

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 22, 1996. The following were present:

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

Chief Deputy Comptroller as Clerk Jim Moye joined the meeting where indicated.

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

WORKSESSION - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT PRESENTATIONS

Mr. Bill Stimmel, director of the Orlando Service Center for the South Florida Water Management District (SFWMD), addressed the Board and stated that he, along with his counterpart, Elizabeth Thomas, director of the Orlando Service Center for the St. Johns River Water Management District (SJRWMD), are here in response to the Board's invitation to make a presentation and to be available to answer the Board's questions. Mr. Stimmel introduced water management representatives who would be addressing the Board.

Mr. Henry Dean, SJRWMD executive director, addressed the Board and stated that he would be presenting information explaining what the water management districts provide to the taxpayers in the county. He gave a historical review on the genesis of the water management system in the state and how it evolved into flood control districts and ultimately the water management districts.

Mr. Dean stated that although one mill of ad valorem taxes approved by voters in 1976 for water management purpose has not increased, all responsibilities mandated by the Legislature since 1972 are without additional funding. He stated that the mission of the water management districts today includes the four major area of water supply, flood protection, water quality, and natural systems.

Mr. Dean explained that upstream activities dramatically affect downstream communities and that the flow of surface water is the reason the County is divided between the SFWMD and the SJRWMD. He reviewed the location, size, budget, and project initiatives within each sub-basin and the budgeting requirements and sources of revenue for each district. Mr. Dean stated that the total revenue collected from the County is only three percent of the total revenues collected for both water management districts.

Mr. Dean concluded his presentation by stating that the water management districts must look beyond city and county boundaries to effectively manage the water resources of the State and that the SJRWMD's goal is to be an active partner with the County in managing its water resources.

County Chairman Chapin left the meeting.

Mr. Sam Poole, South Florida Water Management District executive director, addressed the Board and stated that local governments are realizing the extensive cost of dealing with stormwater management. He explained that the County and the water management districts need to create a balance between need and responsibility and to form a partnership at the local, state, and federal levels to address the consequences of past, present, and future population growth.

Chief Deputy Comptroller as Clerk Jim Moye joined the meeting.

Mr. Poole stated that the water management districts are responsible for protecting the quality of water and insuring the water supply for current future needs.

Allen Trovillion, Florida Legislature representative, addressed the Board and stated that both the County and the water management district boards must work together to be successful in the preservation of water quality and supply for the future.

Appearances

- Henry Swanson, 1531 Norfolk Avenue, Winter Park, Florida.
- Bill Lechter, 2817 Wessex Street, Orlando, Florida.
- Dave Crowson (no address given).

Discussion

The Board discussed the possibility of bonding ad valorem tax monies, the priorities of the water management district boards, the need for solutions to the County's stormwater management difficulties, role of local government in stormwater management, the "Bridge Over Troubled Waters" report, City of Cocoa well fields, desalinization plants, and the reasons for purchasing wetlands.

The Board further discussed the Cypress Creek court case, double taxation of County residents, recharging ground waters and the aquifer, the muck farm buyout in Zellwood, the time required to obtain permits from the water management district boards, water conservation and quality, restoration and reflooding, and the Lake Tibet-Butler boat ramp permitting delays.

COUNTY CONSENT AGENDA

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the County Consent Agenda items as follows:

County Comptroller

- 1. Authorization and execution by the County Chairman of the Central Florida Research Park MSTU/BU Agreements for reimbursable maintenance and operation of streetlighting, reimbursable common area maintenance, and reimbursable maintenance of certain retention ponds and stormwater drainage areas (Administrative/Fiscal Division).

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

- 2. Approval to pay the Clerk of the Courts' invoice for witness fees, in the amount of \$8,486.37 for the month of September 1996 (Administrative/Fiscal Division).
- 3. Approval to dispose of assets through trade-in to the vendor for an allowance toward new equipment; to return assets to the vendor for a refund; to dispose of an asset destroyed in an accident; to donate an office trailer with minimal value to the Florida Department of Corrections in lieu of selling it at fair market value (Property Accounting Department).

4. Approval of the minutes of the October 1 and 8, 1996, meetings of the Board of County Commissioners (Clerk of the Board of County Commissioners).
5. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - a. Florida Public Service Commission Notice of Hearing re: Docket No. 920260-TL, comprehensive review of the revenue requirements and rate stabilization plan of Southern Bell Telephone and Telegraph Company; dated September 20, 1996.
 - b. Florida Public Service Commission Notice of Hearing re: Docket Nos. 960833-TP, 960846-TP, and 960916-TP, petitions by AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation, MCI Metro Access Transmission Services, Inc., American Communications Services, Inc., and American Communications Services of Jacksonville, Inc., for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc., concerning interconnection and resale under the Telecommunications Act of 1996; dated September 12, 1996.
 - c. Orange Soil and Water Conservation District Proposed Budget Report for 1997; dated September 25, 1996.
 - d. West Orange Healthcare District Resolution setting millage rate; dated September 24, 1996.
 - e. Greater Orlando Aviation Authority Annual Budget, fiscal year 1994-95; received September 24, 1996.
 - f. City of Orlando notice of ordinance annexing to the corporate limits of the city, property located at 3772 West Colonial Drive; Annexation Docket No. 29664; dated September 23, 1996.

(Comptroller Clerk of the Board of County Commissioners).

Administrative Support Division

1. Approval and authorization to record instrument: Conroy- Windermere Road (Apopka-Vineland Road to Kirkman Road), Quit Claim Deed, District 1 (Real Estate Management Department).
2. Approval and authorization to record instruments and pay appropriate recording fees: Sandpiper Street Paving and Drainage Project, Drainage

Easement and Subordination of Encumbrance, Parcel 801, District 2 (Real Estate Management Department).

3. Approval and authorization to record instrument and pay appropriate recording fees: Allen Street/Dudley Avenue, Deed, District 2 (Real Estate Management Department).
4. Confirmation of County Chairman Chapin's appointment of Theresa Jacobs as her representative on the Board of Zoning Adjustment. The term of the appointment will expire December 31, 1996 (General Services Department/Agenda Development).

Fiscal and Human Resources Division

1. Approval to amend the existing insurance policies for property insurance for the following new premium amounts: Y4-169C in the amount of \$492,500 with CIGNA Property and Casualty Insurance Company as provider; Y4-169F for \$492,500 with Zurich Insurance Company as provider; and Y4-169D for \$240,000 with Industrial Risk Insurers (IRI) as provider; all through A. J. Gallagher as agent, for the term of October 1, 1996, through September 30, 1997 ([Risk Management Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y6-780 to the low responsive and responsible bidder, Williams Contracting, Inc., for demolition of the Meadowbrook, University, Corrine, Ramie, Arbor Ridge, and Arcadia Acres wastewater treatment plants. The total cost is \$159,716 ([Utilities Engineering Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y6-640-GJ, to the low responsive and responsible bidders by lot as follows:
 - The Smith Wilson Company, Lot 1;
 - Designers West Interiors, Inc., Lot 2;
 - Future Media Products, Inc., Lot 3; to provide chairs and file cabinets for the new Courthouse. The total cost is \$273,878.46 ([Courthouse Construction Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y6-641-GJ, to the low responsive and responsible bidder, Designers West Interiors, Inc., to provide courtroom seating for the new Courthouse. The total cost is \$293,694.86 ([Courthouse Construction Department] Purchasing and Contracts Department).
5. Approval to issue a blanket purchase order to Ringhaver Equipment Company, the local caterpillar dealer, for original equipment manufacturer parts and

service for fiscal year 1996-97, for an estimated cost of \$468,000 ([Solid Waste Department] Purchasing and Contracts Department).

6. Approval to issue a purchase order to VFL Technology Corporation for the proprietary purchase of an ash, lime, and slurry mixture used as a road base for haul roads at the County Landfill. The total cost is \$250,000 ([Solid Waste Department] Purchasing and Contracts Department).
7. Approval to enter into a contract with Lucent Technologies (formerly AT&T), for the relocation of an existing telephone system and purchase of additional upgrade equipment for the new County Courthouse. The total cost is \$989,226.12 ([Division of Information Technologies] Purchasing and Contracts Department).

(Contract is on file in the Purchasing and Contracts Department.)

8. Approval of Amendment 5 to Contract Y9-809A with Bowyer- Singleton and Associates, Inc., for surveying and engineering services for the Orange Avenue Phase III project (Southern Connector to Taft-Vineland Road). The total cost \$158,042.10 ([Public Works Engineering Department] Purchasing and Contracts Department).
9. Approval of Amendment 3 to Contract Y4-814 with Borrelli and Associates, to provide additional architectural and engineering services for the Phase I retrofit project for the Convention Center. The total cost is \$131,475 ([Convention Center] Purchasing and Contracts Department).
10. Approval of Amendment 2 to Contract Y5-802 with HNTB Corporation, to provide additional engineering services for the Apopka-Vineland Road project (Conroy-Windermere Road to Old Winter Garden Road). The total cost is \$172,863.32 ([Public Works Engineering Department] Purchasing and Contracts Department).
11. Approval of Amendment 6 to Contract Y3-809 with Singhofen and Associates for engineering services for the Bonneville Drive Master Drainage Study. The total cost is \$20,866 ([Stormwater Management Department] Purchasing and Contracts Department).
12. Approval of the official holidays for 1997 (Human Resources Department).
13. Approval for the Sheriff's Office to spend approximately \$53,840 from the Law Enforcement Trust Fund to provide funds to purchase in-car camera systems (\$50,340) and donations to the We Care Crisis Center (\$1,000) and The Center for Drug Free Living (\$2,500) (OMB).

14. Approval to disburse \$75,000 from the fiscal year 1996-97 non-departmental budget for payment to the Second Harvest Food Bank of Central Florida (OMB).
15. Approval of Budget Transfer 96-682 (OMB).

(Budget Transfer 96-682 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
16. Approval of CIP Amendment 58-96 (OMB).

(CIP Amendment 58-96 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
17. Approval of payment of Intergovernmental claims for September 26, 1996, and October 3, 1996, totaling \$457,736.09 (Risk Management Department).
18. Receipt and filing of the minutes of the September 19 and 26, 1996, Intergovernmental Risk Management Committee meetings (Risk Management Department).

Health and Community Services Division

1. Confirmation of the appointment of David L. Freeman to the position of manager of the Medical Examiner/Emergency Medical Services Department (Division Office).
2. Approval and execution of the renewal Certificate of Public Convenience and Necessity for Health Central Paramedic Services to provide advanced life support transport. The term of the certificate is January 1, 1997, through January 1, 1999, Districts 1 and 6 (Emergency Medical Services).
3. Approval and execution of the Deed of Conservation Easement required by the South Florida Water Management District and payment of recording costs not to exceed \$60 for the Split Oak Forest Wetlands Mitigation Bank. Approval allows for the first phase of mitigation credits to be released for sale to the development community, District 4 (Parks and Recreation Department).
4. Approval and execution of the Deed of Conservation Easement and payment of recording costs not to exceed \$60 required by the South Florida Water Management District for the Wet-N-Wild Wetlands Mitigation Project within Split Oak Forest, District 4 (Parks and Recreation Department).
5. Approval and execution of the 1996-1997 annual standard contract between the County and the Florida Department of Health and Rehabilitative Services for the County Public Health Unit in the amount of \$17,374,381 of which

\$2,704,945 reflects the local contribution. This contract is a continuation of the contracting provisions set forth in Florida Statute 154 and has been previously reviewed by all necessary state and local entities, all districts (Division Office).

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

Planning and Development Division

1. Approval of the fiscal year 1996-1997 contract between the County and the Economic Development Commission of Mid-Florida (Division Office).

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

2. Approval and execution of a developer's agreement for discounts of impact fees and sewer capital charges for the Citrus Glen II Affordable Housing Development, District 6 (Housing and Community Development Department).

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

3. Approval of a resolution authorizing participation in the Maitland Interchange Joint Participation Agreement (JPA); approval and execution of the Maitland Interchange JPA; and approval and execution of a Memorandum of Agreement providing for payment of funds, Districts 2 and 5 (Planning Department).

(Resolution 96-M-56, agreement, and memorandum of agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval and execution of the modified conditions of approval for the Tanner Road Property Planned Development/Land Use Plan, deleting four conditions, District 5 (Planning Department).

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

5. Approval to waive the Planning and Zoning Commission filing fee for rezoning of property located at 45 East 13th Street in Apopka with the exception of \$42 for legal advertising, District 2 (Zoning Department).

6. Approval to advertise Resolutions to Lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot

Cleaning; LC-96-102, LC-96-105, LC-96-106, LC-96-108, LC-96-109, LC-96-112, LC-96-113, LC-96-114, LC-96-115, LC-96-116, LC-96-117, LC-96-118, LC-96-119, LC-96-120, LC-96-124, Districts 1, 2, 3, 4, and 6 (Zoning Department).

(Resolutions 96-ZON-89 through 96-ZON-103 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval to adopt a resolution to vacate a portion of the plat of Deer Run South Planned Urban Development Phase 1, District 4 (Development Engineering Department).

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

2. Approval to install "Stop" signs in the Waterford Lakes Tract N-27 Subdivision, District 4 (Traffic Engineering Department).
3. Approval to change existing "Yield" signs to "Stop" signs on Casasia Drive at Bay Cedar Drive and on Casasia Court at Bay Cedar Drive, District 1 (Traffic Engineering Department).
4. Approval to establish a "No Parking" zone on the south side of 28th Street beginning from the east right-of-way line of South Woods Avenue, extending east 220 feet, District 3 (Traffic Engineering Department).
5. Approval to establish a "No Parking" zone on both sides of Tucker Avenue beginning from the south right-of-way line of East Colonial Drive (S.R. 50), extending 500 feet south, District 3 (Traffic Engineering Department).
6. Approval and execution of the International Drive extension inspection fee agreement, District 1 (Division Office).

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

7. Approval to schedule a public hearing to establish an MSTU/BU for streetlighting for the South Apopka Area, District 2 (Division Office).

Vice-chairman Johnson adjourned the meeting.

MEETING RECONVENED

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

- County Chairman Linda Chapin
- Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, Bill Donegan, and Mable Butler
- County Administrator Jean Bennett
- Assistant Deputy Clerk Tom Stark

Commissioner Bob Freeman, County Attorney Tom Wilkes, and Chief Deputy Comptroller as Clerk Jim Moye joined the meeting where indicated.

The Board paused for an invocation by the Reverend Bishop Morris, pastor of El Bethel Temple of Jesus International, followed by the Pledge of Allegiance to the Flag.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: DAVID HALL, AGENT; PETITION TO VACATE 96-19; PORTION OF A 35-FOOT-WIDE DRAINAGE EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by David Hall, agent for High Point Associates, Petition to Vacate 96-19, to vacate a portion of a 35-foot-wide drainage easement; on property located within the Highpoint Club Apartments site, located on the east side of Rouse Road approximately 3000 feet south of the Rouse Road/Colonial Drive intersection; District 4, Section 21, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

County Attorney Tom Wilkes joined the meeting.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted a resolution granting Petition to Vacate 96-19 vacating a portion of a 35-foot-wide drainage easement on property described above.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: DAVID HALL, AGENT; PETITION TO VACATE 96-20, PORTION OF A SEWER LINE EASEMENT AND A PORTION OF A WATER LINE EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by David Hall, agent for High Point Associates, Petition to Vacate 96-20, to vacate a portion of a sewer line easement together with a portion of a water line easement; on property located within the Highpoint Club Apartments site, located on the east side of Rouse Road approximately 3000 feet south of the Rouse Road/Colonial Drive intersection; District 4, Section 21, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted a resolution granting Petition to Vacate 96-20 vacating a portion of a sewer line easement together with a portion of a water line easement on property described above.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: TINA MAYNE- WEIDMILLER; PETITION TO VACATE 96-31, A 3.2-FOOT PORTION OF A 6.0-FOOT UTILITY EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Tina Mayne-Weidmiller, Petition to Vacate 96-31, to vacate a 3.2-foot portion of a 6.0-foot utility easement; on property located at 4737 Hollyberry Drive; District 4; Section 16, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted a resolution granting Petition to Vacate 96-31 vacating the 3.2-foot portion of a 6.0-foot utility easement on property described above.

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

NOTE: THE FOLLOWING FOUR PUBLIC HEARINGS WERE CONSIDERED TOGETHER: (SEE PAGE 195 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

**MSTU/BU PUBLIC HEARING - AMEND COLONIAL LAKES AND COLONIAL LAKES 1ST ADDITION
MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION PONDS(S), DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Colonial Lakes and Colonial Lakes 1st Addition; Section 19, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$49 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

**MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK TRACT 310 MSTU/BU,
STREETLIGHTING, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Hunter's Creek Tract 310; Section 29, Township 24, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$59 per lot for streetlighting.

**MSTU/BU PUBLIC HEARING - ESTABLISH SOUTHCHASE PHASE 1B VILLAGE 11A MSTU/BU,
STREETLIGHTING, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Southchase Phase 1B Village 11A; Sections 14 and 23, Township 24, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$40 per lot for streetlighting.

MSTU/BU PUBLIC HEARING - ESTABLISH WEIDOWS MSTU/BU, STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Weidows; Section 1, Township 23, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the residents has an annual cost of \$35 per lot for streetlighting.

Appearances

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

Discussion

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

Motion

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

- Amending Colonial Lakes and Colonial Lakes 1st Addition MSTU/BUs, annual cost of \$49 per lot for streetlighting and \$27 per lot for maintenance of retention pond(s).
- Establishing Hunter's Creek Tract 310 MSTU/BU, annual cost of \$59 per lot for streetlighting.
- Establishing Southchase Phase 1B Village 11A MSTU/BU, annual cost of \$40 per lot for streetlighting.
- Establishing Weidow MSTU/BU, annual cost of \$35 per lot for streetlighting.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - CHESTER HILL ESTATES PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION, DISTRICT 2 (CONTINUED FROM AUGUST 6, AND SEPTEMBER 10, 1996)

By consensus, the Board reopened the public hearing to consider the Chester Hill Estates Planned Development/Preliminary Subdivision Plan, continued from the August 6 and September 10, 1996, Board meetings.

(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 address access issues. Mr. Heath stated that the applicant has requested a continuance until December 17, 1996, at 2 p.m. because she has retained new legal counsel. He further stated that staff recommends approval of this continuance.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board continued the public hearing to consider the Chester Hill Estates Planned Development/Preliminary Subdivision Plan until December 17, 1996, at 2 p.m.

DEVELOPMENT REVIEW COMMITTEE APPEAL - APPLICANT/APPELLANT: JOHN B. WEBB, COMMONS AT WEDGEFIELD UNIT 7 PRELIMINARY SUBDIVISION; EXTEND EXPIRATION DATE; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by John B. Webb, Commons at Wedgefield Unit 7 Preliminary Subdivision, regarding the Development Review Committee's (DRC) decision of denial of the request for an extension of the expiration date of the construction plans to January 1, 1997.

Staff Report

Planning Department Manager David Heath reviewed the request for an extension of the expiration date of construction plans to January 24, 1998, and the DRC's decision of denial. Mr. Heath reported the DRC does not have the authority to grant an extension for construction plans that have expired. He further stated that the DRC does not have an objection to the Board approving this request.

Appearances

No one appeared in favor of or 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 Donegan, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board overruled the decision of the Development Review Committee and approved the request of John B. Webb, Commons at Wedgefield Unit 7 Preliminary Subdivision, for an extension of the expiration date of the construction plans to January 24, 1998.

Commissioner Butler left the meeting.

Commissioner Freeman joined the meeting.

ORDINANCE PUBLIC HEARING - ESTABLISHING A MORATORIUM ON ISSUANCE OF RIGHT-OF-WAY UTILIZATION PERMITS FOR OVERHEAD TRANSMISSION LINES

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

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF RIGHT-OF-WAY UTILIZATION PERMITS FOR THE INSTALLATION AND OPERATION OF OVERHEAD TRANSMISSION LINES AND OTHER VERTICAL STRUCTURES WITHIN CERTAIN ORANGE COUNTY RIGHTS-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Public Works Division Director Ajit Lalchandani reviewed the proposed ordinance and outlined its provisions.

Commissioner Butler joined the meeting.

Court Reporter

A court reporter, Karen Jett, Landmark Reporting, Inc., was present; Assistant Deputy Clerk Tom Stark read the Notice of Appeal into the record.

Chief Deputy Comptroller as Clerk Jim Moye joined the meeting.

Appearances

The following persons addressed the Board in favor of the proposed ordinance:

- Richard Spears, president of the Orange County Homeowners' Association; 9132 Ridge Pine Trail, Orlando, Florida; for Bay Hill, South Bay, Brentwood Club, and Bay Vista Estates.
- Dennis Freytes, chairman of the Hunter's Creek Directors Counsel (no address given).
- Scott Wilt, representing the board of directors of South Bay, 8905 South Bay Drive, Orlando, Florida.
- Irene Hemmert, president, Brentwood Club Homeowners' Association, (no address given).
- Sarah Segal, realtor (no address given).
- Mary Ellen Levocx, area resident (no address given).

The following persons addressed the Board in opposition to the proposed ordinance:

- Pete Dagostino (no address given).
- R.P. Monacky, a resident of Ocoee (no address given).

County Chairman Chapin accepted the following exhibits from Mr. Richard Spears, president of the Orange County Homeowner's Association:

- Clerk's Exhibit 1, a copy of a letter from Richard Spears to the County Property Appraiser, dated October 15, 1996.
- Clerk's Exhibit 2, four (4) photographs.

County Chairman Chapin accepted the following exhibit from Ms. Levocx:

- Clerk's Exhibit 3, a community petition.

County Chairman Chapin left the meeting.

Discussion

Vice-chairman Johnson closed the public hearing and opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with Commissioners Freeman, Johnson, Hoenstine, Donegan, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; County Chairman

Chapin was absent; the Board adopted the proposed ordinance establishing a moratorium on issuance of right-of-way utilization permits for overhead transmission lines.

(Ordinance 96-32 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: LENORE REYNOLDS, SILVER PINES PLANNED DEVELOPMENT /LAND USE PLAN (PD/LUP); AMEND LUP TO ADD C-2 TYPE USE; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Lenore Reynolds, Silver Pines Planned Development/Land Use Plan (PD/LUP), for an amendment to the LUP, to add a General Commercial District (C-2) use, truck rental and subsequent parking, within a portion of the Silver Pines Shopping Center, pursuant to Orange County Code, Chapter 30, Section 38-1207; on property generally located on the southwest corner of Silver Star Road and Pine Hills Road; District 6; Section 18, Township 22, Range 29; Orange County, Florida.

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

Staff Report

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

Appearances

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

- Lenore Reynolds, director of shopping centers for the Sullivan Group in Orlando, for Silver Pines Village Shopping Center, the applicant (no address given).

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

- June M. Stone, area resident (no address given).
- Brantley Slaughter, for Pine Hills Community Council (no address given).

County Chairman Chapin joined the meeting.

Discussion

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

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board denied the request by Lenore Reynolds for Silver Pines Planned Development/Land Use Plan for an amendment to the LUP to add a General Commercial District (C-2) use, truck rental and subsequent parking, within a portion of the Silver Pines Shopping Center; which constitutes a substantial change to the development on the above-described property.

CABLE TELEVISION FRANCHISE HEARING - APPLICANT: FLORIDA CABLE, INC., FRANCHISE AGREEMENT

Notice was given that the Board of County Commissioners would hold a public hearing to consider an application by Florida Cable, Inc., for a cable television franchise; Orange County, Florida.

Staff Report

Assistant County Attorney Joel Prinsell reviewed the request by Florida Cable, Inc., and stated that staff recommends approval of the request.

Appearances

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

- Gary English, Florida Cable, Inc. (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the request by Florida Cable, Inc., for a new cable television franchise; further, authorized issuance of a cable television license; and further, authorized the execution of the Non-exclusive Cable Television Franchise Agreement.

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

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:20 p.m.