

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 9, 1996. County Chairman Linda Chapin, Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler were present. Commissioner Bob Freeman joined the meeting where indicated. Also present were County Comptroller as Clerk Martha Haynie, County Administrator Jean Bennett, County Attorney Tom Wilkes, and Deputy Clerk Rosilyn Stapleton. There being a quorum, the County Chairman called the meeting to order at 9 a.m.

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

1. Consideration of the Membership and Mission Review Board recommendations for appointments/reappointments (General Services Department/Agenda Development).

Staff Report

Kha Le-Huu, chairman of the Membership and Mission Review Board (MMRB), presented the MMRB recommendations, and the Board took the following actions:

Animal Services Advisory Board**Motion**

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed Thomas D. Marks, Carmen M. Haw, and Jacqueline Wilson to the Animal Services Advisory Board for terms expiring December 31, 1996; and further, appointed Barbara Sanders, Florence Dunbar, and Dr. Mark Perreault for terms expiring December 31, 1997.

Animal Services Classification Committee**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed Joseph Robinson, Ellen Fuller, Sandra E. Moore, and Fran Hudson Wyatt to the Animal Services Classification Committee for terms expiring December 31, 1997.

Bikeways Advisory Board**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman

was absent; the Board appointed Corporal Charles F. Wolfe to the Bikeways Advisory Board to fill a vacancy in the Orange County Sheriff's Office category for a term expiring June 30, 1996.

Building Board of Adjustments and Appeals

**Motion**

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

- Diana Mucha
- Charles Stone
- Peggy Harris
- David Huysman
- James Wingo

to the Building Board of Adjustments and Appeals for additional two-year terms expiring December 31, 1997; further, reappointed alternate members:

- Minh Cong Kieu
- Raymond Coudriet
- Judith Russell
- Bruce Alan Sumner
- Kenneth E. Hastings
- Loyal Slechta
- David Rose
- Michael Rodriguez
- Irvin L. Lane
- Craig Andrews
- Henri Casenove

for additional one-year terms expiring December 31, 1996; further, appointed:

- Zemp Pepper to replace Paul Halyard in the Mechanical Engineer regular member category;
- Joe Robertson to replace David R. Jenkins in the Structural Engineer regular member category;

for terms expiring December 31, 1997; and further, authorized the Membership and Mission Review Board to meet with the County Attorney's Office to develop recommendations to streamline the MMRB.

Fire and Life Safety Code Board of Adjustments and Appeals

**Staff Report**

Kha Le-Huu, chairman of the Membership and Mission Review Board stated that the name John Holmes is an error and should be John Birchfield.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Donegan, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed Roy Brand, Bruce Holmes, and John Birchfield to the Fire and Life Safety Code Board of Adjustments and Appeals for terms expiring December 31, 1997; and further, appointed Tom Cotton to replace Fernando Sikes in the Fire and Casualty Insurance category for a term expiring December 31, 1997.

Health Facilities Authority**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed Linda Shaughnessy to the Health Facilities Authority for an additional four-year term expiring December 31, 1999.

Housing Finance Authority**Motion**

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board appointed J. Thomas Cardwell, Jr., to the Housing Finance Authority replacing Barbara Conover for a term expiring December 31, 1999.

Industrial Development Authority**Motion**

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed James Jennings to the Industrial Development Authority for an additional four-year term expiring December 31, 1999.

Commissioner Freeman joined the meeting.

Library Board of Trustees**Motion**

Upon a motion by Commissioner Johnson, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board reappointed Jacqueline Perkins to the Library Board of Trustees for a term expiring December 31, 1999; and further, reappointed Darrell Julian, as requested

by the City of Orlando, as the City of Orlando representative for a term expiring December 31, 1999.

Local Government Solid Waste Advisory Board

**Motion**

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board appointed Garry Schneider to the Local Government Solid Waste Advisory Board to fill a vacancy in the Public Health Official category for a term expiring June 30, 1997; and further, appointed Alan Ispass to fill a vacancy in the County Official category for a term expiring June 30, 1996.

Underground Utility Pipeline Contractors Board of Examiners

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board reappointed Donald Silbernagel and Reinardo Malave to the Underground Utility Pipeline Contractors Board of Examiners for terms expiring December 31, 1997.

**Board Discussion**

The Board discussed increased diversity among advisory board appointments, the Health Facilities Authority appointment, and the actual ratio of minorities.

**NONAGENDA - METROPOLITAN PLANNING ORGANIZATION**

**Commissioner's Report**

Commissioner Staley stated that the Metropolitan Planning Organization will elect officers at its January 10, 1996, meeting. He noted that the MPO has not had a chairman from Orange County in the past five years and recommended the Board support Commissioner Donegan for chairman.

**Motion**

Upon a motion by Commissioner Staley, seconded by County Chairman Chapin, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board supported submitting Commissioner Donegan's name in nomination for chairman of the Metropolitan Planning Organization.

County Chairman Chapin directed staff to fax Commissioner Donegan's nomination to the members of the Metropolitan Planning Organization.

**HEALTH AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA**

1. Approval of expansion of the Juvenile Justice Detention Center at Michigan Avenue Complex and approval to enter into a lease agreement for parking on Orange County Property per the site plan (Division Office).

**Staff Report**

Health and Human Services Division Director Larry Jones stated that Orange County owns property that abuts the land the State Department of Juvenile Justice detention center is located on and that representatives from the Department of Juvenile Justice are present today to explain the need to expand this facility.

Rick Bedson, State Department of Juvenile Justice manager, District 7, reviewed the success of past partnerships and collaborative actions with Orange County and the State's desire to continue working with Orange County to improve public safety issues and juvenile crime.

Perry Turner, State Community and Detention Services Division Director narrated a computerized presentation on the current status of the Orlando Regional Detention Center facility, the expansion of a 52 bed facility that is planned for 1996, and the plans for an additional 52 bed facility some time in the future.

Mr. Turner reviewed statistics regarding the "at risk" population for Orange and Osceola Counties, the average daily population for secure detention, and the average daily population for home detention. He stated that the current facility and the facility that will be built during 1996 are located on State land, but the second 52 bed facility would require the use of 2.4 acres of land that the County currently owns.

Mr. Turner concluded his presentation with the State's request for a lease agreement for parking space on Orange County property to complete the current expansion plans.

Mr. Jones explained that staff is working on a master plan for County land at the Michigan Street complex adjacent to the detention center.

**Discussion**

The Board discussed the need to improvise building design, creating sufficient buffering around the facility for surrounding residential neighborhoods, and the possibility of future expansion of the detention center near Barnett Park.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board authorized entering into a lease agreement with the State Department of Juvenile Justice for parking on Orange County property at the Michigan Avenue Complex per the site plan.

**FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA**

1. Selection of one firm and two ranked alternates to provide planning services for the Northwest Area Study for the Orange County Planning Department, RFP Y6-501-HF ([Planning Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select one firm and two ranked alternates to provide planning services for the Northwest Area Study for the Orange County Planning Department from the following firms, listed alphabetically:

- Canin Associates, Inc.
- Hanson, Taylor, Bellomo, Herbert, Inc.
- Ivey, Harris, and Walls, Inc.

**Motion**

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

- #1 Canin Associates, Inc.
- #2 Ivey, Harris, and Walls, Inc.
- #3 Hanson, Taylor, Bellomo, Herbert, Inc.

and further, authorized staff to enter into contract negotiations to provide planning services for the Northwest Area Study for the Orange County Planning Department, RFP Y6-501-HF.

2. Medical Benefit Employee Contribution Rates (Division Office).

Staff Report

Fiscal and Human Resources Division Director Sharon Laisure explained Orange County is part of a consortium with the City of Orlando and the Greater Orlando Aviation Authority (GOAA) whose purpose is to negotiate and contract with health care providers on behalf of all three groups.

Ms. Laisure stated that the current health care contract with PruCare expires in 1997 and the consortium has been in extensive negotiations with PruCare to reduce increasing costs since mid 1995. She further stated that according an extensive rate analysis by the Health Care Coalition, the health care rates negotiated in the extended contract with PruCare are the second best rates in the region.

Ms. Laisure compared the out-of-pocket cost of City employees to the potential out-of-pocket cost of County employees based on rates with an extended contract to show that even with the increase in cost to County employees, County employees will be paying less.

Ms. Laisure concluded with the following recommendations: to extend the contract with PruCare through the year 2000, to increase the employee contribution per Chairman Chapin's rate schedule, to increase the total County contribution by \$1,000,000 from departmental savings, and to

institute County Chairman Chapin's loan program to assist with the increased employee cost.

#### Discussion

Prior to discussion, County Chariman Chapin addressed the Board with changes to her rates recommendation to the Board. She further stated that she and her senior staff share responsibility for failing to clearly communicate the employee health insurance issue with the Board members in an accurate and timely fashion.

The Board discussed possible contributions from each commissioner's budget, the accountability of the Board to the public, the benefits of an entire Board review of County business versus the County Chairman, resulting costs of not extending the contract with PruCare, the financial impact of the Chairman's proposed loan program, and employees dropping health care coverage.

Further, the Board discussed the need for improved communication with employees, the possibility of utilizing a direct care provider at the termination of the PruCare contract, the use of incentives to reduce health care costs, and the financial impact to the consortium.

For the record, Commisioner Hoenstine presented and the Board reviewed his proposal of a Three-Step plan, discussing the rates and the extension of the contract to the year 2000 without evaluating competitive bids.

Legal Counsel

County Attorney Tom Wilkes advised renegotiating the extended contract with PruCare to include a termination with penalty clause for 1997 and instituting Commissioner Hoenstine's Three-Step plan.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted Commissioner Hoenstine's Three-Step Plan and authorized renegotiation of the health insurance contract with PruCare to extend it through the year 2000 and to include a right of termination with a penalty clause.

(Commissioner Hoenstine's Three-Step Plan is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**COUNTY ADMINISTRATOR DISCUSSION AGENDA**

1. Budget Priority Discussion (County Administrator)

Discussion

County Chairman Chapin presented a proposed list of priorities based on the commissioners' input and staff recommendations.

(The County Chairman's proposed list of budget priorities is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

The Board discussed needed funding for the Lake Holden Outfall and possible funds available from the Lake George project. The members further discussed amending County Chairman Chapin's proposed priority list to transfer funds from the Lake George Park project to fund the Lake Holden Outfall project.

**Motion**

Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved the amended list of budget priorities submitted by County Chairman Chapin, as follows:

<u>Project Name</u>	<u>Proposed Funding</u>
Sheriff-Capital Equipment	\$100,000
Additional Spay/Neuter Clinic for West Orange County	\$150,000
Restrooms/Concession at the South Orange Little League	\$125,000
Lakeville Oaks Drainage Improvements	\$400,000
Stormwater Improvements for Flooding throughout District 2	\$131,760
Improvements to Restroom Facilities at Blanchard Park	\$100,000

Phase 1 of Lake George Park	\$268,560
Lake Holden Outfall	\$140,000
North Lake Mann Park	\$250,000
Ball Field Improvements to Old Cheney Elementary School	\$25,000

NONAGENDA - REQUEST TO RECONSIDER

Commissioner Staley stated that since the Town of Windermere did not approve the Orlando Utilities Commission boat ramp site, he would like the Board members to reconsider the Windermere Boat Ramp issue as approved on December 19, 1995.

**Action**

By consensus, the Board approved reconsideration of the following:

- Sale of the Lake Sheen site of 30 spaces currently owned by the County to the citizens on Lake Sheen.
- Use of proceeds of \$500,000 from the sale of the Lake Sheen Property to finance the infrastructure for the Lake Down Boat Ramp.
- Allow 50 spaces and purchase approximately nine acres on the Orlando Utilities Commission site.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with all members present and voting AYE by voice vote, the Board:

- deleted County Administrator Item 1;
- deleted Administrative Support Item 1;

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

**County Administrator**

1. Approval of renewal of County Attorney's Contract (County Administrator).  
(As stated in the above motion, this item was deleted from the agenda.)
2. Approval of resolutions authorizing staff to enter into Grant Memorandums of Agreement, and landscaping maintenance with the Florida Department of Transportation for highway beautification funding for Alafaya Trail and Goldenrod Road (from University Boulevard to S.R. 50) Orangescape Projects (Intergovernmental Affairs Department).

(Resolutions 96-M-01 through 96-M-04 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**County Attorney**

1. Approval of settlement of a foreclosure suit against Laura Oliver for \$12,000 representing outstanding Code Enforcement liens for building, zoning, and housing code violations and enforcing compliance with the Code, District 2 (County Attorney).

**County Comptroller**

1. Approval of the minutes of the December 5, 1995, meeting of the Board of County Commissioners meeting (Comptroller Clerk of the Board of County Commissioners).
2. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
  - a. Florida Public Service Commission Notice of Continuance of Hearing re: Proposed amendment of 25-24.113, Florida Administrative Code; Refusal or Discontinuance of Service by Company; Docket No. 951123-TP; dated December 8, 1995.
  - b. Notification of no public facilities within the district and annual financial statement for September 30, 1995, from Zellwood Drainage and Water Control District; dated December 13, 1995.

(Comptroller Clerk of the Board of County Commissioners)

3. 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 December 19, 1995, to December 25, 1995; total of \$27,610,054.78
  - Week of December 25, 1995, to January 8, 1996; total of \$44,858,545.73

(Finance and Accounting Department)

**County Sheriff**

1. Approval of lease to Department of Juvenile Justice for Juvenile Justice Facility (Boot Camp).

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

**Administrative Support Division**

1. Approval and authorization to record instruments and pay appropriate recording fees: Bearhead Lake, Drainage Easement and Subordination of Encumbrance, Parcel 803A, District 4 (Real Estate Management Department).

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

2. Approval and authorization to record instrument: The Lakefront at Orlando Central Park, Right-Of-Way Deed, District 6 (Real Estate Management Department).
3. Approval of purchase price above appraised value and authorization to disburse warrants, record instruments, and pay appropriate recording fees: Turkey Lake Road (Central Florida Parkway to Sand Lake Road), Deed, Drainage Easement, Temporary Construction Easement, Quit Claim Deeds and Subordinations of Encumbrances, Parcels 115/815/715, District 1 (Real Estate Management Department).

#### **Division of Information Technologies**

1. Approval for the City of Ocoee to become a party to the existing 800 Megahertz System Operational Assistance Agreement (Telecommunications Department).

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

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

1. Approval to award Invitation for Bid Y6-718-CT to the low responsive and responsible bidder, Westinghouse Remediation Services, Inc., for the closure of the Pine Hills Landfill, \$998,300 ([Public Works Engineering Department] Purchasing and Contracts Department).
2. Approval of Task Authorization 39, Contract Y2-902, to provide engineering services for water and wastewater projects, with Boyle Engineering for the Martin Marietta East Facility for reclaimed water transmission system in an amount not to exceed \$99,996 ([Public Utilities Engineering Department] Purchasing and Contracts Department).
3. Approval of Amendment 2, Contract Y4-816 with Greiner, Inc., for engineering and surveying services for the Curry Ford Road construction project (from Eastern Beltway to Andover Lakes Drive to Alafaya Trail), \$195,087.66 ([Highway Construction Department] Purchasing and Contracts Department).
4. Confirmation of the County Chairman's staff reappointments for the month of January 1996:
  - Peter D. Clarke, Deputy Director, Administration, Health and Community Services Division
  - James E. Harrison, Manager, Engineering Department, Public Works Division

- Sharon G. Laisure, Director, Administration, Fiscal and Human Resources Division
- John D. Terwilliger, Manager, Real Estate Management Department, Administrative Support Division

(Human Resources Department).

5. Approval of changes to the Collective Bargaining Agreement between Orange County and Orange County Professional Fire Fighters, Local 2057 (Human Resources Department).
6. Approval of changes to the Collective Bargaining Agreement between Orange County and Laborers' International Union of North America, Local 517 (Human Resources Department).
7. Approval of agreement between Orange County and Osceola County for medical examiner services and authorization for the County Chairman to execute the contract (OMB).
8. Approval and execution of Amendment 1 to the Tri-Party Loan Agreement among the Orange County Community Redevelopment Agency, the Orange Blossom Trail Development Board, and the City of Orlando (OMB).

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

9. Approval of payment of Intergovernmental claims (December 7 and 14, 1995) totaling \$224,164.29 (Risk Management Department).
10. Receipt and filing of the November 30 and December 7, 1995, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).
11. Review and approval of Public Officials' Bonds as follows:

County Chairman	County Chairman	\$ 2,000
Mary Johnson	County Commissioner	2,000
Robert Freeman	County Commissioner	2,000
William Donegan	County Commissioner	2,000
Thomas A. Staley	County Commissioner	2,000
Mable Butler	County Commissioner	2,000
Clarence Hoenstine	County Commissioner	2,000
Fran Carlton	Clerk of Courts	5,000
Earl K. Wood	Tax Collector	2,000
Betty Carter	Supervisor of Elections	5,000
Richard T. Crotty	Property Appraiser	1,000
Martha O. Haynie	Comptroller	5,000
Kevin E. Beary	Sheriff	25,000

(Risk Management Department).

12. Approval of Medical Records Indemnification agreement with the City of Orlando regarding the transfer of employee medical records from the Occupational Medical Clinic to the County's approved provider, Florida Hospital (Risk Management Department).

#### **Health and Community Services Division**

1. Approval and execution of the Early Childhood Development and Head Start Agreement between the Orange County School Board and Orange County, Florida. This agreement will allow the County to continue Head Start program operations at 17 elementary school sites and provide comprehensive early childhood development services to low-income eligible prekindergarten children. Term of this agreement is July 1, 1995, through June 30, 1996. The cost of this agreement is \$209,400. There will be no additional cost to the County, all districts (Department of Community Affairs).

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

2. Approval and execution of renewal of Nonemergency Medical Transportation License for Mid-Florida Patient Transport, Inc., all districts (Emergency Medical Services).
3. Approval of a resolution of support for the State of Florida's Preservation 2000 Program which acquires Florida's best environmentally sensitive lands and provides matching grants for regional and local government conservation and recreation efforts, all districts (Parks and Recreation Department).

(Resolution 96-M-05 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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

1. Approval and execution of a Developer's Agreement for discounts of impact fees, sewer capital charges, and deferral of sewer capital charges for the Powers Park Affordable Housing Development; and approval and execution of a resolution authorizing acceptance of a letter of credit in lieu of payment for sewer capital charges for the Powers Park Affordable Housing Development, District 2 (Department of Housing and Community Development).

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

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

2. Approval and execution of a Developer's Agreement for discounts of impact fees, sewer capital charges, water capacity demand charges, and deferral of sewer capital charges for the Pine Ridge Hollow Phase III, Phase I(A) Affordable Housing Development; and approval and execution of a resolution authorizing acceptance of a letter of credit in lieu of payment for sewer capital charges for the Pine Ridge Hollow Phase III, Phase I(A) Affordable

Housing Development, District 3 (Department of Housing and Community Development).

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

(Resolution 96-S-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- 3. Approval to advertise Resolutions to Lien property cleaned by Orange County, pursuant to Orange County Code, 2, Chapter 28, Nuisances, Article II, Lot Cleaning, Resolutions to Lien: LC-95-116, LC-95-124, LC-95-129, LC-96-002, LC-96-003, LC-96-004, LC-96-009, LC-96-010, LC-96-011, LC-96-012, LC-96-013, LC-96-015, LC-96-016, LC-96-018, LC-96-017, LC-96-020, LC-96-021, LC-96-022, LC-96-023, LC-96-024, LC-96-026, LC-96-027, LC-96-028, all districts (Zoning Department).

(Resolutions 96-ZON-01 through 96-ZON-23 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**NONAGENDA - ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

Commissioner's Report

Commissioner Hoenstine requested the Board approve County Comptroller Consent Agenda Item 2 which was deleted from the January 2, 1996, Agenda.

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Donegan, and carried with all members present and voting AYE by voice vote, the Board acknowledged and accepted for filing the Orange County Research and Development Authority Financial Statements, Supplementary Data, and Compliance Requirements for the years ended September 30, 1994, and 1995.

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, Clarence Hoenstine, Bill Donegan, and Mable Butler present. Commissioner Johnson joined the meeting where indicated. Also present were Assistant County Administrator Byron Brooks, County Attorney Tom Wilkes, Assistant County Comptroller as Clerk Jim Moye, and Deputy Clerk Rosilyn Stapleton. The Board paused for an invocation by the Reverend Dr. David Janning, pastor of the Orlando Baptist Church, followed by the Pledge of Allegiance to the Flag.

**BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF JANUARY 4, 1996**

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of January 4, 1995, with the exception of Item 16, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 16 in the name of Trinity Freewill Baptist Church on February 6, 1996, at 2:45 p.m.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of January 4, 1995, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for Public Hearing, as follows:

- Appellant/Applicant: Amprop Corporation; Board of Zoning Adjustment Item 10, January 4, 1996; public hearing date and time: February 6, 1996, 2:45 p.m.

**NOTE: THE FOLLOWING FOUR PUBLIC HEARINGS WERE CONSIDERED TOGETHER: (SEE PAGE 19 FOR APPEARANCES, DISCUSSION, AND MOTION.)**

**MSTU/BU PUBLIC HEARING - AMEND KELLY PARK HILLS SOUTH, PHASE 1, 2, AND 3 MSTU/BU; STREET LIGHTS AND RETENTION POND(S); DISTRICT 2**

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending the Special Purpose Taxing District for street lights and retention pond(s) maintenance at Kelly Park Hills South, Phase 1, 2, and 3; Section 17, Township 20, 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 \$46 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

**MSTU/BU PUBLIC HEARING - AMEND RIVERSBEND UNIT 1, UNIT 1 REPLAT, AND UNIT 2 MSTU/BU; STREET LIGHTS AND RETENTION POND(S); DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending the Special Purpose Taxing District for street lights and retention pond(s) maintenance at Riversbend Unit 1, Unit 1 Replat, and Unit 2; Section 4, 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 \$226 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

**MSTU/BU PUBLIC HEARING - ESTABLISH ALISO RIDGE MSTU/BU, STREET LIGHTS AND RETENTION POND(S), 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 and retention pond(s) maintenance at Aliso Ridge; Section 28, 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 \$43 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

**MSTU/BU PUBLIC HEARING - ESTABLISH UNIVERSITY PINES MSTU/BU, STREET LIGHTS AND RETENTION POND(S), DISTRICT 5**

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 University Pines; Section 4, 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 \$152 per lot for street lights and an annual cost of \$27 per lot for retention pond(s) maintenance.

**Appearances**

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

**Discussion**

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

**Motion**

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

- Kelly Park Hills South, Phase 1, 2, and 3, annual cost of \$46 per lot for streetlighting and \$54 per lot for retention pond maintenance;
- Riversbend Unit 1, Unit 1 Replat, and Unit 2, annual cost of \$226 per lot for streetlighting and \$54 per lot for retention pond(s) maintenance;

and further, adopted the resolutions establishing special purpose taxing districts as follows:

- Aliso Ridge, annual cost of \$43 per lot for streetlighting and \$54.00 per lot for retention pond(s) maintenance;
- University Pines, annual cost of \$152 per lot for streetlighting 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.)

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 34; PERTAINING TO SUBDIVISION REGULATIONS**

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

AN ORDINANCE PERTAINING TO SUBDIVISION REGULATIONS IN UNINCORPORATED ORANGE COUNTY; AMENDING ORANGE COUNTY CODE, CHAPTER 34, REGARDING THE DEFINITION OF THE DEVELOPMENT REVIEW COMMITTEE (DRC); AMENDING ORANGE COUNTY CODE, SECTION 30-118, MINIMUM SPECIFICATIONS AND CONDITIONS (FOR PLATTING), SUBSECTION (C) TO PROVIDE THAT CURRENTLY PAYABLE TAXES ARE DUE PRIOR TO PLATTING; AMENDING ORANGE COUNTY CODE, SECTION 30-120, VACATING OF PLATS -- PREREQUISITE, SUBSECTIONS (2) AND (3) TO PROVIDE THAT CURRENTLY PAYABLE TAXES ARE DUE PRIOR TO VACATION OF A PLAT; DELETING THE REQUIREMENT THAT SUFFICIENT ASSURANCE OF THEN CURRENT YEAR TAXES BE PREPAID IN THE PLATTING AND VACATION PROCESSES; AMENDING ORANGE COUNTY CODE, SECTION 34-133, PLATTING REQUIREMENTS, TO DELETE SUBSECTION (H) WHICH REQUIRED A TAX ESCROW RECEIPT; AMENDING CHAPTERS 30 AND CHAPTER 34 OF THE ORANGE COUNTY CODE TO ALLOW A VOLUNTARY CONTRIBUTION OF FUNDS TO PAY FOR SIDEWALKS IN LIEU OF REQUIRING CONSTRUCTION OF SIDEWALKS; AND PROVIDING AN EFFECTIVE DATE.

**Commissioner Johnson joined the meeting.**

Staff Report

Planning Department Manager David Heath reviewed the proposed ordinance.

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Chapter 34, pertaining to Subdivision Regulations.

(Ordinance 96-2 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 37, ARTICLE XVII, INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEM (OSDS) ORDINANCE

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

AN ORDINANCE AMENDING THE ORANGE COUNTY INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEM (OSDS) ORDINANCE, CODIFIED AS CHAPTER 37, ARTICLE XVII, ORANGE COUNTY CODE; PROVIDING FOR A REDUCTION IN WATER TABLE SEPARATION REQUIREMENTS; PROVIDING FOR EXEMPTION FROM LOT SIZE REQUIREMENTS FOR SUBDIVISIONS AND LOTS OF RECORD EXISTING PRIOR TO JANUARY 1, 1972; PROVIDING FOR ALLOWANCE OF REAR YARD OSDS; DELETING MOUNDED SYSTEM LIMITATIONS; PROVIDING AN EXEMPTION FOR REPAIRS AND UPGRADES OF EXISTING SYSTEMS; PROVIDING FOR ADMINISTRATION OF VARIANCES BY THE COUNTY ENGINEER WITH APPEAL RIGHTS TO THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR HEIGHTENED STANDARDS FOR LAKEFRONT LOTS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath reviewed the proposed ordinance.

Appearances

The following person addressed the Board with general comments:

- Richard Van Slyke; chairman of the Development Advisory Board (no address given).

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

Discussion

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

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Chapter 37, Article XVII, Individual Onsite Sewage Disposal System (OSDS) Ordinance.

(Ordinance 96-1 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 15, NOISE AND VIBRATION CONTROL ORDINANCE**

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

AN ORDINANCE DEALING WITH THE CONTROL OF NOISE AND VIBRATION IN ORANGE COUNTY, FLORIDA; AMENDING ARTICLE V OF CHAPTER 15 OF THE ORANGE COUNTY CODE, COMMONLY KNOWN AS THE "NOISE AND VIBRATION CONTROL ORDINANCE" OF ORANGE COUNTY, FLORIDA, AS AMENDED BY ORDINANCE NO. 95-31, BY AMENDING SECTION 15-182 TO PROVIDE THAT EXISTING SPECIAL EXCEPTIONS, NONCONFORMING USES AND VARIANCES SHALL BE SUBJECT TO THE ORDINANCE; BY AMENDING SECTION 15-185 TO EXEMPT ANY MOTOR VEHICLE ENGAGED IN A PROFESSIONAL OR AMATEUR SANCTIONED, COMPETITIVE SPORTS EVENT FOR WHICH ADMISSION OR ENTRY FEE IS CHARGED, OR PRACTICE OR TIME TRIALS FOR SUCH EVENT; AND PROVIDING AN EFFECTIVE DATE.

**Staff Report**

Environmental Supervisor Nick Sassic reviewed the proposed ordinance.

**Appearances**

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

**Discussion**

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

**Motion**

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Chapter 15, Noise and Vibration Control Ordinance.

(Ordinance 96-4 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: THOMAS MURPHY APPLICANT: LAKE DRAWDY SUBDIVISION; ITEM 23, OCTOBER 5, 1995 (CONTINUED FROM NOVEMBER 7, 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, dated October 5, 1995, on a request by Lake Drawdy Subdivision to amend conditions of previous special exception approval 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; Orange County, Florida.

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

**Commissioners Report**

Commissioner Donegan stated that both sides have requested a continuance to allow for further negotiations.

**Discussion**

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

**Motion**

Upon a motion by Commissioner Donegan, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by Thomas Murphy of the recommendation of the Board of Zoning Adjustment, dated October 5, 1995, on a request by Lake Drawdy Subdivision, until February 6, 1996, at 1:50 p.m.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: STEVE L. MELLICH, P.E.; EBAN'S PRESERVE PRELIMINARY SUBDIVISION; TO INCREASE THE NUMBER OF LOTS; (CONTINUED FROM DECEMBER 5, 1995), DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Steve L. Mellich, P.E., for Eban's Preserve Preliminary Subdivision to increase the number of lots from 104 to 129, pursuant to Orange County Code, Article II, Section 34-27, on property which is generally located east of Forsyth Road and south of S.R. 50; Section 26, Township 22, Range 30; District 3; 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 change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Robert J. Pleus, Jr., Esquire; Akerman, Senterfitt & Eidson, P.A.; 255 South Orange Avenue, Orlando, Florida; for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the request by Steve L. Mellich, P.E., for Eban's Preserve Preliminary Subdivision, to increase the number of lots; which constitutes a substantial change the development on the above described property subject to the following conditions:

1. Development shall conform to the Eban's Preserve Preliminary Subdivision Plan, dated "Received March 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.
2. Left-turn lane shall be provided on Forsyth Road.
3. Waiver of Section 38-1501 to allow a front- and rear-yard building setback of (20) feet is granted.
4. A mitigation plan for the proposed conservation area impacts must be submitted and approved by the Environmental Protection Department prior to construction plan submittal.
5. Waiver of Section 34-171(g) to provide a sidewalk on one side of the entrance road to Lot 1 is approved.

- 6. Reduce the number of lots from 129 to 127.
- 7. Add a tot park with picnic area, and bike rack, and half basketball court.
- 8. Increase the width of cul-de-sac streets from 18 feet to 20 feet.
- 9. Flag lots on cul-de-sac must have two car garages. The remaining lots shall have driveways that accommodate two vehicles.
- 10. Alternate the placement of driveways along internal roads.
- 11. Build a fence along the Azalea Park Canal.

NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER: (SEE PAGES 26 AND 27 FOR APPEARANCES, DISCUSSION, AND MOTION.)

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: WILLIAM S. CARR, JR., P.E.; PEPPER MILL WEST PLANNED DEVELOPMENT/LAND USE PLAN; TO AMEND THE LAND USE PLAN; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by William S. Carr, Jr., P.E., for Pepper Mill West Planned Development/Land Use Plan to convert 72.46 acres from single and multi-family uses to church use, pursuant to Orange County Code, Chapter 30, Article III and Chapter 38-1207 (d) and (e), on property which is located on the west side of John Young Parkway, south of Central Florida Parkway; District 4; Section 21, 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.)

and

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - PEPPER MILL WEST PLANNED DEVELOPMENT/TRACTS F AND G PRELIMINARY SUBDIVISION (CONTINUED FROM NOVEMBER 7, 1995, AND DECEMBER 5, 1995), DISTRICT 4

By consensus, the Board reopened the public hearing to consider the Pepper Mill West Planned Development/Tracts F and G Preliminary Subdivision Plan, continued from the November 7 and December 5, 1995, Board meeting.

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

Staff Report

Planning Department Manager David Heath requested that the substantial change and preliminary subdivision public hearings be considered together to avoid duplicating public comment. Further, Mr. Heath stated that the developer requested the public hearing for the Pepper Mill West/Tract F and G Preliminary Subdivision be withdrawn.

Mr. Heath reviewed the substantial change request and the Development Review Committee's (DRC) determination of substantial change; and further, stated the DRC recommended approval of the request.

Appearances

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

- Bill Kercher; Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc.; 33 East Pine Street, Orlando, Florida; for the applicant.

The following person addressed the Board with general comments:

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

No one appeared in opposition to the plan.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by William S. Carr for Pepper Mill West Planned Development/Land Use Plan to convert 46.59 acres of the 72.46 total acre parcel from single and multi-family uses to church use; which constitutes a substantial change to the development on the above described property; and further, accept the applicant's withdrawal of the request for Pepper Mill West/Tracts F and G Preliminary Subdivision Plan.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - GRENADA PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Grenada Planned Development/ Preliminary Subdivision Plan on property which is generally located north of Sand Lake Road, east of State Route 435; District 1; Section 27, Township 23, Range 28; Orange County, Florida.

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

Staff Report

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

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 plan.

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 members present and voting AYE by voice vote, the Board approved the Grenada Planned Development/ Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Grenada Planned Development, Board of County Commissioner approvals, and the Grenada Villas Development Plan, dated "Received November 29, 1995," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on January 9, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan submittal, documentation with supporting calculations shall be submitted which indicates that the existing stormwater system along Sand Lake Road can accommodate the proposed outfall from this project.
3. Prior to construction plan approval, the location for wastewater mains shall be determined.

4. Waiver from Sections 38-1254 and 38-1603 to allow for 30-foot setback from the Sand Lake Road right-of-way is granted.
5. All private communities approved by the Orange County Board of County Commissioners shall comply with the following conditions:
  - (1) Streets and drainage systems shall be platted as separate tracts.
  - (2) Street and drainage system tracts shall be conveyed to and owned by a mandatory property owner's association that shall be responsible for the operation, maintenance, and repair of the streets and drainage systems.
  - (3) Nonexclusive easement rights for ingress, egress, and drainage over the street(s) and drainage system tracts shall be granted to the property lot owners with an undivided interest among all lot owners.
    - a. The right, license, or easement granted to a utility supplier shall include the nonexclusive right to ingress and egress over street tracts for access and maintenance of their utilities.
  - (4) The developer shall construct the streets and drainage systems to county standards and shall comply with the provisions of Orange County Code Sections 34-203 and 34-204 regarding letters of credit certificates of completions, and approval for maintenance as if the streets and drainage system were "public improvements."
  - (5) If entryway gates are used, they shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff, and other emergency response personnel. Such audio override device shall be approved in writing by the Orange County Fire and Rescue Service Division prior to installation of the gates.
  - (6) Prior to or simultaneously with the recording of the subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:
    - a. Establish a "mandatory" homeowners'/property owners' association with the ability and duty to levy and collect regular and special assessments for repair and maintenance (including resurfacing) of the streets and repair and maintenance of the drainage system, such assessments to be in an amount or amounts approved by the County prior to recordation as sufficient for such routine annual maintenance. The homeowners'/property owners' association shall have the right to enforce payment of assessments by the imposition and enforcements of liens for unpaid assessments, such enforcement to be by way of foreclosure or other remedy

authorized by statute, ordinance, or case law in the State of Florida.

- b. Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum level of reserves shall be in such amount or amounts approved by the county prior to recordation.
- c. Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other homeowners' association funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- e. Three years after the certificate of completion require an annual inspection of the streets and drainage systems by a registered civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.
- f. Require that all remedial work recommended by the engineer in any engineering report specified in subparagraph "e" above be completed by the homeowners' association within 60 days following receipt by the homeowners' association of such engineering report unless the recommended remedial work is of such a nature of character as not be susceptible of completion with said 60-day period, in which event, the homeowners' association shall be required to commence within said 60-day period all actions and measures reasonably necessary to effect completion of the recommended remedial work and to diligently and continuously prosecute such actions and measures to completion such that, in any event, the recommended remedial work is completed not later than 180 days following receipt by the homeowners' association of said annual engineering report.
- g. Provide that the annual engineering report shall be submitted to County Engineer within 30 days after written receipt of the report by the homeowners' association.

- h. Require that the streets shall be resurfaced every 15 years unless the annual engineering report referenced in subsection (e) above makes a recommendation to either shorten or lengthen that timeframe based on the Documentation of conditions as contained in the report.
- i. Require all sale contracts in which the developer is involved to expressly disclose these requirements (directly, not by reference), including contracts for resales. When the developer is not involved in the transaction, this provision shall be complied with to the greatest extent practicable.
- j. Expressly indemnify, defend, and hold the County harmless from any loss, cost, damage, or expense, including reasonable attorneys' fees at the trial level and in any appellate or bankruptcy proceeding, arising, directly or indirectly, out of (i) maintenance, repair, and/or reconstruction of the streets and/or drainage systems, or (ii) tort liability related to or stemming from the streets and/or drainage system. The duty to so indemnify, defend, and hold the County harmless shall be that of the association and the developer, jointly and severally, but (i) the duty of the developer shall exist only for the period the developer controls the homeowners' association, and (ii) the recourse of the County as respects the liability of the developer shall extend only to the right, title, interest, and/or estate of the developer in or to any of the platted lots.
- k. Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.
- l. Declare that upon any default in any of these requirements the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those homeowners' association funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service Taxing Unit in an amount necessary to accomplish the task.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - THE ROUSE PROPERTY PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Rouse Property Preliminary Subdivision Plan on property

which is generally located south of Westover Roberts Road and west of Apopka-Vineland Road; District 1; Section 4, Township 23, Range 28; Orange County, Florida.

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

#### Staff Report

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

#### Appearances

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

- Paul Curtis, the applicant; 425 West Colonial Drive, Suite 201, Orlando, Florida.

No one appeared in opposition to the plan.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Rouse Property Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to The Rouse Property Preliminary Subdivision Plan, dated "Received October 25, 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 January 9, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. The stormwater management system shall be designed to detain the 100 year/24 hour storm on site in the post-developed condition.

3. Prior to construction plan approval, the location, and points of connection for water mains, wastewater mains, pump station, and force mains shall be determined.
4. If this project is a gated community, it shall comply with the following conditions:
  - (1) Streets and drainage systems shall be platted as separate tracts.
  - (2) Street and drainage system tracts shall be conveyed to and owned by a mandatory property owner's association that shall be responsible for the operation, maintenance, and repair of the streets and drainage systems.
  - (3) Nonexclusive easement rights for ingress, egress, and drainage over the street(s) and drainage system tracts shall be granted to the property lot owners with an undivided interest among all lot owners.
    - a. The right, license, or easement granted to a utility supplier shall include the nonexclusive right to ingress and egress over street tracts for access and maintenance of their utilities.
  - (4) The developer shall construct the streets and drainage systems to county standards and shall comply with the provisions of Orange County Code Sections 34-203 and 34-204 regarding letters of credit, certificates of completion, and approval for maintenance as if the streets and drainage system were "public improvements."
  - (5) Entryway gates shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff and other emergency response personnel. Such audio override device shall be approved in writing by the Orange County Fire and Rescue Service Division prior to installation of the gates.
  - (6) Prior to or simultaneously with the recording of the subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:
    - a. Establish a "mandatory" homeowners'/property owners' association with the ability and duty to levy and collect regular and special assessments for repair and maintenance (including resurfacing) of the streets and repair and maintenance of the drainage system, such assessments to be in an amount or amounts approved by the

County prior to recordation as sufficient for such routine annual maintenance. The homeowners'/property owners' association shall have the right to enforce payment of assessments by the imposition and enforcement of liens for unpaid assessments, such enforcement to be by way of foreclosure or other remedy authorized by statute, ordinance or case law in the State of Florida.

- b. Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum level of reserves shall be in such amount or amounts approved by the County prior to recordation.
- c. Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other homeowners' association funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- e. Three years after the certificate of completion require an annual inspection of the streets and drainage systems by a registered civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.
- f. Require that all remedial work recommended by the engineer in any engineering report specified in subparagraph "e" above be completed by the homeowners' association within 60 days following receipt by the homeowners' association of such engineering report unless the recommended remedial work is of such a nature of character as not be susceptible of completion within said 60-day period, in which event, the homeowners' association shall be required to commence within said 60-day period all actions and measures reasonably necessary to effect completion of the recommended remedial work and to diligently and continuously prosecute such actions and measures to completion such that, in any event, the recommended remedial work is completed not later than 180 days following receipt by the homeowners' association of said annual engineering report.

- g. Provide that the annual engineering report shall be submitted to County Engineer within 30 days after written receipt of the report by the homeowners' association.
- h. Require that the streets shall be resurfaced every 15 years unless the annual engineering report referenced in subsection (e) above makes a recommendation to either shorten or lengthen that timeframe based on the documentation of conditions as contained in the report.
- i. Require all sale contracts in which the developer is involved to expressly disclose these requirements (directly, not by reference), including contracts for resales. When the developer is not involved in the transaction, this provision shall be complied with to the greatest extent practicable.
- j. Expressly indemnify, defend, and hold the County harmless from any loss, cost, damage, or expense, including reasonable attorneys' fees at the trial level and in any appellate or bankruptcy proceeding, arising, directly or indirectly, out of (i) maintenance, repair and/or reconstruction of the streets and/or drainage systems, or (ii) tort liability related to or stemming from the streets and/or drainage system. The duty to so indemnify, defend, and hold the County harmless shall be that of the association and the developer, jointly and severally, but (i) the duty of the developer shall exist only for the period the developer controls the homeowners' association, and (ii) the recourse of the County as respects the liability of the developer shall extend only to the right, title, interest and/or estate of the developer in or to any of the platted lots.
- k. Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.
- l. Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those homeowners' association funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service Taxing Unit in an amount necessary to accomplish the task.

- (5) All corner lots under 95-feet wide shall be at least 10-feet greater in width than the minimum established.
- (6) A plan for the recreation area shall be submitted to and approved by the zoning department prior to construction plan approval.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - LITTLE LAKE BRYAN PLANNED DEVELOPMENT/PHASE 2 PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Little Lake Bryan Planned Development/Phase 2 Preliminary Subdivision Plan on property which is generally located south of Interstate 4, east of S.R. 535; District 1; Sections 22 and 23, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Heath recommended that a condition be added as follows:

- Dedicated access shall be provided from the terminus of the Little Lake Bryan Parkway to the south property line consistent with planned development condition of approval 17.

Appearances

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

- Kerry Godwin; Bowyer-Singleton & Associates, Inc.; 520 South Magnolia Avenue, Orlando Florida; for the applicant.

The following person addressed the Board with general comments:

- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; 215 North Eola Drive, Orlando, Florida; representing the owners of the Lake Bryan Property.

No one appeared in opposition to the plan.

Discussion

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

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Donegan, and carried with all members present and voting AYE by voice vote, the Board approved the Little Lake Bryan Planned Development/Phase 2 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Little Lake Bryan Planned Development Preliminary Subdivision Plan, dated "Received November 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 January 9, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. The sidewalk along the west side of Vineland Avenue and the north side of Little Lake Bryan Parkway shall be waived. Contributions for the sidewalks shall be determined by the County Engineer.
3. Section 34-171(g) of the subdivision regulations shall be waived to allow sidewalks to be constructed outside of the right-of-way.
4. Prior to construction plan approval, the drainage study to establish the 100 year flood elevation, currently under review, must be approved by the County Engineer.
5. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to approval of construction plans.
6. The specific location of all drainage easements shall be determined at the time of platting.
7. Dedicated access shall be provided from the terminus of the Little Lake Bryan Parkway to the south property line consistent with planned development Condition of Approval 17.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MEADOW WOODS PLANNED DEVELOPMENT/PARCEL 62 AND 63 PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Meadow Woods Planned Development/ Parcel 62 and 63 Preliminary Subdivision Plan on property which is generally located north of the Orange-Osceola County Line and west of Landstar Boulevard; District 4; Sections 35 and 36, 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

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 request:

- Kevin Walsh, P.E.; Miller-Sellen Associates, Inc.; 214 East Lucerne Circle, Orlando, Florida; for the applicant.

No one appeared in opposition to the plan.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Meadow Woods Planned Development/Parcel 62 and 63 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods Planned Development/Parcel 62 and 63 Preliminary Subdivision Plan, dated "Received December 1, 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 January 9, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval a Master Stormwater Management plan and a drainage study to establish the 100 year flood elevation shall be submitted to the County Engineer for review and approval.
3. Prior to construction plan approval modification of the existing water and wastewater agreements will be required to allow connection to the existing Meadow Woods facilities.
4. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.

5. Prior to construction plan approval, the size, location, and points of connection for water mains and force mains shall be determined.
6. All gated communities approved by the Orange County Board of County Commissioners shall comply with the following conditions:
  - (1) Streets and drainage systems shall be platted as separate tracts.
  - (2) Street and drainage system tracts shall be conveyed to and owned by a mandatory property owners' association that shall be responsible for the operation, maintenance and repair of the streets and drainage systems.
  - (3) Nonexclusive easement rights for ingress, egress and drainage over the street(s) and drainage system tracts shall be granted to the property lot owners with an undivided interest among all lot owners.
    - a. The right, license or easement granted to a utility supplier shall include the nonexclusive right to ingress and egress over street tracts for access and maintenance of their utilities.
  - (4) The developer shall construct the streets and drainage systems to county standards and shall comply with the provisions of Orange County Code Sections 34-203 and 34-204 regarding letters of credit, certificates of completion and approval for maintenance as if the streets and drainage system were "public improvements."
  - (5) Entryway gates shall be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff and other emergency response personnel. Such audio override device shall be approved in writing by the Orange County Fire and Rescue Service Division prior to installation of the gates.
  - (6) Prior to or simultaneously with the recording of the subdivision plat, the developer shall record in the Official Records of Orange County a document or documents (e.g., deed restrictions) which, to the County's satisfaction, are legally sufficient and enforceable to accomplish or otherwise ensure the following:
    - a. Establish a "mandatory" homeowners'/property owners' association with the ability and duty to levy and collect regular and special assessments for repair and maintenance (including resurfacing) of the streets and repair and maintenance of the drainage system, such assessments to be in an amount or amounts approved by the County prior to recordation as sufficient for such routine annual

maintenance. The homeowners'/property owners' association shall have the right to enforce payment of assessments by the imposition and enforcement of liens for unpaid assessments, such enforcement to be by way of foreclosure or other remedy authorized by statute, ordinance or case law in the State of Florida.

- b. Establish a fund for reserves for periodic major maintenance to the streets and drainage system, including ponds, with minimum level of reserves to be maintained in perpetuity and replenished from time to time, as necessary, by assessment, and such minimum level of reserves shall be in such amount or amounts approved by the County prior to recordation.
- c. Provide that all street and/or drainage system funds shall be held in accounts separate and apart from all other homeowners' association funds.
- d. Requires an annual statement or other financial report (in form and detail acceptable to the Orange County Comptroller) to be submitted to County confirming existence of the funds.
- e. Three years after the certificate of completion require an annual inspection of the streets and drainage systems by a registered civil engineer. This inspection shall, using good engineering practice, determine the level of maintenance and identify any needed repairs. The inspection shall be written into a report format.
- f. Require that all remedial work recommended by the engineer in any engineering report specified in subparagraph "e" above be completed by the homeowners' association within 60 days following receipt by the homeowners' association of such engineering report unless the recommended remedial work is of such a nature of character as not be susceptible of completion within said 60-day period, in which event, the homeowners' association shall be required to commence within said 60-day period all actions and measures reasonably necessary to effect completion of the recommended remedial work and to diligently and continuously prosecute such actions and measures to completion such that, in any event, the recommended remedial work is completed not later than 180 days following receipt by the homeowners' association of said annual engineering report.

- g. Provide that the annual engineering report shall be submitted to County Engineer within 30 days after written receipt of the report by the homeowners' association.
  - h. Require that the streets shall be resurfaced every 15 years unless the annual engineering report referenced in subsection (e) above makes a recommendation to either shorten or lengthen that timeframe based on the documentation of conditions as contained in the report.
  - i. Require all sale contracts in which the developer is involved to expressly disclose these requirements (directly, not by reference), including contracts for resales. When the developer is not involved in the transaction, this provision shall be complied with to the greatest extent practicable.
  - j. Expressly indemnify, defend, and hold the County harmless from any loss, cost, damage, or expense including reasonable attorneys' fees at the trial level and in any appellate or bankruptcy proceeding, arising, directly or indirectly, out of (i) maintenance, repair and/or reconstruction of the streets and/or drainage systems, or (ii) tort liability related to or stemming from the streets and/or drainage system. The duty to so indemnify, defend and hold the County harmless shall be that of the association and the developer, jointly and severally, but (i) the duty of the developer shall exist only for the period the developer controls the homeowners' association, and (ii) the recourse of the County as respects the liability of the developer shall extend only to the right, title, interest and/or estate of the developer in or to any of the platted lots.
  - k. Expressly disclose that homeowners get no discount in taxes because of private streets or drainage system.
  - l. Declare that upon any default in any of these requirements, the County, at its option and after due notice of its declaration of a default and the stated time to cure, may remove the gates and upon dedication of the rights-of-way assume responsibility for maintenance, using those homeowners' association funds dedicated to streets and/or drainage systems maintenance and repair, or if none or an insufficient amount exists, a temporary Municipal Service Taxing Unit in an amount necessary to accomplish the task.
- (7) Short-term rental shall be prohibited.

- (8) The developer is proceeding at his own risk until the Department of Community Affairs' appeal period has expired. No construction plans shall be approved until the appeal period has expired.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: SHIRLEY BOYKIN, METROPOLITAN URBAN LEAGUE, INC., PINE HILLS CENTER PLANNED DEVELOPMENT; TO ELIMINATE CONDITION 6 REGARDING WALL AND FENCING; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Shirley Boykin for the Metropolitan Urban League, Inc., Pine Hills Center Planned Development to eliminate Condition 6 regarding the wall and fencing requirement along the north and west property lines, pursuant to Orange County Code, Chapter 30, Article III and Chapter 38-1027 (d) and (e), on property which is located on the west side of Belcoe Drive, 170 feet north of Silver Star Road; District 2; Section 18, Township 22, Range 29; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Shirley Boykin, the applicant; Metropolitan Orlando Urban League; 2512 West Colonial Drive, Orlando, Florida.
- Juanita Sanders, program coordinator, Metropolitan Orlando Urban League; 2512 West Colonial Drive, Orlando, Florida.

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

- Alonzo Jones; President of Forest Park Homeowners' Civic Association; no address given.
- Joyce Dowd, 2805 South Greenfield Avenue, Orlando, Florida.

Discussion

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

**Motion**

Upon a motion by Commissioner Staley, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a substantial change request by Shirley Boykin for Metropolitan Urban League, Inc., Pine Hills Center Planned Development until February 6, 1996 at 1:50 p.m. for decision only.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: SAMUEL BENSON, "SUTTON LAKES COMMUNITY"; CASE Z-95-080, NOVEMBER 16, 1995; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Samuel Benson, Sutton Lakes Community, for a change in zoning from A-1 (Agricultural District) (1957) and A-2 (Agricultural District) (1958) to PD (Planned Development) for attached single-family unit short-term occupancies, on property which is generally located on the northeast corner of S.R. 545 and Arrowhead Boulevard; District 1; Sections 31 and 32, Township 24, 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 surrounding zoning classifications, the future land use map designations in the area.

**Appearances**

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

- Kerry Godwin; Bowyer-Singleton & Associates, Inc.; 520 South Magnolia Avenue, 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.

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present voting AYE by voice vote, the Board approved the request by Samuel Benson, Sutton Lakes Community, for a change in zoning from A-1

(Agricultural District) and A-2 (Agricultural District) to PD for single-family unit short-term occupancies on the above described property; subject to the following conditions:

1. Development shall conform to the Sutton Lakes Community Land Use Plan, dated "Received December 14, 1995," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. Access to Rexford Lake shall be by nonmotorized watercraft only.
3. Building setbacks from S. R. 545 shall be a minimum 100 feet from the centerline or per the Planned Development District regulations, whichever is greater.
4. At the time of the first development plan submittal for the project, a development plan shall be submitted for review on the recreational tracts with an appropriate construction schedule for completion of the recreation facilities.

REZONING PUBLIC HEARINGS - APPLICANT: MIRANDA FITZGERALD, ESQUIRE; LAKE BRYAN PLANNED DEVELOPMENT (PD)/LAND USE PLAN (LUP)/ DEVELOPMENT OF REGIONAL IMPACT (DRI); TO CHANGE ZONING CLASSIFICATION AND APPROVAL OF MIXED-USE PROJECT, DRI, AND DEVELOPMENT ORDER (CONTINUED FROM DECEMBER 12, 1995); DISTRICT 1

By consensus, the Board reopened the public hearing to consider a request by Miranda Fitzgerald, Esquire, for Lake Bryan Planned Development/Land Use Plan/Development of Regional Impact to rezone the 162.48 acre property from commercial and agricultural designations to Planned Development, for Land Use Plan approval for a mixed-use project, approval of a Development of Regional Impact, and approval of a development order on the previously described property, continued from the December 12, 1996, Board meeting.

Staff Report

Planning and Development Division Director Bruce McClendon stated the Ms. Fitzgerald requested a continuance for further negotiations.

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 Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Miranda Fitzgerald, Esquire, for Lake Bryan Planned Development/Land Use Plan/Development of Regional Impact until February 13, 1996, at 2:45 p.m.

NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER: (SEE PAGES 49 and 50 FOR APPEARANCES, DISCUSSION, AND MOTION.)

**ORDINANCE PUBLIC HEARING - AMENDING THE CHARTER TO CREATE A NEW SECTION DEALING WITH CASINO GAMBLING AND TO PROVIDE A REFERENDUM ON THE CHARTER AMENDMENT**

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

AN ORDINANCE PERTAINING TO THE CHARTER FOR ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY CHARTER TO CREATE A NEW SECTION THAT (A) RESERVES TO THE ELECTORATE THE POWER TO APPROVE OR DISAPPROVE CASINO GAMBLING WITHIN THE COUNTY'S BOUNDARIES, (b) PROHIBITS THE COUNTY AND ALL MUNICIPALITIES IN THE COUNTY FROM ALLOWING CASINO GAMBLING IN THE COUNTY WITHOUT APPROVAL BY THE VOTERS AT REFERENDUM, (C) DEFINES "CASINO GAMBLING," (D) PROVIDES FOR ENFORCEMENT OF THE CHARTER AMENDMENT, AND (E) PROVIDES FOR OTHER MATTERS RELATED TO THE AMENDMENT; PROVIDING FOR REFERENDUM ON THE CHARTER AMENDMENT; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON APPROVAL AT REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS.

and

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38, TO PROHIBIT CASINO GAMBLING FROM OCCURRING WITHIN "TOURISM DISTRICT" (1ST HEARING)**

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

AN ORDINANCE PERTAINING TO GAMBLING IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 OF THE ORANGE COUNTY CODE ("ZONING") BY CREATING SECTION 38-1427 ("CASINO GAMBLING") TO PROVIDE THAT CASINO GAMBLING, IF AND WHEN EVER ALLOWED UNDER FLORIDA LAW, IS PROHIBITED FROM OCCURRING WITHIN THE "TOURISM DISTRICT" AS DEFINED IN CHAPTER 38; PROVIDING OTHER MATTERS IN CONNECTION WITH THE FOREGOING; AND PROVIDING AND EFFECTIVE DATE.

Staff Report

County Attorney Tom Wilkes requested that both of the above ordinances regarding casino gambling be considered together. Mr. Wilkes announced that the public hearing amending Orange County Code, Chapter 38, to prohibit casino gambling from

occurring within "Tourism District" is the first of two public hearings to consider the proposed ordinance. Further, he reviewed the two proposed ordinances.

Mr. Wilkes introduced Dr. William Thompson, an expert on the topic of gambling and whose credentials include Professor at the University of Nevada, Ph.D. in Political Science, and gaming consultant to the President on organized crime; and Joe Cocchiarella, representing State Attorney Lawson Lamar and Director of Metropolitan Bureau of Investigation, who addressed the Board and presented reports regarding the detrimental effects of casino gambling.

Mr. Wilkes entered the following into the record:

- Report created by the Planning Department
- Dr. Thompson's resume
- Dr. Thompson's report titled "The Grass Isn't Always Greener."

Mr. Wilkes announced the second of two public hearings to consider the proposed ordinance amending Orange County Code, Chapter 38, to prohibit casino gambling from occurring within "Tourism District" will be held on January 30, 1996, at 5:01 p.m.

#### Appearances

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

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

The following person addressed Board in opposition to the request:

- Susan Schiffrin, 7356 Pinemount Drive, Orlando, Florida.

#### Discussion

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

**Commissioner Freeman left the meeting.**

#### Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted the proposed ordinance amending the Charter to create a new section dealing with casino gambling and to provide a referendum on the Charter Amendment.

(Ordinance 96-3 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**NONAGENDA - METROPOLITAN PLANNING ORGANIZATION**

County Chairman Chapin announced that Commissioner Freeman will be in attendance at the Metropolitan Planning Organization (MPO) meeting on Wednesday, January 10, 1996. County Chairman Chapin requested the Board to designate Commissioner Butler as the permanent alternate for the MPO meetings.

**Motion**

Upon a motion by County Chairman Chapin, seconded by Commissioner Donegan, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved Commissioner Butler to serve as the permanent alternate should Commissioner Freeman or any commissioner be unable to attend a Metropolitan Planning Organization Meeting.

**CLOSED SESSION - UPDATE ON COURTHOUSE ASBESTOS LAWSUIT**

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

Pursuant to Section 286.011.(8) Florida Statutes, the County Attorney is requesting advice from the Board of County Commissioners at a closed session of the Board to be held at 4:30 p.m. today, regarding various workmens' compensation cases involving claims for asbestos related disabilities and the recent Federal lawsuit concerning similar claims, which is styled Vicki Resch, et al. vs. Orange County. 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 to 60 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, and the following persons or their designees: the County Attorney and John A. Gehrig, Deputy County Attorney; the County Comptroller; the Clerk of the Board of County Commissioners; Brenda Brown, Risk Management Manager; Robert C. Barrett, Esquire, and Steven A. Rissman, Esquire, of Rissman, Weisberg, Barrett & Hurt and Ronald S. Webster, Esquire, of Whittaker, Stump & Webster, outside counsel to the County hired to defend Orange County in this matter; 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 priveleged 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 5:50 p.m.