No one appeared in opposition to the vacation.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board approved the request by The Land Planning Group, "Cassis Planned Development," for a change in zoning classification from Agricultural District (A-1) to Planned Development, on the above described property; subject to the following conditions:

1. Development shall conform to the Cassis Development Land Use Plan, dated "Received September 15, 1995," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. Access locations along U.S. 192 and Bali Boulevard and possible intersection improvement requirements will be determined at development plan submittal and review.
3. Billboards shall be prohibited.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANTS/APPLICANTS: RON AND LOIS LITWILLER; BOARD OF ADJUSTMENT CONTINUED ITEM 5, SEPTEMBER 7, 1995 (CONTINUED FROM OCTOBER 24, 1995); DISTRICT 1

By consensus, the Board reopened the public hearing to consider an appeal by Ron and Lois Litwiller of the recommendation of the Board of Zoning Adjustment, on a request by Ron and Lois Litwiller for approval of a variance in Agricultural District (A-1) zone to park three (3) mobile homes for living purposes, one on each of three (3) substandard size lots (lot width and lot size), on property which is generally located on the north side of Killarney Cove

Drive, 200 feet east of Lake Apopka Boulevard; District 1; Section 19, Township 22, Range 27; 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; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request. He further reviewed a compromise solution subject to conditions.

The public hearing was continued due to a death in Mrs. Litwiller's family.

#### Appearances

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

- Lois Litwiller, the applicant; Rural Route #2, Baden, Ontario, Canada.

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

- Charles Stone, #9 Killarney Cove Drive, Orlando, Florida.
- James Hawley, Post Office Box 97, Killarney, Florida.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board denied the request by Ron and Lois Litwiller for approval of a variance in Agricultural District (A-1) zone to park three (3) mobile homes for living purposes, one on each of three (3) substandard size lots (lot width and lot size); and further, upheld the decision of the Orange County Board of Zoning Adjustment to approve a variance in Agricultural District (A-1) zone to park two (2) mobile homes for living purposes, one on each of two (2) lots, subject to the following conditions:

1. Two (2) lots only; each lot shall be 138 feet wide;

2. No shared septic tank/drainfield systems;
3. Each septic/drainfield system shall be located within the boundaries of each lot and meet all side setbacks;
4. Drainage shall be per site plan dated August 18, 1995. Specific grading plans shall be approved by the Engineering Department and submitted to the Zoning Department prior to the issuance of any building permits; and
5. Approval of this request does not constitute approval of the use of any septic tanks and well. The use of septic tanks and wells shall be in accordance with all applicable regulations.

REZONING PUBLIC HEARING - APPLICANT: MIRANDA FITZGERALD, ESQUIRE; THE SUMMIT 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 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miranda Fitzgerald, Esquire, for The Summit Development of Regional Impact (DRI)/Planned Development/Land Use Plan (LUP) for approval of an amended LUP and determination of a nonsubstantial deviation to the DRI for the following:

1. Introduction of a new land use called "Sports and Health Complex" (365,000 square feet) which may include ice rinks, health club, basketball courts, training rooms, gymnasium, medical offices, wellness center, swimming pool, television/radio studio, retail sales, restaurant, team management offices, and other similar and compatible uses;
2. Reduce Commercial use from 83,000 square feet to 16,000 square feet;
3. Reduce Office from 2,101,000 square feet to 1,544,000 square feet;
4. Increase Multi-family Residential from 480 units to 1,068;
5. Provide for an equivalency matrix to convert land uses;
6. Incorporate the proposed changes in an amended development order;

on property which is bounded by Seminole County to the north, Keller Road to the east, and Pembroke Road to the south; District 2; Section 27, Township 21, and Range 29; Orange County, Florida.

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

#### Staff Report

Planning Department Manager David Heath 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.

#### Appearances

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

- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; 215 North Eola Drive, Orlando, Florida, for the applicant.

No one appeared in opposition to the request.

#### Discussion

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

Planning Department Manager David Heath concurred with Ms. Fitzgerald's request to revise Condition 2(B) 1) of the amended development order to read as follows:

From Office to Multi-family Residential and from Multi-family Residential to Office:

290,000 SF Office = 447 DU  
648,088 SF Office = 1 DU

Up to 290,000 SF of office uses may be converted to maximum of 447 additional multi-family residential units. Up to 400 multi-family residential units may be converted to a maximum of 259,235 additional square feet of office uses.

#### Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board approved the request by Miranda Fitzgerald, Esquire, for The Summit Development

of Regional Impact (DRI)/Planned Development/Land Use Plan (LUP) for approval of an amended LUP and determination of a nonsubstantial deviation to the DRI for the following:

1. Introduction of a new land use called "Sports and Health Complex" (365,000 square feet) which may include ice rinks, health club, basketball courts, training rooms, gymnasium, medical offices, wellness center, swimming pool, television/radio studio, retail sales, restaurant, team management offices, and other similar and compatible uses;
2. Reduce Commercial use from 83,000 square feet to 16,000 square feet;
3. Reduce Office from 2,101,000 square feet to 1,544,000 square feet;
4. Increase Multi-family Residential from 480 units to 1,068;
5. Provide for an equivalency matrix to convert land uses;
6. Incorporate the proposed changes in an amended development order, as amended above;

on the above described property; subject to the following conditions:

1. Development shall conform to The Summit Planned Development/ Development of Regional Impact Land Use Plan Amendment for Parcel 1C, dated "Received September 12, 1995," the revised Third Amended Development Order, and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. The northernmost access on Keller Road shall be right-in/ right-out only.

NONAGENDA - SPORTS COMMISSION

The Board discussed the possibility of the Tampa Bay Buccaneers

football team relocating to Orlando and the associated risks versus potential benefits. The Board members discussed taxpayer concern that public funds would be used and the necessity for Orange County to take a proactive role toward keeping prospects open for negotiations.

**Motion**

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

**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 (CONTINUED FROM OCTOBER 17, 1995); DISTRICT 4**

By consensus, the Board reopened the public hearing to consider a request by Miranda F. Fitzgerald, Esquire, for Southchase Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI) for a rezoning, for approval of an amended LUP, and determination of a nonsubstantial deviation to the DRI 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. 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 description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Staff Report**

Zoning Department Manager Melvin Pittman reported that the applicant requested a continuance, and recommended continuing the public hearing until January 30, 1996, at 2:45 p.m.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board continued the public hearing to consider a request by Miranda F. Fitzgerald, Esquire, for Southchase Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI) for a rezoning; for approval of an amended LUP, and determination of a nonsubstantial deviation to the DRI until January 30, 1996, at 2:45 p.m.

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: SCOTT WILT, ESQUIRE, AGENT FOR ORANGE COUNTY SPORTSMEN'S ASSOCIATION; ITEM 13, OCTOBER 5, 1995; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Scott Wilt, Esquire, as agent for Orange County Sportsmen's Association, Inc., to clarify and/or amend previous Special Exception approvals to allow boat and boat trailer storage on the west side of Kilgore Road as an ancillary use to a privately owned and operated recreational facility, which is generally located on the west side of Kilgore Road, 150 feet south of Rinker Way on the shores of Lake Sheene or 9020 Kilgore Road; District 1; Section 4, Township 24, and Range 28; Orange County, Florida.

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

**Staff Report**

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

Mr. Pittman also reviewed the history of the subject property, noting that boats have been stored since 1987 in violation of a condition of previous approval. He further reported that staff is

recommending approval with conditions.

#### Appearances

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

- Scott Wilt, Esquire; Maguire, Voorhis & Wells, P.A.; 2 South Orange Avenue, Orlando, Florida, for the applicant.
- Dick Spears, president of the Orange County Homeowners' Association (no address given).
- Blaine Hinsley, member of the Board of Directors of the Orange County Sportsmens' Association (no address given).
- Les Crowley, president of the Orange County Sportsmens' Association (no address given).

#### Legal Counsel

For the record, County Attorney Tom Wilkes agreed to accept from Mr. Wilt, for the record, various documents to which Mr. Wilt referred to during the public hearing.

County Chairman Chapin accepted the following exhibits from Mr. Wilt:

- Clerk's Exhibit 1, Certificate of the Orange County Lending Department.
- Clerk's Exhibit 2, Composite of Mr. Wilt's exhibits A-F, H, I-N.
- Clerk's Exhibit 3, A map of the master plan for the Orange County Sportsmens' Association last revised August 22, 1995.

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

- Scott Henderson, area resident, 9003 Kilgore Road, Orlando, Florida.

#### Discussion

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

#### Motion

**Upon a motion by Commissioner Freeman, seconded by Commissioner**

Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board approved the request by Scott Wilt, Esquire, as agent for Orange County Sportsmen's Association, Inc., to clarify and/or amend previous Special Exception approvals to allow boat and boat trailer storage on the west side of Kilgore Road as an ancillary use to a privately owned and operated recreational facility, on the above described property; subject to the following conditions:

1. All landscaping and buffer walls shall be maintained in good condition, to the satisfaction of the Zoning manager.
2. Applicant shall submit to the Zoning manager an updated site plan incorporating the current Special Exception approvals and the associated conditions of approval no later than December 28, 1995.
3. The total membership shall not exceed 1500 members, and the maximum number of boat parking spaces shall be 151.

CLOSED SESSION - ORANGE COUNTY V. NOLAN, ET AL., CASE NO. 94-620- CIV-ORL-18

For the record, County Attorney Tom Wilkes announced the closed session as follows:

Pursuant to Section 296.011(8) Florida Statutes, the Orange County Attorney is requesting advice from the Orange County Board of County Commissioners at a closed session of the Board to be held at 4:30 p.m. today, regarding Nolan, et al., v. Orange County, Case No. 94-620-CIV-ORL-18, in the U.S. District Court for the Middle District of Florida. The subject matter of the closed session will be confined to settlement negotiations or strategy sessions related to litigation expenditures in that case.

The closed session will commence at approximately 4:30 p.m. and will be transcribed by a certified court reporter. The session shall last approximately 30 minutes. The Board is recessing now and will reconvene at 4:30 p.m. in the adjacent conference room for the closed session, and when the Board adjourns from that part of its session it will adjourn for the day. The persons attending the closed session will be the members of the Board of County Commissioners, the County Administrator, the County Attorney, the Clerk to the Board of County Commissioners or her designee, Assistant County Attorney Jeff Newton, attorneys Kevin

Shaughnessy and Luis Perez, and the certified court reporter.

The transcript of the closed session shall be made part of the public record upon conclusion of the litigation.

**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 Comptroller 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 5:30 p.m.