

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, June 4, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Clarence Hoenstine, Bill Donegan, and Mable Butler
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Mary Johnson was absent.

There being a quorum, the County Chairman called the meeting to order at 9 a.m. The Board paused for an invocation by County Chairman Chapin in memory of Commissioner Butler's son, Ricardo Flagler, who passed away June 3, 1996.

NONAGENDA - INTRODUCTION OF GUESTS

County Chairman Chapin welcomed visitors from Centurion, South Africa: Mr. Hamman, the town clerk; and Mr. Killian, head of Management Services.

Presentation of Florida Association of Public Purchasing Officers Award - Orange County Purchasing and Contracts Department "Most Outstanding Public Purchasing Department in the State of Florida."

County Chairman Chapin presented the Florida Association of Public Purchasing Officers Award for the Most Outstanding Public Purchasing Department in the State of Florida to Chief of Purchasing and Contracts Warren Geltch.

ADMINISTRATIVE SUPPORT DIVISION - DISCUSSION AGENDA

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

Staff Report

Ka Le Huu, chairman of the MMRB, presented the MMRB's recommendations, and the Board took the following actions:

Children and Family Services Board

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Judge Daniel Dawson to the Children and Family Services Board replacing Judge Thomas Kirk for a term expiring December 31, 1996.

Community Development Advisory Board

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board reappointed Richard King, Annie Washington, and Henry Wright to the Community Development Advisory Board for terms expiring June 30, 1998.

Enterprise Zone Development Agency

Motion

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

- Vencina B. Cannady and Georgia Woodley in the Area Resident category for terms expiring June 30, 1998;
 - James Humphrey and N.Y. Nathiri in the Area Resident category for terms expiring June 30, 1999;
- and further, appointed:
- Ann Brown-Harris in the Local Financial Institution category;
 - Kevin Bodley, Lawrence Williams, and Ralph Armstead in the Nonprofit Organization category;
 - Joanne McMurray in the Code Enforcement category;
 - Cliff Thomas in the Private Industry Council category;

for terms expiring June 30, 2000, to the Enterprise Zone Development Agency.

Motion

A motion by Commissioner Donegan to appoint Ann Brown-Harris as chairman and Cliff Thomas as vice-chairman of the Enterprise Zone Development Agency died for the lack of a second.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Ralph Armstead as chairman and Cliff Thomas as vice-chairman of the Enterprise Zone Development Agency for one year.

Fire and Life Safety Code Board of Adjustments and Appeals**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Douglas Walton to the Fire and Life Safety Code Board of Adjustments and Appeals replacing Jacinto Garcia in the Architect category to complete a term expiring December 31, 1996.

Parks and Recreation Advisory Board**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board reappointed Joe N. Cooke, Beth Hadley, and Kay Sauer to the Parks and Recreation Advisory Board for terms expiring June 30, 1998.

NONAGENDA - ADVISORY BOARD TRAINING

Ka Le Huu, chairman of the Membership and Mission Review Board, invited the Board members to the advisory board training session being held on July 10, 1996, at Leu Gardens.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Staley wishes to make a motion to rescind the Board action taken on May 14, 1996, concerning approval of selection of one firm, Vanasse Hangen Brustlin, Inc., to provide engineering services for Central Florida Research Park pavement evaluation and reconstruction plans and ranking Inwood Consulting Engineers, Inc., #2; and Ivey, Harris & Walls, Inc., #3.

Commissioner's Report

Commissioner Staley requested that the Board rescind its action of May 14, 1996, ranking firms to provide engineering services for the Central Florida Research Park pavement evaluation and reconstruction plans, RFP Y6-815-MK. He stated it was agreed that an MSTU to fund the improvements would be in place before funding of up to \$500,000 for engineering and construction documents would be authorized.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Donegan, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board rescinded its action of May 14, 1996, approving the following short list, ranked as follows:

- #1 Vanasse Hangen Brustlin, Inc.
- #2 Inwood Consulting Engineers, Inc.
- #3 Ivey, Harris & Walls, Inc.

to provide engineering services for Central Florida Research Park pavement evaluation and reconstruction plans, RFP Y6-815-MK.

Motion

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

- #1 Vanasse Hangen Brustlin, Inc.
- #2 Inwood Consulting Engineers, Inc.
- #3 Ivey, Harris & Walls, Inc.

to provide engineering services for Central Florida Research Park pavement evaluation and reconstruction plans, RFP Y6-815-MK; further, authorized \$50,000 for a preliminary engineering study; and further, authorized an additional \$450,000 in funding after the Central Florida Research Park municipal service taxing unit has been established.

2. Commissioner Freeman wishes to discuss graduation exercises for schools at the Convention Center.

Commissioner's Report

Commissioner Freeman reported that he received calls from parents in his district who are concerned over the lack of availability of space for high school graduation exercises at the Convention Center.

Appearances

The following person addressed the Board:

- Karen O'Brien, representing the Orange County Council Parent/Teachers Association and the Dr. Phillips High School Parent/Teachers/Students Association.

Staff Report

Convention Center Executive Director Tom Ackert explained the Convention Center's mission, the procedures and policies for providing space for high school graduation ceremonies, the timeframes for booking conventions and graduation ceremonies, and the Convention Center's record for accommodating the school board's requests for space for graduation ceremonies.

Discussion

The Board discussed the Convention Center's mission and civic responsibility, how its operating budget is subsidized with Tourist Tax funds, the practice of holding graduation ceremonies in the school's stadium, the cost to the school board for space at the Convention Center, and whether the responsibility for providing space for graduation ceremonies belongs to the County or the school board.

Motion

The Board did not take any action.

3. Commissioner Freeman wishes to discuss the widening of Conroy- Windermere Road from four lanes to six lanes from Hiawassee Road to Dr. Phillips Boulevard.

Commissioner's Report

Commissioner Freeman reported a traffic hazard at the intersection of Conroy-Windermere Road and Hiawassee Road because Conroy-Windermere Road drops from six lanes to four lanes at that point. He stated that widening Conroy-Windermere Road from Hiawassee Road to Dr. Phillips Boulevard would eliminate the hazard.

Staff Report

Public Works Division Director Ajit Lalchandani explained the project could be addressed in the capital improvements program (CIP) and included in the budget. Mr. Lalchandani stated the project would cost approximately \$250,000.

Discussion

The Board discussed CIP priorities, a funding source for the project, and traffic and safety issues related to the intersection.

Action

By consensus, the Board directed staff to prepare a cost assessment of six-laning Conroy-Windermere Road from Hiawassee Road to Dr. Phillips Boulevard; and further, directed staff to submit a report on safety aspects at the intersection of Hiawassee Road and Conroy-Windermere Road.

ADMINISTRATIVE SUPPORT DIVISION - DISCUSSION AGENDA (continued)

2. Surplus real property.

Staff Report

Acting Administrative Support Division Director John Terwilliger reviewed the current surplus land sales policy and the statutes governing the sales. Mr. Terwilliger explained the procedures and the costs involved for auctions and private sales.

Mr. Terwilliger presented a comparison of the property appraiser's value and the revenue collected for auctions and private sales between 1993 and 1995. He outlined the expected auction and sale proceeds for the County's current surplus properties. Further, Mr. Terwilliger discussed a proposal to allow sale of property valued at under \$5000 to the adjoining property owners.

Discussion

The Board discussed the process for evaluating surplus property, selling buildable property so it can be placed on the tax rolls, and adding unused rights-of-way or easements to surplus property to enhance its value.

Motion

The Board did not take any action.

3. Surplus personal property.

County Comptroller's Report

County Comptroller Martha Haynie reviewed how the County processes surplus equipment and vehicles. She explained the statutes governing disposal of surplus equipment, vehicles, and donations to other governments or nonprofit agencies. County Comptroller Haynie pointed out the funds realized from vehicle and surplus equipment sales.

Discussion

The Board discussed drafting administrative regulations addressing requests for donations of surplus equipment from nonprofit organizations and the cost effectiveness of refurbishing equipment prior to sales.

Motion

The Board did not take any action.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

1. Selection of one firm and one ranked alternate to provide Phase I engineering services for the Econlockhatchee Trail (East Colonial Drive to Trevarthon Road) alignment improvements, RFP Y6-817-MK ([Highway Construction Department] Purchasing and Contracts Department).

Staff Report

County Administrator Jean Bennett requested that the Board select one firm and one ranked alternate to provide Phase I engineering services for the Econlockhatchee Trail alignment improvements, from the following firms listed alphabetically:

- Deleuw, Cather & Company
- Kunde, Sprecher & Associates, Inc.

Motion

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

- #1 Deleuw, Cather & Company
- #2 Kunde, Sprecher & Associates, Inc.

and further, authorized staff to enter into contract negotiations to provide Phase I engineering services for the Econlockhatchee Trail (East Colonial Drive to Trevarthon Road) alignment improvements, RFP Y6-817-MK.

(The contract for RFP Y6-817-MK will be on file in the Purchasing and Contracts Department.)

2. Selection of one firm and one ranked alternate to provide engineering services for the Azalea Park and Pinar Heights water distribution and wastewater collection system improvements, RFP Y6-819-MK ([Utilities Engineering Department] Purchasing and Contracts Department).

Staff Report

County Administrator Jean Bennett requested that the Board select one firm and one ranked alternate to provide engineering services for the Azalea Park and Pinar Heights water distribution and wastewater collection system improvements, from the following firms listed alphabetically:

- APEX Engineering, Inc./Glace & Radcliffe, Inc. - A Joint Venture
- B&H/KVA - A Joint Venture

Motion

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

- #1 APEX Engineering, Inc./Glace & Radcliffe, Inc. - a Joint Venture
- #2 B&H/KVA - A Joint Venture

and further, authorized staff to enter into contract negotiations to provide engineering services for the Azalea Park and Pinar Heights water distribution and wastewater collection system improvements, RFP Y6-819-M.

(The contract for RFP Y6-819-MK will be on file in the Purchasing and Contracts Department.)

3. Approval to award Invitation for Bid Y6-740-CT to the second lowest responsive and responsible bidder, Bergeron Land Development, Inc., for the construction of wastewater and stormwater collection improvements in the Tangelo Park subdivision, \$4,999,999 ([Utilities Engineering Department and Public Works Division] Purchasing and Contracts Department).

Staff Report

Chief of Purchasing and Contracts Warren Geltch requested Board approval to award Invitation for Bid Y6-740-CT to the second lowest responsive and responsible bidder, Bergeron Land Development, Inc., for the construction of wastewater and stormwater collection improvements in the Tangelo Park subdivision. Mr. Geltch explained that the lowest bidder did not meet the County's minority/women business enterprise (M/WBE) standards and failed to provide good faith effort documentation.

Discussion

The Board discussed waiving the M/WBE standards and awarding the contract to the lowest bidder so the project can be completed before school resumes in August.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board awarded Invitation for Bid Y6-740-CT to the lowest bidder, Speegle Construction, Inc., for the construction of wastewater and stormwater collection improvements in the Tangelo Park subdivision.

(The contract for RFP Y6-740-MK will be on file in the Purchasing and Contracts Department.)

NONAGENDA - COUNTY COMPTROLLER

County Comptroller Martha Haynie announced to the Board that Treasury Manager Steve Alexander, who is responsible for guiding the County's investment program is taking a job with the firm of Public Financial Management, Inc.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA (CONTINUED)

4. Presentation regarding Risk Management Activities/National Safety Week.

Staff Report

County Chairman Chapin read and presented a proclamation declaring the week of June 2, 1996, as Safety Week to Risk Management Department Manager Brenda Brown.

Safety Administrator Lance Sanders explained the employment safety programs and policies that were recently implemented by the the Risk Management Department.

Motion

The Board did not take any action.

Commissioner Butler left the meeting.

COUNTY CONSENT AGENDA

Legal Counsel

In response to a question regarding the County's backing of investment bonds, County Attorney Tom Wilkes advised that the County has absolutely no obligation if the Health Facilities Authority Bonds (see Fiscal and Human Resource Division Item 7) default and referred to the statutes and policies governing the bonds.

County Comptroller's Report

County Comptroller Martha Haynie explained the difference between being accountable for or being legally responsible for paying the debt of dependent special districts such as the Health Facilities Authority.

For the record, as former legal counsel to the Health Facilities Authority, Mr. Wilkes stated the Health Facilities Authority is not a dependent of the County, and the County is not responsible for its debt or other financial responsibility.

Motion

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

County Comptroller

1. Acknowledgment and filing of the Audited Financial Statements for the Orlando/Orange County Convention and Visitors Bureau, Inc., for the years ending December 31, 1995, and December 31, 1994 (Administrative/Fiscal Division).
2. Acknowledgment and filing of the Follow-up Review of Employee Mileage Reimbursement, Children's Services Program (Administrative/Fiscal Division).
3. Approval of the minutes of the May 14 and 21, 1996, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
4. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - a. Oaths of Office for Peter Barr, Sr.; Thomas B. Drage, Jr.; Mary I. Johnson; David F. Moore; Elizabeth A. Sterchi; Richard W. Tesch; and Geraldine Thompson, members of the Educational Facilities Authority; dated May 10, 1996.
 - b. Notice of application for an extension of service area re: Application for Park Manor Waterworks, Inc., 1527 Park Manor Drive, Orlando, Florida 32825, to extend its water and wastewater service in the County; dated May 8, 1995.

(Comptroller Clerk of the Board of County Commissioners)

5. Authorize the disbursements of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:
 - Week of May 21, 1996, through May 24, 1996; total of \$23,309,469.12.
 - Week of May 28, 1996, through June 03, 1996; total of \$19,890,017.36.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and execution by the County Chairman of a notice of reservation and authorization to record instrument: Michigan Avenue Complex, Notice of Reservation, District 4 (Real Estate Management Department).
2. Approval of the purchase price above the 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: 13th Street (Apopka) paving and drainage, Warranty Deed, Parcel 902, District 2 (Real Estate Management Department).
3. Approval of the purchase price (subject to an appraisal) and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$30: Bakery Site at 39th Street and John Young Parkway (expansion project), Warranty Deed, Parcel 101, District 6 (Real Estate Management Department).
4. Approval of the 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: 13th Street (Apopka) paving and drainage, Warranty Deed, Parcel 901, District 2 (Real Estate Management Department).

Fiscal and Human Resources Division

1. Approval for the Sheriff's Office to spend approximately \$1,000 from the Law Enforcement Trust Fund to fund a contribution to Teen Challenge of Florida (OMB).
2. Approval of Budget Transfers 96-387 and 96-388 (OMB).

(Budget Transfers 96-387 and 96-388 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of Budget Amendment 96-61 (OMB).

(Budget Amendment 96-61 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of CIP Amendments 32-96 and 33-96 (OMB).

(CIP Amendments 32-96 and 33-96 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of payment of Intergovernmental claims (April 25, May 2, and May 9, 1996) totaling \$876,804.49 (Risk Management Department).

6. Receipt and filing of the minutes of the April 25, May 2, and May 9, 1996, Intergovernmental Risk Management Committee meetings (Risk Management Department).

7. Approval of the issuance of Orange County Health Facilities Authority Hospital Revenue Bonds, Series 1996 (Orlando Lutheran Towers, Inc.) ("OLT") in an amount not to exceed \$28,000,000 (Orange County Health Facilities Authority).

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

Health and Community Services Division

1. Approval and execution of a sublease agreement for real property between the Florida Department of Health and Rehabilitative Services and the County. The land (two parcels) is located adjacent to Great Oaks Village West. The land will be used for a full range of child, youth, and family services including Little League Baseball and a nonresidential juvenile delinquency program. No County funds are requested (Human Services Department).

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

Planning and Development Division

1. Approval and execution of Memoranda of Understanding for Open Burning Permits - Orange County Fire Rescue, the City of Winter Garden, and the City of Orlando, countywide (Environmental Protection Department).

(The Memoranda of Understanding are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval and execution of the Road Impact Fee Agreement Regarding Alternative Traffic Study between Entertainment Concepts, Inc. (for Movie Rider), and the County, District 6 (Planning Department).

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

3. Approval and execution of the Road Impact Fee Agreement Regarding Alternative Traffic Study between AAL Transmission World/Tuffy Muffler Store and the County, District 4 (Planning Department).

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

4. Approval and execution of the Road Impact Fee Agreement Regarding Alternative Traffic Study between Oerther Foods, Inc. (for McDonald's at Sandlake), and the County, District 6 (Planning Department).

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

5. Approval of a time extension for the special exception approval for New Hope Church of God in Christ with the stipulation that permits be obtained within one year from the date of the Board's action, District 6 (Zoning Department).

Public Works Division

1. Approval to install "Stop" and "Yield" signs in the Heritage Place Subdivision, District 4 (Traffic Engineering Department).
2. Approval and execution of an agreement with the Page Private School whereby the school will pay the County for installation and maintenance of flashing lights on the school advance signs on University Boulevard, District 5 (Traffic Engineering Department).

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

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, June 4, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Clarence Hoenstine, Bill Donegan, and Mable Butler
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend Father Robert Brown, pastor of St. Joseph Catholic Church, 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:

- Eddie L. Whitted of the Corrections Division for 20 years of service.
- Richard F. Anderson and Charles E. Mills of the Fire Rescue Division for 20 years of service.
- Linda M. McCall of the Health and Community Services Division for 20 years of service.
- Larry F. Mansfield and Michael L. Chandler of the Utilities Division for 20 years of service.
- Roland C. Bailey of the Planning and Development Division for 20 years of service.

Presentation of S*T*A*R Awards

County Chairman Chapin presented S*T*A*R (Suggestion That Achieve Results) awards to the following employees:

- Sharon Coughlin of the Convention Center
- Pam Harris of the Fiscal and Human Resources Division

- Robert Maggi of the Corrections Division

Recognition of Dr. Phillips High School Baseball Team

Commissioner Freeman recognized and congratulated the members of the Dr. Phillips High School baseball team, the second high school baseball team from Orange County to win the 6A state baseball championship.

County Chairman Chapin read and presented a resolution recognizing the team's accomplishments to its coach, Chip Gurkee.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ROBERT S. HARRELL, POWERS PARK PRELIMINARY SUBDIVISION; A BLANKET VARIANCE TO REDUCE FRONT SETBACKS; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Robert S. Harrell for Powers Park Preliminary Subdivision for a blanket variance to reduce the front setback from 25 feet to 20 feet in the subdivision; pursuant to Orange County Code, Section 34-27; on property generally located west of Powers Drive and north of Silver Star Road; District 2; Section 12, 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

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

Appearances

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board continued the public hearing to consider a substantial change request by Robert S. Harrell for Powers Park Preliminary Subdivision until June 25, 1996 at 2:45 p.m.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: JO ANN INGRAM, CLIFTON TOWER SERVICE; ITEM 18, APRIL 4, 1996; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jo Ann Ingram for Clifton's Tower Service for a

special exception in Planned Development (PD) zone (Knight's Crossing Apartment project within Quadrangle Planned Development) to erect an 80-foot high communications tower (monopole), on property generally located on the northwest corner of Knight's Crossing Circle and Data Court, 1/4 mile west of the intersection of Alafaya Boulevard and Corporate Boulevard or 11283 Knights Crossing Circle; District 5; Sections 3 and 4, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Zoning Department Manager Melvin Pittman outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the land uses in the area.

Appearances

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

- John T. Russo, the applicant, 1918 Chathamoor Drive, Orlando, Florida.

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

- Susan Eberle, 652 West Palm Valley Drive, Oviedo, Florida.
- John R. Mullen, 3899 Kingston Oaks Cove, Oviedo, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board denied the request by Jo Ann Ingram for Clifton's Tower Service for a special exception in Planned Development (PD) zone (Knight's Crossing Apartment project within Quadrangle Planned Development) to erect an 80-foot high communications tower (monopole); and further, approved erecting a 50-foot high communications tower on the above-described property, subject to the following conditions:

1. Development in accordance with site plan dated January 20, 1996;
2. Permits shall be obtained within one year of the Board of Zoning Adjustment approval date;

3. Landscaping shall be installed at the base of the tower. Said landscaping shall be subject to the Zoning Department Manager's approval.
4. The height of the tower shall be no greater than necessary to achieve adequate signal reception. In no case shall it exceed 50 feet in height.
5. The applicant shall execute an agreement providing for colocation should the need arise.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: HSUEH-MEI CHING; CASE Z-96-029, APRIL 18, 1996; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hsueh-Mei Ching to rezone from Country Estate District (RCE) (1968) to Residential District (R-2) restricted to single-family and duplex use only, on property generally located on the northeast corner of Apopka-Vineland Road and Fourth Street; District 1; Section 15, 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 and Development Division Director Bruce McClendon 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 persons addressed the Board in favor of the request:

- Myong Jha, 10513 Gleam Court, Orlando, Florida.
- Robert White (no address given).

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

- Christine Mikula, 11462 Commercial Street, Orlando, Florida.

Commissioner Butler left the meeting.

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with Commissioners Freeman, Staley, and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioner Donegan voting NO by voice vote; Commissioners Johnson and Butler were absent; the Board denied the request by Hsueh-Mei Ching to rezone from Country Estate District (RCE) (1968) to Residential District (R-2) restricted to single-family and duplex use only; and further, approved Single-Family Dwelling District (R-1AA) zoning on the above-described property.

PLANNING AND ZONING BOARD-CALLED PUBLIC HEARING - APPLICANT: FEDERAL TRUST PROPERTIES, ARDEN VILLAS; CASE Z-96-032, APRIL 18, 1996; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Federal Trust Properties for Arden Villas to rezone from Urban Multiple Family Dwelling District (UR-3)/Retail Commercial District (C-1) to Planned Development (PD), on property generally located on the south side of University Boulevard, 1/4 mile east of Rouse Road; District 5; Section 9, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Planning and Development Division Director Bruce McClendon 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:

- Joe Kern, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; 201 Eola Drive, Orlando, Florida, for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Donegan, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Butler were absent; the Board approved the request by Federal Trust Properties for Arden Villas to rezone from Urban Multiple Family Dwelling District

(UR-3)/Retail Commercial District (C-1) to Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Arden Villas Planned Development/Land Use Plan, dated "Received April 10, 1996," 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. A waiver of section 38-1254(1) is granted to allow a 15-foot perimeter in lieu of 25 feet along the project's west boundary.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: DALE CROSBY, VINELAND POINT PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1 (CONTINUED FROM MAY 21, 1996, FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider a substantial change request by Dale Crosby for Vineland Point Planned Development/Land Use Plan (PD/LUP) to change the September 24, 1991, Board of County Commissioners condition of approval to read as follows:

"Prior to discharge of any stormwater from Vineland Point, the stormwater will be treated for pollution abatement and detention in accordance with County and South Florida Water Management District criteria. In addition, retention/detention facilities will be provided so that the peak discharge into receiving waters is equal to or less than the 25-year 24-hour storm event," continued from the May 21, 1996, Board meeting for decision only.

(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 explained that the public hearing was continued to allow further review by the Development Review Committee. Mr. Heath reviewed the change request and the Development Review Committee's (DRC) determination of substantial change. He stated the DRC recommended approval of the request.

Motion

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

and Butler were absent; the Board approved the request by Dale Crosby for Vineland Point Planned Development/Land Use Plan (PD/LUP) to change the September 24, 1991, Board of County Commissioners condition of approval to read as follows:

"Prior to discharge of any stormwater from Vineland Point, the stormwater will be treated for pollution abatement and detention in accordance with County and South Florida Water Management District criteria. In addition, retention/detention facilities will be provided so that the peak discharge into receiving waters is equal to or less than the 25-year 24-hour storm event";

which constitutes a substantial change to the development.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JAMES HALL, MARRIOTT/PROJECT "S" PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1 (CONTINUED FROM MAY 21, 1996, FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider a substantial change request by James Hall for Marriott/Project "S" Planned Development/Land Use Plan (PD/LUP) to increase the number of units from 596 resort villas to 762 resort villas, an increase of 166 units, continued from the May 21, 1996, Board meeting for decision only.

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

Commissioner Donegan left the meeting.

Staff Report

Planning Department Manager David Heath explained that the public hearing was continued to allow further review by the Development Review Committee. Mr. McClendon reviewed the change request and the Development Review Committee's determination of substantial change. He stated the DRC recommended approval of the request.

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson, Donegan, and Butler were absent; the Board approved the request by James Hall for Marriott/Project "S" Planned Development/Land Use Plan (PD/LUP) to increase the number of units from 596 resort villas to 762 resort villas, an increase of 166 units, which constitutes a substantial change to the development; subject to the following conditions:

1. Development shall conform to the Orangewood Planned Development, Board of County Commissioners' approvals, and the Project "S" amended Land Use Plan

dated "Received February 7, 1996," 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. Land use 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 shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map. Past affordable housing efforts by the developer shall be recognized in any housing linkage program.
 - c. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to Development Plan 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 owner shall 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.

COMPREHENSIVE POLICY PLAN AMENDMENT TRANSMITTAL HEARING - AMENDMENT #96-2

Notice was given that the Orange County Board of County Commissioners would conduct a public hearing regarding transmittal of proposed amendments to the 1990-2010 Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the following matters:

1. Proposed amendments to the CPP which would change the uses of lands within the areas identified on the map on file.
2. Amendments to the Future Land Use Element Policies 2.2.21 (amended); 3.2.21.1 through 3.2.21.4 (new) related to compliance with Chapter 163.3177(6)a, Florida Statutes related to school siting; and Policies (new) under Traffic Circulation Element 2.1.9 related to proposed interchanges for the Western Beltway (Part C) within the Horizon West Village Classification.

The parcels of property listed for possible land use changes are identified by the address or general location descriptions and tax parcel identification numbers.

(The map, address/general location descriptions, tax identification numbers, adopted land uses, and requested land use changes for each CPP amendment are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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

Staff Report

Planning Department Manager David Heath announced this is the transmittal public hearing for the second cycle of Comprehensive Policy Plan Amendments for 1996. Mr. Heath explained how the advertising and public notice advertising requirements were met and reported on the success of neighborhood meetings.

Mr. Heath asked the Board to request the Florida Department of Community Affairs to conduct a formal review and issue an Objections, Recommendations, and Comments report within 60 days to avoid multiple adoption hearings.

Motion

Upon a motion by Commissioner Freeman , seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioners Johnson, Donegan, and Butler were absent; the Board approved transmitting the amendments to the Florida Department of Community Affairs with a request for an Objections, Recommendations, and Comments Report to be issued within 60 days.

Mr. Heath further explained the expedited agenda/public hearing format for the meeting. He said the items listed under the expedited agenda will be approved in one motion unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda.

A court reporter was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Expedited Agenda

Chief Planner Chris Testerman announced amendments on the expedited agenda, as follows:

Future Land Use Map Amendments

District 1

- Amendment 3 - 96-2-A-1-1 (page 11 of the amendment booklet)
- Amendment 4 - 96-2-A-1-2 (page 22 of the amendment booklet)
- Amendment 5 - 96-2-A-1-3 (page 30 of the amendment booklet)
- Amendment 6 - 96-2-A-1-4 (page 37 of the amendment booklet)

District 2

- Amendment 7 - 96-2-A-2-1 (page 44 of the amendment booklet)

District 4

- Amendment 8 - 96-2-B-4-1 (page 54 of the amendment booklet)

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

- Clerk's Exhibit 1 - Letter concerning Amendment 96-2-A-1-2
- Clerk's Exhibit 2 - Letter concerning Amendment 96-2-A-2-1

Motion

Upon a motion by Commissioner Staley , seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson, Donegan, and Butler were absent; the Board approved transmitting the Amendments 3 through 8 on the Expedited Agenda to the Florida Department of Community Affairs, as follows:

- Amendment 3 - 96-2-A-1-1 (page 11 of the amendment booklet)
- Amendment 4 - 96-2-A-1-2 (page 22 of the amendment booklet)
- Amendment 5 - 96-2-A-1-3 (page 30 of the amendment booklet)
- Amendment 6 - 96-2-A-1-4 (page 37 of the amendment booklet)

- Amendment 7 - 96-2-A-2-1 (page 44 of the amendment booklet)
- Amendment 8 - 96-2-B-4-1 (page 54 of the amendment booklet)

Comprehensive Policy Plan Policy and Textual Amendment Public Hearings

Future Land Use Element Policies 3.2.21.1 through 3.2.21.4 (page 2 of the amendment booklet)

Staff Report

Planning Department Manager David Heath explained the proposed policies are in response to direction by the State Legislature that all local governments specify in what land use designations schools are allowed as permitted uses. Mr. Heath explained that elementary and middle schools will be allowed as permitted uses in residential, office, and commercial zoning districts. He continued elementary schools will be allowed in rural settlements as special exceptions. Mr. Heath noted that public high schools and ninth grade centers will be allowed as special exceptions in low medium density residential districts and permitted uses in office zoning districts. He stated that at the time of final adoption, the Board must adopt a school siting ordinance.

Commissioner Donegan rejoined the meeting.

Appearances

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Butler were absent; the Board approved transmittal of Future Land Use Element Policies 3.2.21.1 through 3.2.21.4 to the Florida Department of Community Affairs.

Traffic Circulation Element Policy 2.1.9 (page 4 of the amendment booklet)

Staff Report

Chief Planner Chris Testerman explained the policy addresses requirements to define the conceptual interchanges of the Western Beltway.

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 Staley, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Butler were absent; the Board approved transmittal of Traffic Circulation Element Policy 2.1.9 to the Florida Department of Community Affairs.

NONAGENDA - FLORIDA ASSOCIATION OF COUNTIES

Commissioner Donegan reported that the next Florida Association of Counties meeting is June 26-28 and the Board needs to consider who will be the new appointee after the November elections.

County Chairman Chapin requested that Commissioner Donegan serve until the election, at which time the Board will appoint a mid-year replacement.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 3:40 p.m.