

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 2, 1996. The following were present:

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

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.

NONAGENDA - PUBLIC ART PROGRAM

County Chairman Chapin recognized the genesis of the public art program and the new pictures decorating the Chambers. She noted that the art is representative of the community and has real artistic value. County Chairman Chapin stated that a list detailing the location of the photos is available in her office.

WORKSESSION - FIRE RESCUE DIVISION WORK PLAN

Staff Report

Fire Rescue Division Director Michael Iacona introduced the presentation as a work plan that will be a road map for the next one to three years.

Mr. Iacona stated that his initial overall observations of the division after 10 to 12 weeks in this position include a developing team spirit between the division and administration, the need for a larger budget, and redistribution of daily operational tasks.

Mr. Iacona stated that the work plan focuses on a common vision with direction, identified leadership, and standards of measurement for evaluation by both the Board and the public. He noted that the plan is built on team work with an emphasis on excellence and promotion of quality service to the community.

Mr. Iacona reviewed five key concepts that will be guided by policy direction, to include organizational vision, employee ethic, productivity and quality measurement, citizen/community interaction, and fiscal responsiveness.

County Comptroller Martha Haynie joined the meeting.

Discussion

The Board discussed false alarms; impact and emergency fees; re-instituting the citizen academy program; and coordination with the Code Enforcement Department. They further discussed the upcoming Emergency Management Services meeting, use of modular construction, and budget and personnel issues.

CHAIRMAN'S REPORT - DISCUSSION AGENDA

1. Update on Olympic Soccer.

Report

Jeff Clark, the Orlando Olympic Soccer Coordinator, reported on the current status of preparations for the Olympic games in Orlando.

Mr. Clark reported that 42,403 tickets have been sold and that Orlando has now satisfied 55 percent of its ticket guarantee to the Atlanta Committee for Olympic Games (ACOG).

Mr. Clark also reported on the following items:

- upcoming special events;
- sponsors;
- minority participation;
- organizational structure;
- current contractual relationships with ACOG;
- the budget status.

Mr. Clark concluded his report stating that ticket sales are within budget projection costs and that revenue projections have been exceeded in several areas. He further noted that when the "performance requirements" part of the contract with ACOG is finalized, there will be a reduction in the expense side of the budget.

Discussion

The Board discussed the number and cost of generators needed for the games, the need to increase ticket sales, more visible promotion of the event, and drawbacks of ticket guarantees.

Motion

The Board did not take any action.

COUNTY ADMINISTRATOR - DISCUSSION AGENDA

1. Hispanic Business Initiative Fund of Greater Orlando Annual Report.

Staff Report

Assistant County Administrator Consuelo Gomez introduced Conrad Santiago, founder of the Hispanic Business Initiative Fund of Greater Orlando (HBIF); and Jose Fernandez, executive director of the HBIF.

Mr. Santiago addressed the Board and reported that about one and one-half years ago, County Chairman Chapin developed Plan 2000, which was designed to improve the County's participation in the minority community and vice-versa. He noted that one specific creation of Plan 2000 was the Hispanic Business Investment Fund.

Mr. Santiago reported that after much consideration and research, the decision was made to model and rename this program after a program in Tampa known as the Hispanic Business Initiative Fund.

Mr. Santiago stated that the primary goal of the program is to provide technical assistance to disadvantaged Hispanic businesses by matching them with professional bilingual people in the community who can provide legal, accounting, and advertising services.

Mr. Fernandez addressed the Board and reported on the activities and results of the program. He stated that the actual technical assistance provided includes information on how to obtain an occupational license or apply for a small business loan. Mr. Fernandez explained that many times, technical assistance consists basically of steering someone in the right direction.

Mr. Fernandez stated HBIF tries to focus its efforts in three areas: loans marketed, jobs created and retained, and contract preparation and bid assistance. He further stated that as a result of this focus, over \$500,000 has been marketed in small business loans, 140 jobs have been created, and approximately \$1,500,000 in contract and bid assistance has been secured.

Motion

The Board did not take any action.

2. Approval and execution by the County Chairman of the Interstate 4/Republic Drive Interlocal Agreement between the City of Orlando and the County for the design and construction of improvements in the vicinity of Republic Drive and Interstate 4.

Staff Report

Assistant County Administrator Warren Wagner requested approval of the Interstate 4/Republic Drive Interlocal Agreement between the City of Orlando and the County for design and construction of improvements in the vicinity

of Republic Drive and Interstate 4; and further, requested authorization for staff not to object to the pending validation of the City of Orlando's tax increment revenue bonds.

Discussion

The Board discussed the possibility of being released from its obligations to make payments after 12 years and whether that release would include a prepayment penalty clause.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved the Interstate 4/Republic Drive Interlocal Agreement; and further, authorized staff not to object to the pending validation of the City of Orlando's tax increment revenue bonds.

COUNTY COMPTROLLER - DISCUSSION AGENDA

1. Acknowledgment of the 1994-95 Annual Investment Report for Orange County and the performance of the Cash and Investment Portfolio for the 1994-95 fiscal year.

Staff Report

County Comptroller Martha Haynie reported on the 1994-95 Annual Investment Report for Orange County and the performance of the Cash and Investment Portfolio for the 1994-95 fiscal year. She stated that the County's average investment balance last year was \$860 million with an average yield of approximately five and one half percent. The County's total interest income earned last year was \$47.5 million and investment income ranks among the top ten revenue sources for the County.

County Comptroller Martha Haynie stated that although earning interest is important, the first and foremost priority of the Comptroller's office is to keep the County's money safe and available for when it is needed.

County Comptroller Martha Haynie reported that the budgeted amount of earned investment income was \$22.5 million for last year. She further reported that for the current 1995-96 fiscal year, the County is already about 50 percent ahead of budget.

County Comptroller Martha Haynie reported on the benchmarks and industry standards used to measure the County's performance against what is going on in the industry. She stated that, when the County is compared to these standards, it meets or exceeds the short term indices; however, with rapidly rising interest rates and decreasing investment balances caused by the

progress in major construction projects, the County failed to out perform the long term benchmarks.

County Comptroller Martha Haynie concluded her presentation by stating that last year's major accomplishment was the passage of a new law for all forms of local government to have written investment policies, which will help prevent investment losses and surprises.

Discussion

The Board discussed negotiated bond issues and the absorption of investment funds by major construction projects.

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 acknowledged the 1994-95 Annual Investment Report for Orange County and the performance of the Cash and Investment Portfolio for the 1994-95 fiscal year.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

1. Authorization to enter into contract negotiations with Jack Jennings and Sons to provide construction management services for the Orange County Data Center, RFP Y6-812-JO. The total amount not to exceed \$2,323,888 ([Construction Administration Department] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Department Warren Geltch requested Board authorization to enter into contract negotiations with Jack Jennings and Sons to provide construction management services for the Orange County Data Center.

Discussion

The Board discussed site development, whether the contract would include exterior buildout, and the possibility of change orders.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board authorized staff to enter into contract negotiations with Jack Jennings and Sons to provide construction management services for the Orange County Data Center, RFP Y6-812-JO; and further, the total cost is not to exceed \$2,323,888.

UTILITIES DIVISION - DISCUSSION AGENDA1. Approval of Utilities Division Pilot Policies.

Staff Report

Utilities Division Director Alan Ispass stated that Utilities is undergoing a major re-engineering to transform the operation and the perception of the division as a utility. Mr. Ispass further stated that this re-engineering includes reducing the level of management and saving approximately \$2,400,000 in operating expenses.

Mr. Ispass noted that this re-evaluation will not be without hardship as 86 positions within the division are being eliminated. He further noted, however, that with this re-engineering in mind, the division has kept 32 of the positions to be eliminated vacant, thereby reducing the number of affected employees to 54.

Mr. Ispass reported that through attrition and approved positions, there are 76 unfilled positions that will be available to affected employees, thereby reducing the number of actual layoffs. Mr. Ispass stated that the division has also developed the Advance Listing and Employee Re-Training (ALERT) Program to give affected employees six months advance notice, career counseling, and training to help them through this difficult transition.

Mr. Ispass further proposed the initiation of an employee incentive program to benefit both employees and the General Fund based on organizational efficiencies.

Discussion

The Board discussed the need to hold meetings with those employees who will be affected, the effectiveness of operational streamlining, the pros and cons of incentive and gainsharing programs, the benefits of increased communication between staff and the Board, and which areas of the division are contributing back to the General Fund.

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 Pilot Policies for re-engineering the Utilities Division as follows:

1. For the purpose of re-engineering the Division's organizational structure, during the period of April 1, 1996, through December 31, 1996, Utilities Division employees filling positions in the Division which are at a lower pay grade than the employee's current position

will remain at their current salary if their current salary is within the pay range of the new position. Employees whose salary is above the maximum of the pay range of the new position will be brought to the maximum of that range.

2. Employees whose positions are slated for elimination in the re-engineering of the Utilities Division will be eligible for career counseling and training. Career counseling and training will be arranged by the division and paid for by the division. An employee is eligible for this career counseling and training as long as the employee remains in a position that is slated for elimination. All provisions of Section 5, Training and Development, of the Personnel Policy shall be followed.

3. In accordance with Administrative Regulation 7.03.03, Outstanding Employee Performance Bonus Payments, an incentive program will be initiated to allow Utilities Division employees and the General Fund to share in the Division's organizational efficiencies. As part of this incentive program, a gainsharing plan will be established based upon attaining performance objectives, such as a comparison of annual operating ratios, in each of the division's utilities (i.e. Water/Wastewater, Solid Waste, and Mandatory/Recycling). The portion of annual savings allocated to the General Fund will be in addition to the amount already contributed by the Division. The portion of annual savings allocated to employees will vary based upon the amount of savings. Individual employees will receive a maximum of 80 percent of the employee allocation through the gainsharing plan. The remaining 20 percent or more will be reserved for recognition awards (e.g., safety) or used for rate stabilization. All employees within each of the division's utilities will receive the same benefit with a maximum of \$1,000 per year.

HEALTH AND COMMUNITY SERVICES DIVISION - DISCUSSION AGENDA

- 1. Appointments to the Orange County Disability Advisory Board (Community Affairs Department).

Staff Report

Deputy Director Health and Community Services Division Ella Gilmore identified seven candidates for appointment to the Orange County Disability Advisory Board and the Board took the following action:

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 appointed the following to the Orange County Disability Board:

- Chris Pfieffer, Diana I. Estremera, and Susan M. Boyer for terms expiring June 30, 1997;
- Horton A. Glidewell, William M. Burnsed, Marilyn D. Baldwin, and Elaine K. Durrance for terms expiring June 30, 1998.

COUNTY CONSENT AGENDA

In reference to Utilities Division Item 1, County Chairman Chapin directed staff to schedule a discussion on opportunities which may be available to extend career counseling to other employees; and further, to report on what the cost of this service will be.

Upon a motion by Commissioner Butler, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board deleted Administrative Support Item 4; and further, approved the balance of the County Consent Agenda items as follows:

COUNTY ADMINISTRATOR

1. Approval and execution of the Workforce Development Interlocal Agreement among Orange, Osceola, Seminole, Lake, and Sumter Counties for the Central Florida Job Training Consortium (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 Southshore Properties, Inc., the amount of \$27,875.89 which represents overbid on tax deed sale on Certificate 012442-1991. Delinquent ad valorem taxes were not paid and subject tax deed was sold on August 10, 1993. The sale generated \$27,875.89 more than the taxes and costs. This overbid was paid to the Board of County Commissioners on November 8, 1994 (Administrative/Fiscal Division).
2. Authorization for the County Chairman to execute the Orangewood Village 9, Unit 1 Common Area Maintenance MSTU/BU Agreement (Administrative/Fiscal Division).

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

3. Approval of the minutes of the February 27 and March 19, 1996, meetings of the Board of County Commissioners (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 March 26, 1996, through April 1, 1996; total of \$27,526,127.29.

(Finance and Accounting Department)

ADMINISTRATIVE SUPPORT DIVISION

1. Approval and authorization to record instruments: Curry Ford East Phase 2, Utility Easement and Drainage Easement, District 3 (Real Estate Management Department).
2. Approval and execution by the County Chairman of a recreational trail easement between the City of Apopka and the County and authorization to record instrument: West Orange Trail, Recreation Trail Easement, Parcels 169 and 170, District 2 (Real Estate Management Department).
3. Approval and authorization to record instruments: Golfway Boulevard/Eastgate Park, Temporary Utility Easements, District 4 (Real Estate Management Department).
4. Approval and execution by the County Chairman of a resolution and County deed and authorization to record instruments: Sale of Surplus Property, a portion of plat of Bithlo, Resolution and County Deed, District 5 (Real Estate Management Department).

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

5. Approval and execution by the County Chairman of an agreement and acceptance of a recreational trail easement between the City of Winter Garden and the County and authorization to record the easement: West Orange Trail, Agreement and Recreational Trail Easement, Parcels 113B, 137, 143, 155A, 156, 166, 183, 183A, and 183B; District 1 (Real Estate Management Department).

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

CORRECTIONS DIVISION

1. Approval of an agreement among Orange County, the City of Orlando, the Orange County Sheriff's Office, and Valencia Community College which defines the operation of the Central Florida Criminal Justice Institute and the Board of Trustees (Administrative Services Department).

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

FIRE RESCUE DIVISION

1. Approval and execution of the Emergency Management Preparedness and Assistance Program Base Grant Agreement 96CP-05-06-58-01-048 (Office of Emergency Management).

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

2. Approval and execution of the Modified Agreement from the State of Florida, Department of Community Affairs, Division of Emergency Management for receipt of federal matching funds in the amount of \$17,001.75 for emergency management assistance (Office of Emergency Management).

(Modified 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 enter into a contract with AT&T for the purchase and installation of proprietary software and hardware in the total amount of \$65,403 ([Division of Information Technologies] Purchasing and Contracts Department).
2. Approval to enter into a contract with AT&T for the purchase and installation of a Definity G3S telephone switch at the new Utilities Landfill Building in the total amount of \$110,924.07 ([Division of Information Technologies] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y6-122-J0 to the low responsive and responsible bidder, Control Specialists Company, for a one-year term contract, with renewal clause, for traffic signal poles, concrete cabinet bases, and vehicle detection loop installation in the estimated amount of \$248,400 for the first year; \$262,080 for the first option year; and

\$275,430 for the second option year (three-year total \$785,910) ([Traffic Engineering Department] Purchasing and Contracts Department).

4. Approval to award Invitation for Bid Y6-158-GJ to the low responsive and responsible bidder, Bob Barker Company, for a one-year term contract, renewable for an additional 24 months, to furnish bunk/inmate mattresses and mattress covers. The estimated annual cost is \$55,495 ([Corrections Division, Head Start, and Great Oaks Village] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y6-159-GJ to the low responsive and responsible bidder, Long Food Company, for a one-year term contract, renewable for an additional 24 months, to furnish meats and related products. The estimated annual cost is \$1,148,035.52 ([Corrections Division] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y6-728-CT to the low responsive and responsible bidder, Masci Construction, Inc., for the Veradale, Lake Margaret Terrace, and Roberta Place water distribution system improvements in the total amount of \$461,052 ([Utilities/Engineering Department] Purchasing and Contracts Department).
7. Approval of Amendment 2 to Contract Y4-814 for architectural services for the Phase I Retrofit for the Convention Center with Borrelli & Associates to provide additional architectural and engineering services to include additional scope for structural modifications in the exhibit hall to reconfigure the layout of the operable wall which divides the exhibit hall, replacement of one of the existing Phase I boilers, and landscape lighting at the revised main exterior entrance to Phase I in the amount of \$36,618 ([Convention Center] Purchasing and Contracts Department).
8. Approval to enter into a formal contract Y6-818 with Spillis Candela & Partners and Kha Le-Huu & Partners, P.A. (a joint venture), for architectural services for the Historical Museum Conversion. The total fee amount is \$4,219,448 ([Construction Administration Department] Purchasing and Contracts Department).
9. Approval of Amendment 2 to Contract Y2-817 with PSI/Jammal and Associates for the soils and materials testing services at the Convention Center. Total amount not to exceed \$30,000 ([Construction Administration Department/Convention Center] Purchasing and Contracts Department).
10. Approval of Amendment 2 to Task Authorization 3, Contract Y2-804F with CH2M Hill Southeast, Inc., for engineering services for the South Water Service

Area caustic storage and feed facilities in the amount of \$105,123 ([Utilities Engineering Department] Purchasing and Contracts Department).

11. Approval to enter into a formal contract Y5-810 for analysis and recommendation for replacement of the bridge on Oakridge Road and Shingle Creek with Carter & Burgess, Inc., for the Oakridge Road bridge at Shingle Creek in the amount of \$101,839 ([Public Works Engineering Department] Purchasing and Contract Department).
12. Approval to increase the encumbrance of funds for fire alarm testing and maintenance at the Convention Center with Simplex Time Recorder Company from \$36,000 to \$54,000 ([Convention Center] Purchasing and Contracts Department).
13. Approval to enter into a formal contract with Turner Construction to provide preconstruction services for the 1927 Courthouse Conversion, RFP Y5-815-JO, for \$403,000 ([Construction Administration Department] Purchasing and Contracts Department).
14. Approval of Budget Transfers 96-311 and 96-312 (OMB).

(Budget transfers 96-311 and 96-312 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
15. Approval of Budget Amendments 96-50 through 96-54 (OMB).

(Budget amendments 96-50 through 96-54 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
16. Approval to enter into a six-month contract with WMFE to produce videotaped weekly television programs of County Commission meetings held in the Board Chambers. The cost of such production is \$2,170 weekly ([County Administration] Purchasing and Contracts Department).

HEALTH AND COMMUNITY SERVICES DIVISION

1. Approval to renew a Certificate of Public Convenience and Necessity for Orange County Sheriff's Department (CHASE) to provide advanced live support, all districts (Emergency Medical Services Department).
2. Approval to renew a Nonemergency Transportation License for Bellco Wheelchair and Stretcher Services, all districts (Emergency Medical Services).

3. Approval and execution of a Nonemergency Transportation License for ProMotion Transportation Services, all districts (Emergency Medical Services).

PLANNING AND DEVELOPMENT DIVISION

1. Approval and execution of the Transportation Impact Fee Agreement regarding an Alternative Traffic Study between Florida Convalescent Center, Inc. (for Palm Garden North Nursing Home), and the County, District 1 (Planning Department).

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

UTILITIES DIVISION

1. Approval to pay a \$2,500 invoice to Enterchange for career counseling services (Division Office).

PUBLIC WORKS DIVISION

1. Approval to establish a "No Parking" zone on both sides of Hudson Street beginning from the south right-of-way line of Amelia Avenue extending 350 feet south, District 1 (Traffic Engineering Department).
2. Approval to establish a "No Parking" zone on both sides of Distribution Court beginning from the south right-of-way line of Hoffner Avenue extending 850 feet south, District 4 (Traffic Engineering Department).

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 2, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Freeman, Staley, Johnson, Hoenstine, Donegan, and Butler
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- County Comptroller as clerk Jim Moya
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend Dr. Bracy, founder and pastor of the New Covenant Baptist Church of Orlando, followed by the Pledge of Allegiance to the Flag.

Presentation of Employee Service Awards

County Chairman Chapin presented service awards and pins to the following employees:

- Retha Cobb of the Administrative Support Division for 25 years of service.
- Michael G. Howell of the Fire Rescue Division for 20 years of service.
- James W. Judah of the Public Works Division for 25 years of service.
- Mark R. Battaglia of the Division of Information Technologies for 20 years of service.
- Dallas T. Bickerton of the Utilities Division for 20 years service.
- Charles W. Long of the Utilities Division for 20 years service.

Presentation of Proclamation recognizing April 8 through 13 to be Center for Research and Education in Optics and Lasers (CREOL) week.

County Chairman Chapin presented M. J. Swallow, director of Center for Research and Education in Optics and Lasers (CREOL), with a proclamation recognizing April 8 through 13, 1996, as CREOL week.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF MARCH 21, 1996

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 accepted the recommendations of the Orange County Planning and Zoning Commission under date of March 21, 1996, with the exception of Case Z-96-017, -018, and -021, and an Ordinance amending Chapter 38, Zoning (pool decks and screen enclosures) which will be heard by the Board; and further, authorized scheduling public hearing as follows:

- Case Z-96-017 in the name of Nadeen/Tanmore, Wilderness Creek Planned Development, on June 11, 1996, at 2:45 p.m.
- Case Z-96-018 in the name of Miller-Sellen Associates, Inc., Sierra Land Planned Development/Development of Regional Impact, on June 11, 1996, at 2:45 p.m.
- Case Z-96-021 in the name of Manuel and Raquel Romereo on May 14, 1996, at 2:45 p.m.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of March 21, 1996, were filed in the Zoning

Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant/Applicant: Walter R. Persuad, Z-96-008; public hearing date and time: April 30, 1996, 2:45 p.m.

ORDINANCE PUBLIC HEARING - READOPTION OF ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY ORDINANCE

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

AN ORDINANCE PERTAINING TO EDUCATION IN ORANGE COUNTY; CREATING AN ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY; PROVIDING FINDINGS; SETTING FORTH THE AUTHORITY OF THE ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY; PROVIDING FOR ACTIVATION OF THE ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY; SETTING FORTH THE PURPOSE AND POWERS OF THE ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY; PROVIDING FOR MEMBERSHIP; PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Joy Carmichael reviewed the ordinance and stated that this public hearing is to readopt the ordinance because it failed to reach Tallahassee for filing within the ten-day statutory deadline. Ms. Carmichael reviewed the supporting resolution and outlined the provisions.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote, the Board readopted the proposed ordinance creating an Orange County Educational Facilities Authority; and further, approve a supporting resolution appointing members of the Orange County Educational Facilities Authority as follows:

- Dan Moore for a term expiring January 1, 2001;
- Tom Drage for a term expiring January 1, 2001;
- Rick Tesch for a term expiring January 1, 2001;
- Pete Barr for a term expiring January 1, 2000;
- Geraldine Thompson for a term expiring January 1, 1999;
- Elizabeth Sterchi for a term expiring January 1, 1998;
- Commissioner Mary Johnson for a term expiring January 1, 1997.

(Ordinance 96-07 and Resolution 96-M-18 are on file in the office of the Office of the Comptroller Clerk of the Board of County Commissioners.)

(See February 27, 1996, minutes for adoption public hearing.)

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: MOHAN SINGH, ISLES OF LAKE BUTLER PRELIMINARY SUBDIVISION, FOR GATED COMMUNITY WITH PRIVATE STREETS, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Mohan Singh for Isles of Lake Butler Preliminary Subdivision to make the Isles of Lake Butler Subdivision a gated community with private streets, pursuant to Orange County Code, Section 34-27. The property is generally located north of West Lake Butler Road and west of McKinnon Road; District 1; Section 11, Township 23, 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:

- Sam Hamilton, Transportation Consulting Group; 1200 Orange Avenue, Winter Park, 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 Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Mohan Singh for Isles of Lake Butler Subdivision to make the Isles of Lake Butler Subdivision a gated community with private streets; which constitutes a substantial change to the development on the above described property; subject to 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 Rescue 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 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.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - THE ISLANDS OF CURRY FORD
PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the The Islands of Curry Ford Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of Curry Ford Road and east of Chickasaw Trail; District 4; Section 12, 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

Planning Department Manager David Heath stated that the applicant has requested a continuance.

Appearances

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

Discussion

County Chairman Chapin closed the 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 continued the public hearing to consider the Islands of Curry Ford Preliminary Subdivision Plan until May 14, 1996, at 2:45 p.m.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Donegan wishes to discuss Bithlo streetlighting, District 5.

Commissioner's Report

Commissioner Donegan reported that during the meetings of the Bithlo Task Force one of the overwhelming issues for the area was streetlighting.

Commissioner Donegan stated that, at that time, there was one person who objected to the streetlighting. He further stated that since that time, the power company has opted in for the street lights and a Community Development Block Grant has been obtained to pay for one year of electricity.

Commissioner Donegan stated that a ballot was sent to area residents. He noted that of the 599 ballots mailed, only 42 percent were returned with 38 percent in favor of streetlighting and 62 percent opposed to it.

Commissioner Donegan requested scheduling a public hearing on May 14, 1996, to consider an MSTU/BU for streetlighting in Bithlo.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved scheduling a public hearing to consider an MSTU/BU for streetlighting in Bithlo on May 14, 1996.

NONAGENDA - STREETLIGHTING FOR ORLO VISTA

Commissioner's Report

Commissioner Freeman requested scheduling a public hearing on May 14, 1996, to consider an MSTU/BU for streetlighting in Orlo Vista.

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 approved scheduling a public hearing to consider an MSTU/BU for streetlighting in Orlo Vista on May 14, 1996.

Commissioner Freeman left the meeting.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER.)

DEVELOPMENT REVIEW COMMITTEE DECISION APPEAL - APPELLANT/ APPLICANT: EMERY ROSENBLUTH, DENIAL OF THE VILLAGE PLANNED DEVELOPMENT/LAND USE PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Nicholas A. Pope for Emery Rosenbluth of the recommendation of the Development Review Committee, dated February 22, 1996, on a request by The Village Planned Development/ Land Use Plan for approval of a land use plan, on property generally located east of Apopka-Vineland Road and north of Conroy-Winderemere Road; District 1; Section 10, Township 23, Range 28; Orange County, Florida.

and

DEVELOPMENT REVIEW COMMITTEE APPEAL - APPELLANT/APPLICANT: RASESH THAKKAR, DENIAL OF PROJECT W.P.H. PLANNED DEVELOPMENT/LAND USE PLAN, DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Cecelia Bonifay for Rasesh Thakkar of the recommendation of the Development Review Committee, dated February 22, 1996, on a request by Project W.P.H. Planned Development/Land Use Plan for approval of a land use plan, on property generally located east and west of Apopka-Vineland Road and north and south of Conroy-Windermere Road; District 1; Sections 9, 15, and 16, Township 23, Range 28; Orange County, Florida.

Staff Report

Planning Department Manager David Heath stated that the applicants have withdrawn their appeals of the decision of the Development Review Committee.

Action

By consensus, the Board accepted the withdrawal of the following:

- an appeal by Nicholas A. Pope for Emery Rosenbluth of the recommendation of the Development Review Committee, dated February 22, 1996, on a request by The Village Planned Development/Land Use Plan for approval of a land use plan;
- an appeal by Cecelia Bonifay for Rasesh Thakkar of the recommendation of the Development Review Committee, dated February 22, 1996, on a request by Project W.P.H. Planned Development/Land Use Plan for approval of a land use plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ALEX KUO, JAS CORPORATION; CASE Z-96-002, FEBRUARY 15, 1996; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by JAS Corporation to rezone Farmland Rural District (A-2) (1957) to Planned Development District (PD), on property generally located on the west side of International Drive, one and one-half miles south of Lake Avenue; District 1; Section 26, 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 outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Robert Paymayesh, P.E.; DPC Engineering & Development Services; 823 Thornton 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 Butler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the request by JAS Corporation to rezone Farmland Rural District (A-2) (1957) to Planned Development District (PD) on the above described property; subject to the following conditions:

1. The development shall conform to the JAS Corporation Planned Development/Land Use Plan Amendment dated "Received December 8, 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. The Storm Management System for this project shall be designed consistent with the International Drive Master Drainage Plan.
3. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - a. Land uses shall be limited to those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
 - b. If the housing linkage program is in place prior to development plan approval, development of non-residential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.
 - c. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots.
 - d. The property owners shall be required to participate in a property owners' association upon its creation.
 - e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
 - f. Twenty-foot (20') wide pedestrian/landscape/utility easement plus a 15-foot-wide transit easement along International Drive for a total of

35-feet (with the transit easement along International Drive) shall be included in the development plan.

g. The development plan shall provide for interconnection of adjacent development either by cross-access easement or public right-of-way.

h. Electrical distribution lines shall be underground.

i. Participation in a shuttle service connecting area attraction, major transposition centers, and on-site development shall be required.

4. Access will be addressed during development plan process.

Commissioner Freeman entered the meeting.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: HARLING LOCKLIN & ASSOCIATES, DAVIS PLANNED DEVELOPMENT; CASE Z-96-011, FEBRUARY 15, 1996; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Harling Locklin & Associates to rezone Country Estate District (RCE) (1968) to Planned Development District (PD) and to amend a Board of County Commissioners' condition of Planned Development approval to expand the neighborhood commercial portion of the previously approved Land Use Plan. The total land area to be added to the Planned Development under this request is 3.4 acres; the proposed use is a 13,000-square foot medical facility, on property generally located east side of Apopka-Vineland Road approximately one (1) mile north of Interstate 4; District 1; Sections 11 and 14, 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 outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Hugh Harling, Harling Locklin & Associates; 850 Courtland Street, 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 Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Harling Locklin & Associates to rezone Country Estate District (RCE) (1968) to Planned Development District (PD) and to amend a Board of County Commissioners' condition of Planned Development approval to expand the neighborhood commercial portion of the previously approved Land Use Plan. The total land area to be added to the Planned Development under this request is 3.4 acres; the proposed use is a 13,000-square foot medical facility; subject to the following conditions:

1. The development shall conform to the Davis Planned Development/ Land Use Plan Amendment dated "Received November 30, 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. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - a. Uses limited to that stated in Policy 3.1.1 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
 - b. If the housing linkage program is in place prior to development plan approval, development of non-residential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.
 - c. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction

program, access management controls, transit access design standards, building orientation, and location of parking lots.

- d. The property owners shall be required to participate in a property owners' association upon its creation.
- e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
- f. Twenty-foot (20') wide pedestrian/landscape/utility easement plus a 15-foot-wide transit easement along International Drive for a total of 35-feet (with the transit easement along International Drive) shall be included in the development plan.
- g. The development plan shall provide for interconnection of adjacent development either by cross-access easement or public right-of-way.
- h. Electrical distribution lines shall be underground.
- i. Participation in a shuttle service connecting area attraction, major transposition centers, and on-site development shall be required.

3. Access will be addressed during development plan process.

Commissioner Staley left the meeting.

NONAGENDA - UNIVERSITY OF CENTRAL FLORIDA EQUITABLE SUPPORT

Commissioner's Report

Commissioner Donegan requested the Board adopt a resolution, which the Board directed staff to draft on December 19, 1995, urging the Legislature to continue to equitably support the University of Central Florida's educational programs.

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the proposed resolution urging the Legislature to continue to equitably support the University of Central Florida's educational programs.

(Resolution 96-M-19 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - HOUSE BILL 593

Commissioner's Report

Commissioner Donegan stated that House Bill 593 now has a Senate sponsor and requested that each Board member become familiar with the Bill for a Board discussion and approval or denial on April 16, 1996, so that this issue can be brought before the Metropolitan Planning Organization at its meeting on April 24, 1996.

Action

By consensus, the Board directed staff to schedule a Board discussion on House Bill 593 for April 16, 1996.

NONAGENDA - DISTRIBUTION OF GAS TAX

Commissioner's Report

Commissioner Freeman stated that Representative Bob Sindler is seeking support for a draft bill which will allow distribution of the gas tax among the cities. He reported that this bill will give the City of Orlando 45 days to develop an equitable tax distribution system for all local areas. Commissioner Freeman further noted that after the 45 days, the Legislature will create its own format for distribution based on population.

County Chairman Chapin directed staff to schedule a discussion on the draft bill concerning the distribution of gas tax.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38, ZONING; THE COMMUNICATIONS TOWER ORDINANCE; AMENDING THE ACTUAL LIST OF PERMITTED, CONDITIONAL, OR PROHIBITED USES WITHIN ZONING CATEGORIES FOR A PLANNED DEVELOPMENT DISTRICT

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 AMENDING THE ACTUAL LIST OF PERMITTED, CONDITIONAL OR PROHIBITED USES WITHIN ZONING CATEGORIES IN THE UNINCORPORATED AREA OF ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY CODE, CHAPTER 38, ZONING; AMENDING SECTION 38-1206 AND CREATING SECTION 38-1236 TO PROVIDE STANDARDS AND CRITERIA FOR COMMUNICATIONS TOWERS IN THE PLANNED DEVELOPMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Paul Chipok stated that this is the first of two public hearings to consider the proposed ordinance. Mr. Chipok noted that the Planning and Zoning Commission recommends approval.

Appearances

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

Discussion

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

County Chairman Chapin announced the second of two public hearings to consider the proposed ordinance will be held on April 16, 1996, at 1:35 p.m.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:25 p.m.