

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 13, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Bill Donegan
- County Comptroller Martha Haynie
- County Attorney Tom Wilkes
- Deputy County Administrator Byron Brooks
- Deputy Clerk Rosilyn Stapleton

Commissioner Mable Butler joined the meeting where indicated.

There being a quorum, the County Chairman called the meeting to order at 9 a.m.

WORKSESSION - UPDATE ON COURTHOUSE CONSTRUCTION PROJECT

Staff Report

Construction Administration Department Manager Mike Hicks stated that the purpose of this worksession is to report on the progress of construction of the courthouse and to discuss issues that will have to be addressed in the upcoming months.

Kenneth Champion, project executive with Morse Diesel International, addressed the Board and reported on the status of the construction schedules as of February 1996. He further illustrated the progress made by comparing the construction phases in 1995 of the Central Energy Plant, Parking Garage, and Buildings A and B to the present.

Mr. Hicks presented proposed solutions for the anticipated construction issues of indoor air quality; design changes; testing and inspection services; furniture, fixtures, and equipment; which they will have to face in the upcoming months. He stated that the County had resolved the electrical permitting issue with the City of Orlando.

Mr. Hicks reported on the public's positive feedback regarding the accomplishments they have made and the quality of the project. However, he cautioned that in the upcoming months, since the majority of the work will be performed on the inside of the building away from the public eye, the perception may change.

Commissioner Butler joined the meeting.

Mr. Hicks concluded his presentation by addressing upcoming requests for equitable adjustments which are requests from the construction manager for additional time and funding for the project. He also stated that the construction administration department is currently waiting for a report from a consultant who is reviewing these requests and that the department will come back before the Board with an update and a recommendation when that report is complete.

Discussion

The Board discussed additional costs related to unforeseen needs and technological advances, the need to have all additional costs clearly outlined when funds are requested, responsibility for poor design or incorrect specifications, recycling old furniture wherever possible, and small firm participation in the next phases of construction.

Motion

The Board did not take any action.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with County Chairman Chapin and all commissioners present and voting AYE by voice vote; Commissioner Donegan voting NO by voice vote with regard to the reappointment of Tom Allison on Fiscal and Human Resources Consent Agenda Item 8; the Board:

- deleted Fiscal and Human Resources Items 5, 6, and 7 (see page 22 for further action),
- deferred Planning and Development Item 1 for discussion (see page 21),
- corrected Administrative Support Item 1 to include the correct Budget Line 050 062 1832 3620,

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

County Administrator

1. Approval of a resolution supporting the Central Florida Mental Health and Substance Abuse Coalition's efforts to secure equitable state funding; and urging the Orange County Legislative Delegation to take necessary action to assure an equitable funding base for Central Florida (Intergovernmental Affairs Department).

(Resolution 96-M-15 is on file in the office of the Comptroller Clerk to the Board of County Commissioners.)

County Attorney

1. Approval of and authorization to enter into an engagement letter with the Greenberg & Traurig firm to serve as lead counsel in defense of the County in Ahrens v. Orange County (Pine Hills Landfill litigation) to replace the former firm assigned to the case. The new engagement letter will be under the same terms and conditions as the previous engagement letter (County Attorney).
2. Approval of a Settlement Agreement and Mutual Release between Orange County and Hembree Construction, Inc. (County Attorney).

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

County Comptroller

1. Acknowledgment and filing of the West Orange Healthcare District audited financial statements for the fiscal year ended September 30, 1995 (Administrative/Fiscal Division).
2. Approval of the minutes of the January 23 and January 30, 1996, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
3. 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 Hearing and Prehearing re: Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor, Docket No. 96001-EI; Purchased Gas Adjustment, Docket No. 96003-GU; Environmental Cost Recovery Clause, Docket No. 90007-EI; January 18, 1996.

(Comptroller Clerk of the Board of County Commissioners)

4. Authorize the disbursements of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:
 - Week of February 6, 1996, through February 12, 1996; total of \$23,776,424.91.

Administrative Support Division

1. Approval and execution by the County Chairman of a lease agreement between Windermere Property Holdings, Inc., and Orange County: Lake Down Boat Ramp Parking Lot, Lease Agreement, District 1 (Real Estate Management Department).

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

(As stated in the above motion, this item was corrected to include the correct Budget Line 050 062 1830 3620.)

2. Approval and execution by the County Chairman of an option agreement between Bernard N. Thompson and Orange County: Fort Gatlin Park Expansion, Option Agreement, Parcel 101, District 4 (Real Estate Management Department).

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

3. Approval and execution by the County Chairman of replat: Juvenile Assessment Center in connection with the expansion of the addictions receiving facility, Replat, District 6 (Real Estate Management Department).
4. Approval and execution by the County Chairman of a right-of-way utilization agreement: Western Regional Water Transmission, Right-of-Way Utilization Agreement, Parcels 807 and 707, District 6 (Real Estate Management Department).
5. Confirmation of Commissioner Donegan's appointment of Robert J. Shephard as his representative on the Parks and Recreation Advisory Board. The term of the appointment will expire June 30, 1997 (General Services Department/Agenda Development).

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y6-129-SS to the low responsive and responsible bidder, DCL Construction, Inc., for a one-year term contract, renewable for an additional two years for roadway grading for the Highway Maintenance Department, total cost of the base year and the two option years is \$1,551,870.51 ([Highway Maintenance Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y6-613-HF to the low responsive and responsible bidder, Linder Industrial Machinery Company, for the purchase of one Ingersoll-Rand Model SD100D Vibratory Roller to be used in construction of road beds at the Orange County Landfill, \$91,491 ([Resource Recovery Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y6-714-PW to the low responsive and responsible bidder, Prairie Construction Company, Inc., for the construction of Apopka-Vineland Road (South of Rinker Road to Sand Lake Road) in the amount of \$2,924,878.30 ([Highway Construction Department] Purchasing and Contracts Department).

4. Approval to award Invitation for Bid Y6-716-CT to the low responsive and responsible bidder, Prime Construction Group, Inc., to rehabilitate the Leachate pump station that was rendered inoperable by fire damage at the landfill, \$127,800 ([Public Utilities Division] Purchasing and Contracts Department).

5. Approval of Amendment 2 to Contract Y2-817 with PSI/Jammal & Associates for soils and materials testing services for the Convention Center, in an amount not to exceed \$30,000 ([Construction Administration Department/Convention Center] Purchasing and Contracts Department).

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

6. Approval of Change Order 2 to Contract Y5-729 with Hubbard Construction, Inc., for the construction of Old Winter Garden Road (Kirkman Road to Ivey Lane), in the increased amount of \$17,719 ([Highway Construction Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deleted; see page 22 for further action.)

7. Approval of Change Order 7 to Contract Y2-789 with Central Florida Underground, Inc., for the Curry Ford Road/Goldenrod Road utility relocation and improvements, \$16,842.39 ([Public Utilities/Construction Department] Purchasing and Contracts Department).

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

8. Confirmation of the County Chairman's staff reappointments for the month of February 1996:

- Tom Allison, Division Director, Administration, Corrections Division
- Richard Anderson, Manager, Correctional Facility, Corrections Division
- Byron Brooks, Deputy County Administrator, County Administration
- Brenda Brown, Manager, Risk Management Department, Fiscal and Human Resources Division
- David Diggs, Manager, Correctional Facility, Corrections Division
- Warren Geltch, Chief, Purchasing and Contracts Department, Fiscal and Human Resources Division
- Ajit Lalchandani, Division Director, Administration, Public Works Division
- Willie D. Morris, Manager, Community Development and Housing Department, Planning and Development Division
- Betty Robertson, Manager, Medical Services Department, Corrections Division
- Thomas Weinberg, Manager, Human Services Department, Health and Community Services Division

(Human Resources Department).

9. Approval of payment of intergovernmental claims (January 18 and 25, 1996) totaling \$369,871.95 (Risk Management Department).
10. Receipt and filing of the January 11 and 18, 1996, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).
11. Approval of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Orlando Museum of Art, Inc., project) in an aggregate principal amount not to exceed \$3,500,000 (Orange County Industrial Development Authority).

(Resolution 96-B-03 is on file in the Office of the Comptroller Clerk to the Board of County Commissioners.)

Health and Community Services Division

1. Approval and execution of the Nonemergency Transport License renewal for DOR-SAR Patient Transport Services. The Department of Emergency Medical Services has determined that all requirements have been met as outlined in Orange County Code, Chapter 20, all districts (Emergency Medical Services).

Planning and Development Division

1. Approval of a nonsubstantial change determination and approval of the Amended Development Order extending the expiration date from August 5, 1996, to August 1, 2001, of the Development Order for Vista Centre Planned Development/Development of Regional Impact, District 1 (Planning Department).

(As stated in the above motion, this item was deferred for discussion. See page 21.)

WORKSESSION - PUBLIC UTILITIES SYSTEMS OPERATIONS

Staff Report

Public Utilities Division Director Alan Ispass stated that he is reporting to the Board on new trends in public-private partnerships in the operation of public utilities. Mr. Ispass outlined the events and federal legislation which have paved the way for privatization of public utilities.

Mr. Ispass gave examples of public utilities across the nation which, in experiencing operational difficulties, have turned to privatization as a solution. However, he stated that, in looking at Orange County's operation which has garnered many national awards for excellence, some of the forces which led other counties to privatize are not present.

Mr. Ispass reviewed the drawbacks to counties which have privatized pointing out that those county governments are still responsible for the regulation and oversight of the utilities.

Commissioner Butler left the meeting.

Mr. Ispass outlined those areas of utility operation which have been privatized in the County. He stated that the best approach for the County is a focus on continuous improvement, core competency, and elimination of ancillary functions where possible and privatization of others.

Mr. Ispass concluded stating their objective is to be the best run utility in the southeast, placing the citizen first by emphasizing the importance of health, safety, and welfare, and the protection of the environment for the long term.

Motion

The Board did not take any action.

NONAGENDA - INTRODUCTION OF VISITORS

County Chairman Chapin welcomed U.S. Congresswoman Coreen Brown and Reverend Dr. Henry Lyons, president of the National Baptist Convention.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

1. Selection of one firm and one alternate for providing a consulting firm to assist in the development of a client/server application for Great Oaks Village per RFP Y6-502-GJ ([Division of Information Technologies/Data and Applications Department] Purchasing and Contracts Department).

Staff Report

Deputy Chief of Purchasing and Contracts Johnny Richardson requested that the Board select one firm and one alternate to assist in the development of a client/server application for Great Oaks Village from the following firms listed alphabetically:

- Coleman Research Corporation
- Powercerv

Motion

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

- #1 Powercerv
- #2 Coleman Research Corporation

and further, authorized staff to enter into contract negotiations to provide assistance in the development of a client/server application for Great Oaks Village per RFP Y6-502-GJ.

- 2. Selection of one firm and one ranked alternate to provide transportation consulting services for Orange County Convention District Transit Alignment Plan, RFP Y6-802-JO ([Convention Center/Construction Administration] Purchasing and Contracts Department).

Staff Report

Deputy Chief of Purchasing and Contracts Johnny Richardson requested that the Board select one firm and one alternate to provide transportation consulting services for Orange County Convention District Alignment Plan from the following firms, listed alphabetically:

- De Leuw, Cather, and Company
- Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc.

Discussion

For the record, Commissioner Staley stated that he is opposed to further transportation studies of International Drive.

Motion

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

- #1 Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc.
- #2 De Leuw, Cather, and Company

and further, authorized staff to enter into contract negotiations to provide transportation consulting services for Orange County Convention District Transit Alignment Plan per RFP Y6-802-JO.

Commissioner Butler joined the meeting.

COUNTY ATTORNEY DISCUSSION AGENDA

- 1. Approval of the execution and delivery of (i) the 1996 Tourism Promotion Agreement, (ii) the Florida Citrus Bowl Funding Assurance Agreement, and (iii) Orlando/Orange County Interlocal Agreement concerning financial reimbursement for the 1996 Olympic Soccer Competition (County Attorney).

Staff Report

County Attorney Tom Wilkes requested that the Board approve the execution and delivery of (i) the 1996 Tourism Promotion Agreement, (ii) the Florida Citrus Bowl Funding Assurance Agreement, and (iii) Orlando/Orange County

Interlocal Agreement concerning financial reimbursement for the 1996 Olympic Soccer Competition; and further, stated that these agreements were drafted by direction of the Board.

Discussion

The Board discussed the effect on the sunset provision in the approval of the 5th cent and the \$1 million cap on the agreements.

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 execution and delivery of the following:

- (i) the 1996 Tourism Promotion Agreement
- (ii) the Florida Citrus Bowl Funding Assurance Agreement
- (iii) Orlando/Orange County Interlocal Agreement concerning financial reimbursement for the 1996 Olympic Soccer Competition.

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

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA

1. Consideration of the Membership and Mission Review Board recommendations for appointment to the Civic Facilities Authority (General Services Department/Agenda Development).

Staff Report

County Attorney Tom Wilkes presented the Membership and Mission Review Board recommendation for reappointment, and the Board took the following action:

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board appointed James Humphrey to the Civic Facilities Authority replacing Donna K. Walden for a term expiring December 31, 1998.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA

1. Approval of the expenditure of \$20,000 for a post cleanup celebration of the St. Johns River and payment of tipping fees at the county landfill from the nondepartmental expenditure fund, account 001-023-0413; countywide (Environmental Protection Department).

Staff Report

Environmental Protection Department Manager Anna M. Hacha-Long and Vera Carter, former Orange County Commissioner, requested Board approval of the expenditure of \$20,000 for post cleanup celebration of the St. Johns River

and payment of tipping fees at the county landfill from the nondepartmental expenditure fund.

In response to Board questions regarding the \$20,000 expense, Ms. Carter explained that it would be used to purchase cleanup supplies and to supply food to approximately 5,000 volunteers after the four-hour cleanup project.

Discussion

The Board discussed participation by all counties involved and the possibility of waiving versus payment of tipping fees.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved the expenditure of \$20,000 for a post cleanup celebration of the St. Johns River and payment of tipping fees at the County landfill from the nondepartmental expenditure fund, Account 001-023-0413.

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. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Mable Butler
- Chief Deputy Comptroller Jim Moyer
- Deputy County Administrator Byron Brooks
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Donegan joined the meeting where indicated.

The Board paused for an invocation by Father Michael Julio, Associate Pastor of the Holy Family Catholic Church of Orlando, followed by the Pledge of Allegiance to the Flag.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF FEBRUARY 1, 1996

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Donegan was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of February 1, 1996, subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of February 1, 1996, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for Public Hearing, as follows:

- Appellant: Jack Jackson, Jr., and Laurene Brown; Applicant: Orange County Collision Avoidance Training Facility, Item 12, February 1, 1996; public hearing date and time: March 5, 1996, 2:45 p.m.
- Appellant: City of Ocoee; Applicant: Shurgard/Liberty, Item 6, February 1, 1996; public hearing date and time: March 5, 1996, 2:45 p.m.
- Appellant: John B. Davis; Applicant: Knights Crossing, Item 20, February 1, 1996; public hearing date and time: March 5, 1996, 2:45 p.m.

NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER: (SEE PAGES 15 AND 16 FOR APPEARANCES, DISCUSSION, AND MOTION.)

MSTU/BU NOTIFICATION OF INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR PROPERTIES NOT YET SCHEDULED FOR PUBLIC HEARING

Notice was given that the Board of County Commissioners would hold a public hearing to consider the adoption of a resolution authorizing the Orange County Board of County Commissioners to use the uniform ad valorem method of collecting non-ad valorem assessments levied by the Orange County Board of County Commissioners as provided in Section 197.3632, Florida Statutes.

(The properties subject to the proposed resolution are 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 is not to impose a rate or levy an assessment, but rather to consider the adoption of a resolution authorizing the Board to use the uniform ad valorem method of collecting non-ad valorem assessments.

MSTU/BU PUBLIC HEARING - AMEND EAST BAY ESTATES, FICQUETTE THORNAL SUB NO. 1, AND JOE LOUIS PARK MSTU/BUs; STREET LIGHTS; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of the Special Purpose Taxing Districts for street lights at East Bay Estates, Ficquette Thornal Sub No. 1, and Joe Louis Park; Sections 13 and 14, Township 22, Range 27; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$24 per lot for street lights.

MSTU/BU PUBLIC HEARING - ESTABLISH CYPRESS MEADOWS MSTU/BU, STREET LIGHTS AND MAINTENANCE OF RETENTION POND(S); DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a Special Purpose Taxing District for street lights and retention pond(s) maintenance at Cypress Meadows; Section 5, Township 23, 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 \$41 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

MSTU/BU PUBLIC HEARING - ESTABLISH ESTABLISH FORSYTH OAKS MSTU/BU, STREET LIGHTS AND MAINTENANCE OF RETENTION POND(S); DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a Special Purpose Taxing District for street lights and retention pond(s) maintenance at Forsyth Oaks; Section 27, Township 22, Range 30; Orange County, Florida.

Commissioner Donegan joined the meeting.

(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 \$49 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

MSTU/BU PUBLIC HEARING - ESTABLISH LAKESIDE PLACE MSTU/BU, STREET LIGHTS AND MAINTENANCE OF 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 Lakeside Place; Section 10, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$154 per lot for street lights and an annual cost of \$54 per lot for retention pond(s) maintenance.

MSTU/BU PUBLIC HEARING - ESTABLISH PERSHING HEIGHTS MSTU/BU, STREET LIGHTS AND MAINTENANCE OF RETENTION POND(S); DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a Special Purpose Taxing District for street lights and retention pond(s) maintenance at Pershing Heights; Section 10, Township 23, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$36 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 requests.

Discussion

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

Motion

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

- adopted a resolution authorizing the Orange County Board of County Commissioners to use the uniform ad valorem method of collecting non-ad valorem assessments levied by the Orange County Board of County Commissioners as provided in Section 197.3632, Florida Statutes;

- adopted a resolution amending the special purpose taxing district for East Bay Estates, Ficquette Thornal Sub No. 1, and Joe Louis Park, annual cost of \$24 per lot for street lights;

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

- Cypress Meadows, annual cost of \$41 per lot for street lights and \$54 per lot for retention pond maintenance;
- Forsyth Oaks, annual cost of \$49 per lot for street lights and \$54 per lot for retention pond maintenance;
- Lakeside Place, annual cost of \$154 per lot for street lights and \$54 per lot for retention pond maintenance;
- Pershing Heights, annual cost of \$36 per lot for street lights and \$27 per lot for retention pond maintenance.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ROSE CREEK PRELIMINARY SUBDIVISION; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Rose Creek Preliminary Subdivision Plan on property which is generally located south of Lake Underhill and west of Chickasaw Trail; District 3; Section 36, Township 22, Range 30; Orange County, Florida.

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

Staff Report

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

Appearances

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

- Ralph Singleton, the applicant, 529 Versailles Drive, Suite 200, Maitland, Florida.

No one appeared in opposition to the plan.

Discussion

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

Motion

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

1. Development shall conform to the Rose Creek Preliminary Subdivision Plan, dated "Received January 9, 1996," 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 February 13, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. A waiver of Section 34-249 which requires retention ponds to have a maximum length to width ratio of 2:1 is granted.
3. A waiver of Section 38-1501 to allow 25-foot rear yard setback in lieu of 30-foot rear yard setback is granted.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WATERFORD LAKES PLANNED DEVELOPMENT/SHOPPING CENTER PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Waterford Lakes Planned Development/Shopping Center Preliminary Subdivision Plan on property which is generally located south of Lake Underhill Road and east of Alafaya Trail; District 4; Section 27, 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

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

Commissioner Hoenstine recommended that six conditions be added and numbered as follows:

7. The lighting shall be shielded from the adjacent residential areas. (Blinders or Shoe Box Lights to deflect light towards parking lot.)

8. All deliveries shall be encouraged between the hours of 7 a.m. and 10 p.m.
9. A chain link fence shall be provided along the western side of the retention pond.
10. Deed covenants and restrictions shall be submitted that prohibit the dry sweeping of the parking lot. Parking lot sweeping shall be by wet application only.
11. All compressors, exhaust fans, and other equipment shall be located on the roof and shielded from adjacent residential areas; or extend the exhaust ventilators to redirect the sound away from the homes, towards the front of the property.
12. The dumpster will be a free-standing sealed compactor. The trash will be picked up during the daylight hours.

Appearances

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

- Rick Gutierrez, 121 West Trade Street, Charlotte, North Carolina; for the applicant.

The following person addressed the Board with general comments:

- Aaron Kaufman, area resident, 346 Prarie Dune Way, Orlando, Florida.

No one appeared in opposition to the plan.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the Waterford Lakes Planned Development/Shopping Center Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Waterford Lakes Shopping Center Planned Development Preliminary Subdivision Plan, dated "Received December 8, 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 February 13, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
3. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.
4. A six-foot (6') high wall shall be provided along the south property lines.
5. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this planned development.
6. Improvement of signal at intersection of Lake Underhill Drive and Alafaya Trail shall be addressed at construction plan approval. The developer shall be responsible for any cost associated with modification of the signal.
7. The lighting shall be shielded from the adjacent residential areas. (Blinders or Shoe Box Lights to deflect light towards parking lot.)
8. All deliveries shall be encouraged between the hours of 7 a.m. and 10 p.m.
9. A chain link fence shall be provided along the western side of the retention pond.
10. Deed covenants and restrictions shall be submitted that prohibit the dry sweeping of the parking lot. Parking lot sweeping shall be by wet application only.
11. All compressors, exhaust fans, and other equipment shall be located on the roof and shielded from adjacent residential areas; or extend the exhaust ventilators to redirect the sound away from the homes, towards the front of the property.
12. The dumpster will be a free-standing sealed compactor. The trash will be picked up during the daylight hours.

REZONING PUBLIC HEARING - 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, AND JANUARY 9, 1996); DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miranda Fitzgerald, Esquire, 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. This mixed-use project would include 225,000 gross square feet (26.95 acres) of tourist commercial uses, 2000 rooms (64.8 acres) of hotel/motel/time-share uses, and 70.73 acres devoted to open spaces, lakes and streams, and road rights-of-way; on property which is generally located along the west side of International Drive Extension, one and 1/4 miles south of Westwood Boulevard and approximately one mile north of the Southern Connector; District 1; Section 27, Township 24, and Range 28; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath stated that the applicant has requested a continuance to allow for continued negotiations.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, 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, 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 until March 26, 1996, at 1:35 p.m.

PLANNING AND DEVELOPMENT DIVISION CONSENT AGENDA ITEM 1 - DEFERRED FOR DISCUSSION

1. Approval of a nonsubstantial change determination and approval of the Amended Development Order extending the expiration date from August 5, 1996, to August 1, 2001, of the Development Order for Vista Centre Planned Development/ Development of Regional Impact, District 1 (Planning Department).

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board approved a nonsubstantial change determination and the Amended Development

Order extending the expiration date of the Development Order for Vista Centre Planned Development/ Development of Regional Impact from August 5, 1996, to August 1, 2001.

FISCAL AND HUMAN RESOURCES CONSENT AGENDA ITEM 6 - CONTINUED

6. Approval of Change Order 2 to Contract Y5-729 with Hubbard Construction, Inc., for the construction of Old Winter Garden Road (Kirkman Road to Ivey Lane), in the increased amount of \$17,719 ([Highway Construction Department] Purchasing and Contracts Department).

Motion

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board approved Change Order 2 to Contract Y5-729 with Hubbard Construction, Inc., for the following work:

1. Demolition and removal of three structures that are in conflict with the roadway construction. Removal of these structures would have occurred during normal right-of-way acquisition, however, the project was accelerated by more than a year requiring that this work be incorporated with the roadway construction; cost \$11,500.
2. An underground fuel tank was discovered by the contractor during construction. The county and the design consultant used all due diligence to locate as much buried material as possible during the design phase; however, due to time and money constraints, it was not possible to locate every buried object along the old roadway. The contractor will remove the tank, fill the void, and restore the area; cost \$2,700.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 2:40 p.m.