

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, County Administration Center, on Tuesday, March 26, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Bill Donegan
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioner Mable Butler and County Comptroller Martha Haynie joined the meeting where indicated.

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

WORKSESSION - PARKS IMPACT FEES**Staff Report**

Parks and Recreation Department Manager Lynn Sordel reported that in August 1995 the Board adopted the Parks and Recreation System Master Plan through the year 2010 and that this plan calls for 40 new parks at a cost of \$113 million over the next 15 years. Mr. Sordel noted that funding, though likely to come from a variety of sources, has not been established. He stated that the purpose of this worksession is to review one of the alternatives, parkland dedication and park impact fees. Mr. Sordel explained that parkland dedication requires developers to dedicate parkland for residents of new subdivisions and that park impact fees provide funds required for developing the dedicated parkland.

Discussion

The Board discussed the issues of whether the proposed impact fee will provide for current needs versus future needs, the effect of the impact fees on affordable housing programs, whether residents of one district should be taxed to pay for parks in another district, and potential funding sources. The Board also discussed the need for input from the construction and homebuilding industries.

Commissioner Butler joined the meeting.

County Comptroller Martha Haynie joined the meeting.

Action

By consensus, the Board directed staff to proceed with the implementation strategy for parks impact fees as follows:

- Review by the Development Advisory Board, the Planning and Zoning Departments, and the Parks and Recreation Advisory Board;
- Review by the Affordable Housing Advisory Board and the Home Builders Association.

COMMISSIONERS' REPORT - DISCUSSION AGENDA

1. Update on implementation of shuttle proposal on Butler Chain of Lakes.

Staff Report

Parks and Recreation Department Manager Lynn Sordel reported that on March 5, 1996, the Board requested that the Parks and Recreation Department research the costs related to providing a shuttle service for a three-month period on weekends between the Keene's Point property on Chase Road and the County boat ramp on Lake Down. Mr. Sordel recommended Board approval of Option Two. He noted that existing plans have been submitted to the South Florida Water Management District and that funds are not currently available to implement the shuttle service.

Discussion

The Board discussed how the cost of Option Two compared with the cost of building and maintaining a new boat ramp site, the possible use of the post office lot on weekends for parking, and possible legal ramifications.

Commissioner Freeman introduced a new potential site, explaining that the majority of area residents are in agreement with it. He asked the Board to suspend the Request for Additional Information with a view toward utilization of this new site. The Board also discussed whether or not the County could get permission from the South Florida Water Management District to build and dredge a canal at the new site.

Action

By consensus, the Board directed staff to consider weekend parking at a nearby post office for the shuttle; further, to determine whether the South Florida Water Management District will allow the County to dredge a canal at Commissioner Freeman's recommended site; further, to continue negotiations with Orlando Utilities Commission (OUC) for public use of the OUC boat ramp and parking in the interim; and further, to present the findings to the Board.

(Commissioner Freeman's new boat ramp site map is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Commissioner Freeman wishes to discuss the use of Environmental Lands Program (Public Service Tax proceeds) funds for acquisition and development of active parklands.

Commissioner's Report

Commissioner Freeman cited the need throughout Orange County for active parkland facilities. He specifically identified an immediate need for soccer fields at Long Branch.

Discussion

The Board discussed using idle space at the vacant Navy training facility.

Motion

The Board did not take any action.

HEALTH AND COMMUNITY SERVICES DIVISION - DISCUSSION AGENDA

1. Field of Dreams.

Staff Report

Parks and Recreation Department Manager Lynn Sordel reported that in fiscal year 1994-1995 the Field of Dreams Program funded nearly \$1.7 million of baseball field improvements throughout the County. Mr. Sordel pointed out that funds came from commercial paper and the public service tax. He stated that, as of March 1, there is a balance of \$75,000 in the field of dreams account.

Mr. Sordel outlined two projects for which the Parks and Recreation Department is requesting funds: lighting for the girls' softball field at Boone High School and site improvements to County-owned ball fields in the Taft community. He also cited various other programs that need funds for facilities and improvements.

Discussion

The Board discussed the needs and usage level of the Bear Creek and South Orlando baseball facilities, and the recreational facility needs in the Taft community.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Donegan, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Staley

voting NO by voice vote; the Board approved the use of \$17,000 of residual Field of Dreams monies to pay 50 percent of the cost of light- ing the girls' softball field at Boone High School; and further, approved the expenditure of \$29,500 of residual Field of Dreams monies for site improvements to County-owned ball fields located in the Taft community.

COUNTY COMPTROLLER - DISCUSSION AGENDA

- 1. Acknowledgment and filing of the following audits:
 - a. The Orange County Sheriff's Office - Purchasing Policies and Procedures;
 - b. The Orange County Sheriff's Office - Financial Controls and Revenue Collection;
 - c. The Orange County Sheriff's Office - Payroll and Human Resources.

County Comptroller's Report

County Comptroller Martha Haynie specified that these reports are the first in a series of reviews of the Sheriff, the Property Appraiser, and the Tax Collector. Comptroller Haynie explained that shortly after the Charter question was settled by the Supreme Court, County Chairman Chapin requested an initial assessment of these offices to provide some benchmarks to enable the Board to make comparisons of certain policies and procedures in all three Charter offices. Comptroller Haynie reported that this review focuses on three areas in the Sheriff's office - purchasing policies and procedures, financial controls and procedures, and payroll and human resources. She stated that she has made recommendations for improvements in certain areas.

Discussion

The Board discussed the results of the audits and the types of audits that the Comptroller's office performs.

Commissioner Freeman left the meeting.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board acknowledged and accepted for filing the following audits:

- a. The Orange County Sheriff's Office - Purchasing Policies and Procedures;

b. The Orange County Sheriff's Office - Financial Controls and Revenue Collection;

c. The Orange County Sheriff's Office - Payroll and Human Resources.

COUNTY ADMINISTRATOR - DISCUSSION AGENDA

1. Change Order Report.

Staff Report

Assistant County Administrator Ceretha Leon reported that the Change Order Workgroup has completed an evaluation of the causes and quantity of change orders occurring within the County. Ms. Leon explained that the purpose of the workgroup was to evaluate the frequency, dollar amount, and causes of change orders occurring on County construction contracts and make recommendations for improving the design/construction process to ensure that the interests of the County are protected.

Commissioner Freeman joined the meeting.

Utilities Construction Department Manager Al Valenti stated that the workgroup's agenda was to review the types of projects and reasons for changes, quantify the issues, make recommendations, and forecast results. Mr. Valenti categorized construction projects into two basic divisions: Public Works/ Public Utilities infrastructure (roads, bridges, and underground utilities) and building construction (new facilities and major renovations).

Contract Administrator Supervisor Joanne Carol identified data collection and survey of entities as two key issues that the Change Order Workgroup addressed. Ms. Carol stated that the workgroup surveyed six Florida counties and two cities, as well as several out-of-state entities, to determine how they handled change orders. She further reported that the County awards an average of 75 construction contracts per year.

Project Manager Jody Strickland summarized the data and categorized change orders into five classes depending upon the causes:

- Unforeseen conditions;
- Errors and omissions;
- Code compliance;
- Owner requested (requested by the County);
- Coordination (work has to be added because of the lack of communication between departments, etc.).

Mr. Strickland reported that Orange County is experiencing a change order rate of 4.3 percent, which is below the six percent average of the entities that the workgroup surveyed. He stated that some of the entities had change order rates as high as ten percent. He explained that occasionally the cost of the delay caused by the change order process exceeds the cost of the work, and for this reason the Board is sometimes asked to approve a change order that has already occurred in the field. Mr. Strickland summarized by stating that the County now has a baseline with which to monitor the change order process, noting that Orange County leads this region with a below-average change order rate.

Construction Administration Department Manager Mike Hicks identified causes which make change orders necessary and made two recommendations: (1) to implement an action plan to reduce change orders and (2) to streamline the change order process. Mr. Hicks proposed a plan to categorize change orders and initiate specific measures to reduce each type. He solicited the Board's concurrence on the action plan and adoption of the proposed Procurement Ordinance (see pages 142-144 for action regarding the Procurement Ordinance).

Discussion

The Board discussed the cost of change orders versus the cost of rebidding in instances of "lowballing" a bid. The Board also discussed the need for incentives for performance as well as deductions for poor performance, design firm accountability, and streamlining the change order process regarding the review by the Board.

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 concurred on the action plan items and recommendations for streamlining the change order process.

(Action plan items and recommendations for streamlining the change order process are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board deleted County Attorney Item 2 and Fiscal and Human Resources Division Item 2; and further, approved the balance of the County Consent Agenda items as follows:

County Administrator

1. Approval to close Moss Park to the general public on Saturday, May 4, 1996; waive the Moss Park entry, camping, and related electrical/water fees for County employees on Saturday, May 4, 1996; and waive County tent permit fees for tents erected for the picnic (County Administrator).
2. Approval of County Attorney Tom Wilkes' contract (County Administrator).
3. Approval and execution of the Community Services Network Transfer of Rights Agreement between Orange County and the Community Services Network (County Administrator).

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

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the total amount of \$352,885.64 (Administrative/Fiscal Division).
2. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the BCC as follows:
 - a. Florida Public Service Commission Notice of Administrative Hearing re: Application for amendment of Certificates Nos. 533-W and 464-S to add territory in Lake and Orange Counties by Southlake Utilities, Inc.; Docket No. 940303-WS; dated March 6, 1996.

(Comptroller Clerk of the Board of County Commissioners).

3. Approval to dispose of assets through sealed bid and replace an asset per a maintenance agreement in lieu of selling at fair market value and approval to donate a Xerox copier valued at less than \$5 to Oviedo Citizens in Action (Property Accounting Department).
4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts as follows:

- Week of March 19, 1996, to March 25, 1996; total of \$45,341,296.71.

(Finance and Accounting Department)

Administrative Support Division

1. Approval of purchase price above appraised value and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$25: Water Conserv II - RIB Sites, joint facilities with the City of Orlando, Warranty Deed, Parcel 130, District 1 (Real Estate Management Department).
2. Appointment of Dr. Mary Cantrell to the Private Industry Council of Central Florida with a term expiring December 31, 1996 (General Services Department/Agenda Development).

County Attorney

1. Approval to proceed to trial in Ireland vs. Orange County, Case No. CI94-3121 (County Attorney).
2. Approval of a resolution authorizing scheduling a public hearing and the publication of proposed connection fees and user rates and charges for the County's water and wastewater systems (County Attorney).

As stated in the above motion, this item was deleted from the consent agenda.

Fiscal and Human Resources Division

1. Approval to reaward Invitation for Bid Y5-1002-R2 to the next low responsive and responsible bidder, F & W Mines, Inc., for a one-year term contract, renewable for an additional 12 months, to furnish a shell road base. The total estimated annual cost is \$95,000 ([Parks and Recreation Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y6-162-JS, to the low responsive and responsible bidder, Williams Contracting, Inc., for the demolition of commercial structures. The amount of money to be spent during the basic year is unknown at this time and will become apparent as demolition needs arise ([Real Estate Management Department] Purchasing and Contracts Department).

As stated in the above motion, this item was deleted from the consent agenda.

3. Approval to award Invitation for Bid Y6-618-HF to the low responsive and responsible bidder, Concession and Restaurant Supply, Inc., to refurbish 34

mobile concession carts for the Convention Center. The total cost is \$98,771 ([Convention Center] Purchasing and Contracts Department).

4. Approval to award Invitation for Bid Y6-725-CT to the low responsive and responsible bidder, JCB Construction, Inc., for the West Livingston Street roadway improvements project (Wilmer Avenue to Dover Street). The total cost is \$116,015.10 ([Highway Construction Department] Purchasing and Contracts Department).
5. Approval to grant John Taylor 30 days full pay as previously paid to military reservists activated for extended periods (Human Resources Department).
6. Approval of appointment of a BCC representative to the Group Health Benefits Purchasing Consortium (Human Resources Department).
7. Approval of revised Administrative Regulation 2.01 and execution of revised County Organizational Chart by the County Chairman (OMB).
8. Approval of Budget Amendments 96-47 through 96-49 (OMB).

(Budget Amendments 96-47 through 96-49 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
9. Approval of payment of Intergovernmental claims (February 29 and March 7, 1996) totaling \$304,425 (Risk Management Department).
10. Receipt and filing of the February 22 and 29, 1996, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

Health and Community Services Division

1. Approval and execution of the renewal of the lease agreement between the City of Orlando and the County for the purpose of comprehensive child development services, social services, and other support services to low-income residents. The value of this lease agreement is \$64,800 which will be treated as in-kind contribution for the Head Start Program. The County's cost for janitorial services and utilities will be \$3,600. There will be no additional cost to the County, District 6 (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 the renewal of the lease agreement between the Allen Research and Redevelopment Center, Inc., and the County for the purpose of providing comprehensive child development services, social services, and other support services to low-income residents. The value of this Lease Agreement is \$26,400. The amount of \$15,600 will be treated as in-kind contribution for the Head Start Program, and the County's cost will be \$10,800 for rent. There will be no additional cost to the County, District 6 (Department of Community Affairs).

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

Planning and Development Division

1. Approval to amend the final statement of the Community Development Block Grant application in the amount of \$139,240 to provide funding for the Winter Park Community Center renovation (\$128,280) and South Lake Mann streetlighting improvements (\$10,960), Districts 5 and 6 (Department of Housing and Community Development).
2. Approval and execution of the road impact fee agreement regarding an alternative traffic study between Argosy Group, Inc., and the County, District 1 (Planning Department).

(Agreement 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 the County, pursuant to the County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, Resolutions to Lien: LC-95-018, LC-96-035, LC-96-039, LC-96-041, LC-96-042, LC-96-043, LC-96-044, and LC-96-045; and approval to release Lot Cleaning Liens, LC-94-044 and LC-94-334, Districts 1, 2, 4, 5, and 6 (Zoning Department).

(Resolutions 96-ZON-31 through 96-ZON-38 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval to adopt a resolution to vacate a portion of the plat of Connelly First Addition, District 4 (Development Engineering Department).

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

2. Approval to install "Stop" signs on Maple Avenue at East Story Road and on Oak Street at East Story Road, District 1 (Traffic Engineering Department).
3. Approval to install "Yield" signs on Pine Street at Oak Street, Pine Street at Maple Avenue, and Oak Street at Magnolia Avenue, District 1 (Traffic Engineering Department).

Commissioner Donegan left the meeting.

ADMINISTRATIVE SUPPORT DIVISION - DISCUSSION AGENDA

1. Appointment to the Code Enforcement Board to fill a vacancy created by the resignation of Michael T. Rudd. The term of the appointment will expire December 31, 1996 (General Services Department/Agenda Development).

The Board members made nominations to fill a vacancy in the Subcontracting category for a term expiring December 31, 1996, as follows:

Commissioner Johnson - Ron Hill, business category

Commissioner Hoenstine - Jimmy Wrye, subcontractor category

AYE votes cast by voice vote as follows:

Ron Hill - County Chairman Chapin, Commissioners Freeman, Johnson, Staley,
and Butler

Jimmy Wrye - Commissioner Hoenstine

Mr. Hill received a majority; no further votes were cast.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, County Administration Center. The following were present:

- County Chairman Linda Chapin
- Commissioners Commissioner Freeman, Commissioner Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler
- Chief Deputy Comptroller as clerk Jim Moye
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend William Byrd, senior pastor of The Orlando Invasion Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATION OF MERITORIOUS SERVICES AWARDS

Fire Rescue Services Division Director Michael Iacona related how 14-year-old Jeffery Bargnare discovered several young children, one of whom was injured and bleeding, put his own coat around the injured child, took the children to Orange Blossom Trail, and dialed 911. Mr. Iacona related how the children, who were suffering from hunger and hypothermia, were taken by the firefighters to the Checkers Drive-in Restaraunt at 3800 South Orange Blossom Trail where manager Steve Santo provided food at no charge.

County Chairman Chapin presented meritorious service awards to the following individuals:

- Jeffery Bargnare
- Lieutenant Joel D. Rhoden, Fire Rescue Services Division
- Engineer Douglas M. Sams, Fire Rescue Services Division
- Firefighter Richard D. Proctor, Fire Rescue Services Division
- Steve Santo, manager, Checkers Drive-in Restaraunt

PRESENTATION OF RESERVE FIREFIGHTER OF THE YEAR AWARD TO DAVID GREEN

County Chairman Chapin presented the reserve firefighter of the year award to David Green.

NONAGENDA - INTRODUCTION OF A SPECIAL GUEST

Chief of Staff George Rodon introduced Madame Yaoua Kouman from the Ivory Coast. Mr. Rodon stated that Madame Kouman is the head of the international division of Fraternite Matin, the largest French newspaper in Africa.

NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER; FOR THE APPEARANCES, DISCUSSION, AND MOTION SEE PAGE 142.

MSTU/BU PUBLIC HEARING - AMEND LAKE SHERWOOD HILLS GROVE SECTION MSTU/BU, STREETLIGHTING, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of a Special Purpose Taxing District for streetlighting at Lake Sherwood Hills Grove Section; Section 23, Township 22, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$29 per lot for streetlighting.

MSTU/BU PUBLIC HEARING - AMEND RIVERSIDE AREA MSTU/BU, STREETLIGHT- ING, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the adoption of a resolution authorizing the 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 the 1995 special assessment for streetlighting was \$19 and the 1996 special assessment will be approximately \$22.

MSTU/BU PUBLIC HEARING - AMEND KELLY PARK HILLS SOUTH PHASES 1-4 MSTU/BU, STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of a Special Purpose Taxing District for streetlighting and maintenance of retention pond(s) at Kelly Park Hills South Phases 1-4 Subdivision; 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 \$44 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

MSTU/BU PUBLIC HEARING - ESTABLISH SKY ACRES MSTU/BU, STREET- LIGHTING; 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 streetlighting at Sky Acres Subdivision; Section 16, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$39 per lot for streetlighting.

MSTU/BU PUBLIC HEARING - ESTABLISH GREENPOINTE MSTU/BU, STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a Special Purpose Taxing District for streetlighting and maintenance of retention pond(s) at Greenpointe Subdivision; Sections 25, 26, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$32 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

MSTU/BU PUBLIC HEARING - ESTABLISH CYPRESS LAKES MSTU/BU, STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of a Special Purpose Taxing District for streetlighting and maintenance of retention pond(s) at Cypress Lakes Subdivision; Section 28, 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 \$49 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

Appearances

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

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 Butler, and carried with all members present and voting AYE by voice vote, the Board adopted resolutions:

- Amending Lake Sherwood Hills Grove Section MSTU/BU, annual cost of \$29 per lot for streetlighting.
- Amending Riverside Area MSTU/BU, annual cost of \$22 per lot for streetlighting.
- Amending Kelly Park Hills South Phases 1-4 MSTU/BU, annual cost of \$44 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).
- Establishing Sky Acres MSTU/BU, annual cost of \$39 per lot for streetlighting.
- Establishing Greenpointe MSTU/BU, annual cost of \$32 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).
- Establishing Cypress Lakes MSTU/BU, annual cost of \$49 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 17, ARTICLE III, SECTION 17, PERTAINING TO THE PROCUREMENT OF GOODS AND SERVICES

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 PROCUREMENT OF GOODS AND SERVICES IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY'S PROCUREMENT ORDINANCE AS CODIFIED IN ARTICLE III OF CHAPTER 17 OF THE ORANGE COUNTY CODE; AMENDING SECTION 17-286 OF THE COUNTY CODE TO EXCLUDE CERTAIN SERVICES; AMENDING SECTION 17-287 TO CLARIFY AND INCLUDE ADDITIONAL DEFINITIONS; AMENDING SECTION 17-295 TO CLARIFY THE ROLE OF THE PURCHASING AND CONTRACTS DEPARTMENT; AMENDING SECTION 17-310 TO PROVIDE FOR GENERAL PUBLIC NOTICES, SPECIFIC VENDOR NOTICES AND CLARIFY OR OTHERWISE AMEND PROVISIONS OF THAT SECTION; AMENDING SECTION 17-311 TO PROVIDE FOR PUBLIC NOTIFICATION; AMENDING SECTION 17-312 TO CLARIFY SOLE SOURCE PURCHASES AND OTHERWISE AMEND PROVISIONS OF THAT SECTION; AMENDING SECTION 17-313 TO PROVIDE FOR THE POSTING OF A PROTEST BOND FOR APPEALS AND RECOVERY OF COSTS AND FEES; CREATING SECTION 17-313.1 TO PROVIDE A PROCESS FOR PROTESTED SOLICITATIONS AND AWARDS -

REQUESTS FOR PROPOSALS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Chief of Purchasing and Contracts Department Warren Geltch reviewed the proposed ordinance and outlined its provisions.

Appearances

The following person addressed the Board with general comments:

- Roslyn Roberts, 5415 Lake Howell Road, Winter Park, Florida.

No one appeared in opposition to the proposed ordinance.

Discussion

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

Legal Counsel

County Attorney Tom Wilkes advised the Board that in order to eliminate the requirement for the protest bond from the proposed ordinance, a motion should be made to strike lines 626 through 652 and approve the ordinance as amended.

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 adopted the proposed ordinance amending Orange County Code, Chapter 17, Article III, Section 17, pertaining to the procurement of goods and services amended as follows:

- Deleted lines 626 through 652;
- Renamed the proceedings by changing the letters;
- Renumbered the lines.

(Ordinance No. 96-08 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

For the record, Commissioner Hoenstine stated that he is opposed to Item 9 of the ordinance, which provides for increasing the bid approval from \$50,000 to \$100,000.

REZONING PUBLIC HEARING - APPLICATION: 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; JANUARY 9, 1996; AND FEBRUARY 13, 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 description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath reported that the applicant has requested a continuance until April 16, 1996, at 2:45 p.m.

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 Freeman, seconded by Commissioner Johnson, 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 April 16, 1996, at 2:45 p.m.

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

Notice was given that the Board of County Commissioners would hold a public hearing to consider The Pepper Mill West Planned Development/Tracts F and G Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on

property which is generally located west of John Young Parkway and south of Central Florida Parkway; District 4; Section 20, 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:

- Bob Mandell, president; Greater Construction Corporation, the applicant (no address given).

The following person addressed the Board with general comments:

- Mary Ellen Levocz (no address given).

No one appeared in opposition to the plan.

Discussion

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

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 Pepper Mill West Planned Development/Tracts F and G Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Pepper Mill West Planned Development/Tracts F and G Preliminary Subdivision Plan, dated "Received February 23, 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 March 26, 1997, in accordance with Orange County Subdivision Regulations, as amended.

- 2. For the lots adjacent to the multi-family tracts, the covenants and restrictions shall specify that these areas are approved for multi-family development.

DEVELOPMENT REVIEW COMMITTEE APPEAL - APPELLANT/APPLICANT: LUCIUS CUSHMAN, P.E., EASTWOOD PLANNED DEVELOPMENT/PARCEL 17-SHOAL POINT PRELIMINARY SUBDIVISION (CONTINUED FROM FEBRUARY 27, 1996); DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Lucius Cushman, P.E., Eastwood Planned Development/Parcel 17-Shoal Point Preliminary Subdivision, regarding the Development Review Committee's decision of denial of a one-year extension of the Shoal Pointe Preliminary Subdivision Plan which expired on August 4, 1995.

Staff Report

Planning Department Manager David Heath reported that the applicant has withdrawn the request.

Appearances

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

Action

By consensus, the Board accepted the applicant's withdrawal of the request for a one-year extension of the Shoal Pointe Preliminary Subdivision Plan which expired on August 4, 1995.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: RAYMOND C. STANGLE, II, P.E.; ISLE OF BALI PLANNED DEVELOPMENT (PD)/LAND USE PLAN (LUP); AMEND LUP TO INCREASE THE NUMBER OF TIME SHARE UNITS; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Raymond C. Stangle, II, for Isle of Bali Planned Development/Land Use Plan to amend the Land Use Plan to increase the number of time share units from 494 to 688, an increase of 194 time share units, pursuant to Orange County Code, Section 38-1207, on property which is generally located in the southwest corner of Orange County, approximately 400 feet north of U.S. 192 bordering Lake County; District 1; Section 31, 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 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:

- Ray Stangle, representing Island One, Inc.; the applicant (no address given).

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 and voting AYE by voice vote, the Board approved the request by Raymond C. Stangle, II, for Isle of Bali Planned Development/Land Use Plan to amend the Land Use Plan to increase the number of time share units from 494 to 688, which constitutes a substantial change to the development on the above described property; subject to the following conditions:

1. Development shall conform to the Isle of Bali Planned Development, BCC Approvals, and the Isle of Bali Development Plan, dated "Received February 26, 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.
2. The Development Plan for this project is approved with the Land Use Plan.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: GEORGE GARRETT, SAND LAKE COMMONS PLANNED DEVELOPMENT (PD)/LAND USE PLAN (LUP); AMEND LUP TO CONVERT BACK CARE CENTER TO REHABILITATION FACILITY, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by George Garrett for Sand Lake Commons Planned Development/Land Use Plan to amend the Land Use Plan to convert a 20-room, 11,600- square-foot back care center to a 21,000-square-foot

rehabilitation facility, pursuant to Orange County Code, Section 38-1207, on property which is generally located approximately 1/4 mile south of Sand Lake Road, on the west side of Turkey Lake Road; District 1; Section 2, 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 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:

- George Garrett, the applicant (no address given).

The following person addressed the Board with general comments:

- Sue MacLarty (no address given), for the Bywater Company.

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 and voting AYE by voice vote, the Board approved the request by George Garrett for Sand Lake Commons Planned Development (PD)/Land Use Plan (LUP) to amend the Land Use Plan to convert a 20-room, 11,600-square-foot back care center to a 21,000-square-foot rehabilitation facility, which constitutes a substantial change to the development on the above described property; subject to the following conditions:

1. Development shall conform to the Sand Lake Commons PD/LUP, dated "Received February 16, 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.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this Planned Development.
3. Cross easements for access, drainage, and utilities shall be recorded for proposed improvements.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: MARX REALTY APPLICANT: PRESTIGE ELECTRIC SIGNS; ITEM CONTINUED 17, FEBRUARY 1, 1996 (CONTINUED FROM MARCH 5, 1996); DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Marx Realty of the recommendation of the Board of Zoning Adjustment, dated February 1, 1996, on a request by Prestige Electric Signs for approval of a variance in Retail Commercial District (C-1) zone to allow five pole signs to remain in lieu of two (nonconforming signage altered in violation), on property which is generally located at the north- east corner of South Orange Blossom Trail and Holden Avenue or 4609 South Orange Blossom Trail; District 4; Section 10, Township 23, Range 29; Orange County, Florida.

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

Staff Report

Zoning Department Manager Melvin Pittman reported that the applicant has requested a continuance until May 14, 1996, at 1:35 p.m.

Court Reporter

A court reporter, Kathy Ohman, Zacco & Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by Prestige Electric Signs for approval of a variance in Retail Commercial District (C-1) zone to allow five (5) pole

signs to remain in lieu of two (2) (nonconforming signage altered in violation) on the above described property until May 14, 1996, at 1:35 p.m.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: CITY OF OCOEE
APPLICANT: SHURGARD/LIBERTY INVESTMENT; ITEM 6, FEBRUARY 1, 1996 (CONTINUED FROM
MARCH 5, 1996); DISTRICT 1

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by City of Ocoee of the recommendation of the Board of Zoning Adjustment, dated February 1, 1996, on a request by Shurgard/Liberty Investment for a special exception in Retail Commercial District (C-1) zone for mini warehouses (dry storage only), on property which is generally located on the north side of S.R. 50, 3/4 mile east of Clarcona -Ocoee Road; District 1; Section 20, 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

Zoning Department Manager Melvin Pittman outlined the request; identified the subject property and the surrounding zoning classifications; reviewed the future land use map; and further, noted that the Board of Zoning Adjustment recommended approval of the request.

Court Reporter

A court reporter, Jennifer E. Johnson, Southern Court Reporters, Inc., was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Legal Counsel

Assistant County Attorney Paul Chipok reviewed the standards for Special Exceptions and advised the Board that this is a de novo public hearing. He also advised the Board that the initial burden is on Shurgard and that, if Shurgard meets this burden, then the burden is on City of Ocoee.

Appearances

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

- John Howell, Esquire; McGuire, Voorhis & Wells, for the applicant.
- Mike Mikkelson (no address given).
- Hugh Harling, president; Harling-Locklin and Associates (no address given).

- Harry Stewart, Esquire; Akermann, Senterfitt & Eidson (no address given), for Joseph Jebailey, the owner of the property.

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

- John Hamilton, Esquire (no address given); for the City of Ocoee.
- Russ Wagner, Planning Director for the City of Ocoee (no address given).
- John Moseler, Esquire (no address given); for ZOM Lake Bennett, Ltd.
- Richard Irwin, president; Health Central (no address given).
- Jim Gleason, City of Ocoee commissioner (no address given), as an area resident.
- Tony Bower, Esquire (no address given); for SunTrust Bank.
- Rob Nordin, Esquire (no address given); for the West Orange Chamber of Commerce.
- Fran Pignone, personal representative of the estate of Evangeline Sharp (no address given).
- Glenn Jackson (no address given).

The County Chairman accepted the following exhibits from Mr. Howell:

- Clerk's Composite Exhibit 1 (index of 14 individual exhibits is on file in the office of the Comptroller Clerk of the Board of County Commissioners).

The County Chairman accepted the following exhibits from Mr. Mikkelson:

- Clerk's Composite Exhibit 2, photographs and renderings.

The County Chairman accepted the following exhibits from Mr. Hamilton:

- Clerk's Composite Exhibit 3 (index of 25 individual exhibits is on file in the office of the Comptroller Clerk of the Board of County Commissioners).

The County Chairman accepted the following exhibits from Mr. Wagner:

- Clerk's Exhibit 4, City of Ocoee Planning Department Site Map.
- Clerk's Exhibit 5, City of Ocoee Planning Department Site Map.

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 Staley, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, and Donegan voting AYE by voice vote; Commissioners Hoenstine and Butler voting NO by voice vote; the Board overruled the decision of the Orange County Board of Zoning Adjustment and denied the request by Shurgard/Liberty Investment for a special exception in Retail Commercial District (C-1) zone for mini warehouses (dry storage only) on the above described property.

WORKSESSION: UNDERDRAINS/WATERTABLES/ROADS

Chairman's Report

County Chairman Chapin requested that the Board continue this worksession, noting that it will probably be scheduled for a June 1996 meeting.

Action

By consensus, the Board deferred the underdrains/watertables/ roads worksession until a later date.

Commissioner Donegan left the meeting.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

3. Commissioner Freeman wishes to discuss flooding problems - Myra Cooley - Wild Myrtle Court.

Commissioner's Report

Commissioner Freeman requested that Public Works Engineering Department Manager James E. Harrison address the Board regarding flooding problems on Lot 40 in Lake Butler Estates subdivision.

Staff Report

Mr. Harrison reviewed the site location and the history of the subdivision, noting that the flooding is being caused largely by the installation of swimming pools in neighboring lots. Mr. Harrison stated that the restoration of initial drainage patterns is not possible, and that the solution is to install rear yard drains and underdrains at a cost of \$7000. He noted that this solution would necessitate the execution of hold harmless agreements and easements.

Discussion

The Board discussed the issue of whether or not the permits issued to the owners of neighboring lots included permission to bring in fill dirt. The Board also discussed the need to monitor permits more closely.

Motion

A motion by Commissioner Freeman to install drainage in Lot 40 of Lake Butler Estates at a cost of \$7000 died for lack of a second.

CHAIRMAN'S REPORT - DISCUSSION AGENDA

1. Appointment of Chairman for Tax Equalization Task Force.

County Chairman's Report

County Chairman Chapin stated that she talked to Bill Miller but has not received a response. She stated that this item would not be addressed at this meeting.

Action

By consensus, the Board deferred this item until a later date.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

1. Approval of termination clause for the Prudential Health Care Contract Extension (Human Resources Department).

Legal Counsel

County Attorney Tom Wilkes advised the Board that the Florida Statute requiring competitive bids for this type of contract does not apply to the extension of an existing contract.

Motion

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

- Approved the proposed amendment to the Master Health Care Benefits Agreement;
- Accepted Option One and authorized the appropriate supplement to the Group Insurance Contract and the Group Health Care Agreement;
- Authorized the County Chairman to execute the letter regarding the County's ability to pay the "penalty" upon early termination.

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

2. Selection of one firm and one ranked alternate for a 12-month term contract, renewable for a maximum 24 additional months, for DEC Hardware Maintenance, RFP Y6-147-SS ([Division of Information Technologies] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested that the Board select one firm and one alternate to enter into contract negotiation for DEC hardware maintenance, RFP Y6-147-SS, from the two firms listed alphabetically:

- Digital Equipment Corporation
- IBM Corporation

Motion

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

- #1 Digital Equipment Corporation
- #2 IBM Corporation

further, authorized staff to enter into contract negotiations for DEC hardware maintenance, RFP Y6-147-SS; and further, authorized execution of the final contract by the Purchasing and Contracts Department for an estimated annual cost of \$450,000.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:30 p.m.