

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 19, 1996. The following were present:

- County Chairman Linda Chapin
- Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Mable Butler
- County Comptroller as Clerk Martha Haynie
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Freeman was absent.

There being a quorum, the County Chairman called the meeting to order at 10 a.m.

**WORKSESSION - BLUE RIBBON COMMITTEE PRESENTATION**

Richard Spears, chairman of the Blue Ribbon Committee, addressed the Board, recognized the members in attendance, and presented a report on the Blue Ribbon Committee's study of the County's most compelling infrastructure needs for the immediate and foreseeable future. Mr. Spears emphasized that the committee, a diversified representation of the community, considered "needs versus wants," noting the impending severe adverse impact on the quality of life if those "needs" are left unaddressed. He explained that they have identified infrastructure needs, prioritized them, and identified revenue sources for consideration.

Mr. Spears reviewed the Committee's recommendations for proposing a referendum for the Local Government Surtax; instituting Stormwater Utility and General Services Fees; increasing the property tax millage rate and the Law Enforcement and School Impact Fees; and creating an Infrastructure Surtax Oversight Commission. He noted that the Orange County Homeowners' Association is currently working to establish a strategy for broad-based citizen involvement in dealing with the Local Government Surtax referendum.

**Discussion**

The Board discussed whether the one-half-cent sales tax referendum for school facilities was considered in the report, the need to be project specific in identifying what a proposed one-cent sales tax will be spent on, a sunset provision for the tax, the importance of a committee to oversee how the tax dollars are spent and getting information to the citizens, the need for transportation funding and to establish a standardized funding system for Lynx.

The Board further discussed causes for the population growth in Florida, the importance of addressing needs before wants, whether grants are available from the Federal or State government, the responsibility of ensuring efficient government operation, the concept of revenue sharing, and the lack of funding assistance from the Federal and State governments.

County Chairman Chapin directed staff to review how effectively and efficiently the County is currently spending revenue and determine what impact capital investments would have on operational expenses; and further, directed staff to present the Board a plan of action at the January 28, 1997, meeting.

**COUNTY CHAIRMAN'S REPORT - DISCUSSION AGENDA**

- 1. Discussion regarding Metropolitan Planning Organization (MPO) membership.

**Discussion**

The Board discussed the vacancy created on the MPO board when Commissioner Donegan left office and whether that district's commissioner would be the replacement.

The Board further discussed whether the seat of the MPO chairman is a County seat, if the County should retain the seat until the next MPO officer election, and when the next MPO officer election will take place.

**Action**

**By consensus, the Board deferred further discussion to a later meeting.**

**COUNTY COMPTROLLER DISCUSSION AGENDA**

- 1. Board acknowledgment and receipt of the Audit of the Corrections Division Inmate Welfare Fund.

**Staff Report**

County Comptroller Martha Haynie stated that this report is a result of questions the Board had concerning the Corrections Division Inmate Welfare Fund and that it is being presented to the Board for acknowledgment and filing.

Comptroller Haynie explained that the report is an overall evaluation of the fund and the focus was limited to a review of revenue and expenditures. She noted that the report contains recommendations for improvements to the fund's current controls.

**Action**

**By consensus, the Board acknowledged and accepted for filing the Audit Report of the Corrections Division Inmate Welfare Fund.**

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

**FISCAL AND HUMAN RESOURCES DISCUSSION AGENDA**

(NOTE: THE FOLLOWING TWO DISCUSSION ITEMS WERE CONSIDERED TOGETHER.)

1. Selection of one firm and three ranked alternates to provide facilities management services for the new courthouse complex, RFP Y6-1019-EW ([Construction Administration Department] Purchasing and Contracts Department).
2. Selection of one firm and one ranked alternate for a three-year term contract, renewable for a maximum of two additional years, for IBM hardware maintenance, RFP Y7-102-SS ([Computing Services Network and Systems Department] Purchasing and Contracts Department).

**Staff Report**

County Administrator Jean Bennett stated that Item 1 is being deleted from the agenda to allow the Procurement Review Committee (PRC) to rehear the matter on November 25, 1996; and further, that Item 2 is being deleted because of a protest.

County Chairman Chapin clarified that the PRC is rehearing this matter because the Deputy County Attorney has determined that the audio tapes of the first hearing are not sufficiently audible to constitute a "sunshine" meeting.

**Commissioner's Report**

In consideration of the Board hearing oral presentations, Commissioner Johnson stated that the PRC's ranking system has been working well.

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Hoenstine voting AYE by voice vote; Commissioners Edwards and Butler voting NO by voice vote; Commissioner Freeman was absent; the Board approved selecting one firm and three ranked alternates to provide facilities management services for the new courthouse complex, RFP Y6-1019-EW, without oral presentations following the rehearing by the Procurement Review Committee on November 25, 1996.

**NONAGENDA - ELECTION OF SPEAKER OF THE HOUSE**

County Comptroller Martha Haynie announced she had just been informed that Dan Webster has been elected Speaker of the State House of Representatives.

**PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA**

1. Approval to rescind the Board's action of September 26, 1996, reducing the East Central Florida Regional Planning Council funding for fiscal year 1996-97 and authorize payment of its \$189,739 assessment, all districts (Division Office).

**Staff Report**

Planning and Development Division Director Bruce McClendon requested the Board rescind its action of September 26, 1996, reducing the East Central Florida Regional Planning Council (ECFRPC) funding for fiscal year 1996-97 and authorize payment of the \$189,739 assessment.

Mr. McClendon explained that the County Attorney's Office has determined that the County is required by law to be a member of the ECFRPC and to pay the dues assessed. He stated that the County Attorney has recommended that issues related to funding the planning council should be discussed during the ECFRPC's budgeting process which begins in April 1997.

County Attorney Tom Wilkes addressed a question from the Board regarding options available to the ECFRPC if the County refused to pay dues assessed and advised that the ECFRPC would have the right to sue the County.

Mr. McClendon stated that Greg Holt, with the ECFRPC, has offered to present reports to the Board on a regular basis and, also, during ECFRPC's budgeting process.

**Discussion**

The Board discussed mandatory membership and payment of dues, State and local mandates, and whether the ECFRPC's dues are defined by statute.

The Board further discussed the purpose of the ECFRPC, the County's growth management plan, the role of the Florida Department of Community Affairs, the funding relationship between the ECFRPC and the MPO, comparison information from other counties within the County region, and how the ECFRPC budget rates are set.

**Action**

**By consensus, the Board deferred this item until the next meeting to allow staff time for further evaluation.**

**COUNTY CONSENT AGENDA****Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Edwards abstained from voting on Planning and Development Division Item 4; Commissioner Freeman was absent; the Board deleted Administrative Support Item 3; and further, approved the balance of the County Consent Agenda items as follows:

**County Comptroller**

1. Board approval to pay Clerk of the Courts' invoices in the amount of \$367,208.65 for the month of October 1996 (Administrative/Fiscal Division).
2. Board approval to dispose of assets through trade-in to the vendor for an allowance toward new equipment; replacement of asset by construction contractor during Convention Center Phase IV construction; return assets to vendor for full credit towards purchase of a different model; cannibalize assets for usable parts, and sale of equipment through sealed bid (Property Accounting Department).
3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
  - a. Florida Public Service Commission Notice of November 18, 1996, 10 a.m., staff workshop, dated October 31, 1996; re: extended service areas for various exchanges.
  - b. Orlando/Orange County Expressway Authority audit report for the fiscal year ended June 30, 1996; dated October 9, 1996.

(Comptroller Clerk of the Board of County Commissioners.)

**Administrative Support Division**

1. Approval and authorization to record instrument: Waterford Lakes Tract N-19 Phase I, Temporary Drainage Easement, District 4 (Real Estate Management Department).
2. Approval and authorization to record instrument: Stonemeade Phase 2, Temporary Access Easement, District 5 (Real Estate Management Department).
3. Confirmation of the appointment of Venetta O. Denis as manager of the Facilities Management Department (Division Office).

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

**Fiscal and Human Resources Division**

1. Approval to enter into a formal contract with Deleuw Cather & Company for engineering services for International Drive improvements (south of Westwood Boulevard to Canadian Court), RFP Y6-825-MK, in the amount of \$228,048 ([Convention Center Construction Department] Purchasing and Contracts Department).

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

2. Approval to award Invitation for Bid Y7-115-RW to the low responsive and responsible bidder, Southland Construction, Inc., for a one-year term contract, renewable for 24 months, to furnish a dragline with operator for the solid waste department in the annual estimated amount of \$320,000 ([Solid Waste Department] Purchasing and Contracts Department).

3. Authorization to award contract(s) resulting from Invitation for Bid Y7-117-GJ, for automobiles, vans, and light trucks to the low responsive and responsible bidder(s) within the budget amount for each purchase. The total estimated annual cost for the contracts is \$1,653,308 (Purchasing and Contracts Department).

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

4. Approval of Task Authorization 5, Contract Y2-804B, with Dyer, Riddle, Mills & Precourt, Inc., for the Eastern Regional Water Transmission System. The total cost is \$630,335 ([Utilities Engineering Department] Purchasing and Contracts Department).

5. Approval of Task Authorization 5, Contract Y5-905, with Ardaman and Associates, for engineering and hydrogeological services for preparation of the St. Johns River Water Management District Regional Consumptive Use Permit for the eastern and western water service areas. The total cost is \$359,645.24 ([Utilities Engineering Department] Purchasing and Contracts Department).

6. Confirmation of the County Chairman's staff reappointments for October and November 1996:

- Anna Hacha-Long, Manager, Environmental Protection Department, Planning and Development Division
- Raymond Hanson, Manager, Wastewater Department, Utilities Division

- William Hicks, Construction Manager, Construction Administration Department, Administrative Support Division
- Jacqueline Miller, Manager, Office of Professional Standards
- Michael Walker, Manager, Network and Systems Department, Division of Information Technologies
- Thomas Ackert, Executive Director, Convention Center
- Ruby Rozier, Manager, Traffic Engineering Department, Public Works Division
- Jacqueline Torbert, Manager, Water Department, Utilities Division

(Human Resources Department).

7. Approval for the Sheriff's Office to spend approximately \$21,925 of the Law Enforcement Trust Fund: \$20,925 to purchase a surveillance tracking system; \$1,000 to provide a contribution to Latino Elderly, Inc. (OMB).
8. Approval of the interlocal agreement between the County and Osceola County for medical examiner services provided by the County and authorization for the County Chairman and the Clerk of the Board of County Commissioners to execute the contract (OMB).

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

9. Approval to disburse four quarterly payments to the Public Health Unit for a total of \$1,519,113 (OMB).
10. Approval of Budget Transfer 97-57 (OMB).  
  
(Budget Transfer 97-57 is on file in the office of the Comptroller Clerk to the Board of County Commissioners.)
11. Approval of payment of Intergovernmental claims for October 31, 1996, totaling \$117,702.03 (Risk Management Department).
12. Receipt and filing of the minutes of the October 24, 1996, Intergovernmental Risk Management Committee meeting (Risk Management Department).

#### **Planning and Development Division**

1. Approval of the Road Impact Fee agreement regarding the alternative traffic study between the County and Circle Community Church, District 5 (Building Department).

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

2. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of May 9, 1996, District 4 (Environmental Protection Department).
3. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meetings of June 12 and July 25, 1996, District 4 (Environmental Protection Department).
4. Approval of the Consent to Collateral Assignment of Road agreement and execution of Notice of Correction to Exhibit "C" in the Activity Center Turkey Lake Road Network Agreement, District 1 (Planning Department).

(As stated above, Memorandum of Conflict is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of the settlement of a foreclosure suit against Marvin and Mary Vann for \$41,500 including the stipulation to achieve compliance, District 6 (Zoning Department).

#### **Public Works Division**

1. Approval to adopt a resolution to vacate a portion of the plat of The Sanctuary, District 5 (Development Engineering Department).

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

2. Approval to extend the "No Parking" zone on the west side of Rocket Boulevard beginning 2640 feet from the north right-of-way line of Central Florida Parkway extending north 1400 feet, 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. The following were present:

- County Chairman Linda Chapin
- Commissioners Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Mable Butler
- County Comptroller as Clerk Martha Haynie

- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Freeman was absent.

The Board paused for an invocation by the Reverend Don Mattox, associate pastor of Pine Hills Church of God, followed by the Pledge of Allegiance to the Flag.

**BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF NOVEMBER 7, 1996**

**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 accepted the recommendations of the Orange County Board of Zoning Adjustment under date of November 7, 1996; subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of November 7, 1996, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant: Olympus Zarris, WXLN Radio; Applicant: WGBG Radio; Item 15; public hearing date: January 7, 1997.
- Appellant/Applicant: Martha H. Formella, American Portable Telecom, Continued Item 8; public hearing date: January 7, 1997.
- Appellant/Applicant: Martha H. Formella, American Portable Telecom; Continued Item 11; public hearing date: January 7, 1997.
- Appellant: Ann Kelly; Applicant: Republic Media, Inc.; Item 7; public hearing date: January 21, 1997.
- Appellant/Applicant: Garry Lovelace, Lovelace Gas Service; Item 12; public hearing date: January 21, 1997.

**PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF NOVEMBER 14, 1996**

**Motion**

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board accepted the recommendations of the Planning and Zoning

Commission under date of November 14, 1996, with the exception of Cases 97-1-D-11  
(CPP

Amendment), Z-96-082, Z-96-086, and Z-96-091; subject to the usual right of appeal by any aggrieved parties; further, authorized scheduling a public hearing for the following:

- Case 97-1-D-11, a Comprehensive Policy Plan Amendment transmittal hearing, on December 17, 1996;
- Case Z-96-082, in the name of Joe Nisbet, on January 7, 1997;
- Case Z-96-086, in the name of Russell J. Hults, on January 7, 1997;
- Case Z-96-091, in the name of The Summit, on December 17, 1996;

and further, with the exception of the Impact Fee Ordinance and the Road Impact Fee Ordinance, which will be heard by the Board.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of November 14, 1996, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: A.G. LAND ASSOCIATES, LLC;  
PETITION TO VACATE 96-13, A 30.0-FOOT INGRESS/ EGRESS AND UTILITY EASEMENT;  
DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by A. G. Land Associates, Petition to Vacate 96-13, to vacate a 30-foot ingress/egress and utility easement; on property generally located on the south side of Town Loop Boulevard approximately 400 feet west of the Town Loop Boulevard/John Young Parkway intersection; District 1; Section 33, 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**

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 Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted a resolution granting Petition to Vacate 96-13 vacating a 30-foot ingress/egress and utility easement on the above-described property.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ROBERT A. DELORENZO; PETITION TO VACATE 96-35, A 1.44-SQUARE-FOOT PORTION OF A UTILITY EASEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Robert Delorenzo, Petition to Vacate 96-35, to vacate a 1.44 square-foot portion of a utility easement; on property located on Lot 21 of the Deer Run South Planned Urban Development Phase I Parcel 1 Section 1 located on the east side of Golfway Boulevard/Alafaya Trail intersection; District 4; Section 35, 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; subject to the execution of a hold harmless agreement.

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 96-35 vacating a 1.44 square-foot portion of a utility easement on the above-described property; subject to the execution of a hold harmless agreement.

(Resolution and Hold Harmless Agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: ELIS K. PHELPS AND COMPANY;  
PETITION TO VACATE 96-43, A 5.0-FOOT DRAINAGE AND UTILITY EASEMENT; DISTRICT 2**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Elis K. Phelps and Company, Petition to Vacate 96-43, to vacate a 5-foot drainage and utility easement; on property located at 2152 Sprint Boulevard in the Orlando North Industrial Park Subdivision; District 2; Section 24, Township 21 south, Range 28 east; 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 Staley, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted a resolution granting Petition to Vacate 96-43 vacating a 5.0-foot drainage and utility easement on the above-described property.

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

(NOTE: THE FOLLOWING FIVE PUBLIC HEARINGS WERE CONSIDERED TOGETHER. (SEE PAGE 286 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

**MSTU/BU PUBLIC HEARING - AMEND COUNTRY CHASE UNITS 1-5 MSTU/BU, STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 6**

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 Country Chase Units 1-5; Sections 14 and 23, Township 22, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$48 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - AMEND CARMEL PARK AND CARMEL PARK UNIT 2 MSTU/BU, STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for streetlighting at Carmel Park and Carmel Park Unit 2; Section 18, 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 \$29 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - ESTABLISH CARMEL PARK UNIT 2 MSTU/BU, RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for maintenance of retention pond(s) at Carmel Park Unit 2; Section 18, 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 developer has an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH SAND LAKE POINTE UNIT 5 MSTU/BU, STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, 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 and maintenance of retention pond(s) at Sand Lake Pointe Unit 5; Section 3, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$99 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH WATERFORD LAKES TRACT N-27 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 Waterford Lakes Tract N-27; Section 26, 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 \$73 per lot for streetlighting.

Appearances

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

Discussion

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

Motion

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

- Amending Country Chase Units 1-5 MSTU/BU, annual cost of \$48 per lot for streetlighting and \$27 per lot for maintenance of retention pond(s).
- Amending Carmel Park and Carmel Park Unit 2 MSTU/BU, annual cost of \$29 per lot for streetlighting.
- Establishing Carmel Park Unit 2 MSTU/BU, annual cost of \$54 per lot for maintenance of retention pond(s).
- Establishing Sand Lake Pointe Unite 5 MSTU/BU, annual cost of \$99 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s).
- Establishing Waterford Lakes Tract N-27 MSTU/BU, annual cost of \$73 per lot for streetlighting.

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

**ORDINANCE PUBLIC HEARING - PERTAINING TO HIGH-WATER RECHARGE IN UNINCORPORATED AREAS OF THE COUNTY; THE BLUEBELT ORDINANCE**

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

AN ORDINANCE PERTAINING TO THE HIGH-WATER RECHARGE IN UNINCORPORATED ORANGE COUNTY, FLORIDA; ESTABLISHING A HIGH-WATER RECHARGE PROTECTION TAX ASSESSMENT PROGRAM;

PROVIDING FOR STANDARDS AND CRITERIA TO IMPLEMENT THE HIGH-WATER RECHARGE PROTECTION TAX ASSESSMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

#### Staff Report

Assistant County Attorney Paul Chipok reviewed the proposed ordinance and outlined its provisions. Mr. Chipok recommended amendments to the proposed ordinance as follows:

- Page 3, Line 91: "subsections (1) through (6)," to read, "subsections (i) through (vii)";
- Page 9, Lines 367 and 368: after "St. Johns River Water Management District," insert "and the South Florida Water Management District."

Mr. Chipok asked that the Board also approve the contract required by the proposed ordinance as to form.

#### Appearances

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

- Henry Swanson (no address given).

The following person addressed the Board with general comments:

- R.P. Monacky, Ocoee, Florida.

No one appeared in opposition to the proposed ordinance.

#### Discussion

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

#### Motion

Upon a motion by Commissioner Johnson, 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 proposed Bluebelt Ordinance, pertaining to high-water recharge in unincorporated areas of the County, until December 10, 1996, at 2 p.m. for decision only.

#### PRESENTATION OF A PROCLAMATION IN RECOGNITION OF HENRY SWANSON

County Chairman Chapin presented a proclamation to Henry Swanson in recognition of his contribution and leadership in the preservation of aquifer recharge areas.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: STEVE MELLICH, P.E., CAROLINA SHORES PRELIMINARY SUBDIVISION; REDUCE SETBACKS; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Steve Mellich, P.E., Carolina Shores Preliminary Subdivision, to reduce the front- and rear-yard setbacks from 25 feet to 20 feet, pursuant to Orange County Code, Section 34-27; on property generally located south of Old Winter Garden Road and west of Carolina Avenue; District 1; Section 28, 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 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:

- Louis Seybold, the applicant; Seybold & Associates (no address given).

The following person addressed the Board with general comments:

- R.P. Monacky, Ocoee, Florida.

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 Butler, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the request by Steve Mellich, P.E., Carolina Shores Preliminary Subdivision, to reduce the front and rear yard setbacks from 25 feet to 20 feet; which constitutes a substantial change to the development on the above-described property; subject to the setbacks on the lots designated for 2000 square-foot living area.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: LUCIUS CUSHMAN, P.E., EASTWOOD PLANNED DEVELOPMENT/PHASE II PRELIMINARY SUBDIVISION; GATED COMMUNITY WITH PRIVATE STREETS; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Lucius Cushman, P.E., Eastwood Planned Development Phase II Preliminary Subdivision, to construct the remaining lots in the Phase II Subdivision as a gated community with private streets subject to all conditions listed in Resolution 96-M-22 which adopts gated community standard conditions, pursuant to Orange County Code, Section 34-27; on property generally located south of Golfway Boulevard and east of Woodbury Road; District 4; Section 36, Township 22, Range 31; Orange County, Florida.

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

**Staff Report**

Planning Department Manager David Heath reviewed the 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:

- Lucius Cushman, P.E.; Dyer, Riddle, Mills & Precourt, for Bengé Corporation and Warlich Development (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 Hoenstine, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the request by Lucius Cushman, P.E., Eastwood Planned Development Phase II Preliminary Subdivision, to construct the remaining lots in the Phase II Subdivision as a gated community with private streets subject to all conditions listed in Resolution 96-M-22 which adopts gated community standard conditions; and further, subject to a Master Neighborhood Homeowners' Association covenants and restrictions being reviewed and approved by the County Attorney's Office; which constitutes a substantial change to the development on the above-described property.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: TOM BENNETT, FOR NATIONAL SPA AND RESORT PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), FKA YOGI BEAR CAMPGROUND; AMEND LUP; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Tom Bennett, National Spa and Resort (fka Yogi Bear Campground) Planned Development/Land Use Plan (PD/LUP), for an amendment to the LUP to convert the existing recreational vehicle park (Yogi Bear Campground) and mobile home park (Lakeside Leisure Living) to 1,400 time share units, 65,863 square feet of tourist commercial, 120 hotel rooms and a 60,000 square foot spa, pursuant to Orange County Code, Section 38-1207; on property generally located on the east side of Turkey Lake Road, approximately one mile south of Sand Lake Road; District 1; Section 2, Township 24, Range 28; Orange County, Florida.

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

**Staff Report**

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

**Appearances**

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

- Scott Henderson, Henderson Planning Group; 15 South Orange Avenue, Orlando; for Midland Lakes Development Company.
- Carl Peterson, Esquire; for the seller (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 Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Butler voting NO by voice vote; Commissioner Freeman was absent; the Board continued the public hearing to consider a request by Tom Bennett, National Spa and Resort (fka Yogi Bear Campground) Planned Development/Land Use Plan (PD/LUP), for an amendment to the LUP to convert the existing recreational vehicle park (Yogi Bear Campground) and mobile home park (Lakeside Leisure Living) to 1,400 time share units, 65,863 square feet of tourist commercial, 120 hotel rooms and a 60,000 square foot spa until December 17, 1996, at 3:30 p.m.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: KEVIN HAWKINS, PINE RIDGE HOLLOW PHASE III PRELIMINARY SUBDIVISION; REDUCE SETBACKS AND WALL WAIVER; DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Kevin Hawkins, Pine Ridge Hollow Phase III Preliminary Subdivision, for the following changes:

- to reduce the front- and rear-yard setbacks from 25 feet to 20 feet;
- to waive Section 34-209 to be allowed to use a landscape buffer in lieu of a six-foot wall;

pursuant to Orange County Code, Section 34-27; on property generally located on the east side of Goldenrod Road and south of Curry Ford Road; District 3; Section 11, 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 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 for a reduction in front- and rear-yard setbacks; and further, recommended denial of the request to use a landscape buffer in lieu of a six-foot wall.

Appearances

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

- Kevin Hawkins, the applicant; Quantum Development Group (no address given).

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

- Laurel R. Rice, area resident (no address given).
- Maryanne Sidlak, area resident (no address given).

The following person addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

**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 Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the request by Kevin Hawkins for Pine Ridge Hollow Phase III Preliminary Subdivision to reduce the front and rear yard set-backs from 25 feet to 20 feet; which constitutes a substantial change to the development on the above-described property; subject to all other conditions of approval as follows:

1. Development shall conform to the Pine Ridge Hollow Phase III Preliminary Subdivision Plan, dated "Received September 14, 1994," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and

regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on December 6, 1995, in accordance with Orange County Subdivision Regulations, as amended.

- 2. The retention pond outfall must be separate from the collection system.
- 3. The estimated cost of the five-foot (5') sidewalk along Goldenrod Road fronting the length of this project shall be placed in escrow.
- 4. Construction plans shall not be approved until the Hidden Hollow Drainage Study is completed, and the construction plans shall consider the results of the study.
- 5. The developer shall take all steps necessary to insure that construction traffic does not utilize the existing road system within the Hidden Hollow Subdivision.
- 6. The developer will provide 50 percent of the funds necessary to construct a six-foot (6') wood fence along the subdivision adjacent to Lot 47, Golden Acres Section B Subdivision.
- 7. The developer will assist the owner of Lot 47, Golden Acres Section B in the relocation of the driveway which provides access to the barn on Lot 47.

and further, denied the request to allow the use of a landscape buffer in lieu of a six-foot (6') wall.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: KEVIN HAWKINS, HIDDEN LAKE PRELIMINARY SUBDIVISION; REDUCE SETBACKS; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Kevin Hawkins, Hidden Lake Preliminary Subdivision, to reduce the front- and rear-yard setbacks from 25 feet to 20 feet, pursuant to Orange County Code, Section 34-27; on property generally located east of Goldenrod Road and north of DeSota Avenue; District 4; Section 14, 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 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:

- Kevin Hawkins, the applicant; Quantum Development Group (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 Hoenstine, 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 Kevin Hawkins, Hidden Lake Preliminary Subdivision, to reduce the front- and rear-yard setbacks from 25 feet to 20 feet; subject to all other conditions of approval as follows:

1. Development shall conform to the Hidden Lake Preliminary Subdivision Plan, dated "Received August 7, 1996," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on September 17, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. A drainage study to establish the 100 year flood elevation will need to be submitted to the County engineer for approval.
3. A Conservation Area Impact Permit shall be submitted and reviewed prior to the approval of construction plans.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: LARRY RAY, P.E., MORGAN'S MILL PRELIMINARY SUBDIVISION; REDUCE SETBACKS; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Larry Ray, P.E., Morgan's Mill Preliminary Subdivision, to reduce setbacks as follows:

- Lots 1-13            20 feet front, 30 feet rear;
- Lot 14                25 feet south, 30 feet east;
- Lots 15-74          25 feet front, 25 feet rear;

pursuant to Orange County Code, Section 34-27; on property generally located south of S.R. 50 and west of Chickasaw Trail; District 3; Sections 1 and 2, 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 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:

- Bob Harrell, the applicant, 5300 South Orange Avenue, Orlando, Florida.

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 Johnson, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved the request by Larry Ray, P.E., Morgan's Mill Preliminary Subdivision, to reduce setbacks as follows:

- Lots 1-13            20 feet front, 30 feet rear;
- Lot 14                25 feet south, 30 feet east;
- Lots 15-74          25 feet front, 25 feet rear;

subject to Lots 1-14 maintaining the 2000 square feet of living space and all other conditions of approval as follows:

1. Development shall conform to the Morgan's Mill Preliminary Subdivision Plan, dated "Received January 4, 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.

This Preliminary Subdivision Plan approval automatically expires February 1, 1995, in accordance with the County Subdivision Regulations as amended.

2. The stormwater management system design shall utilize a tailwater elevation approved by the County Engineering Department prior to construction plan submittal
3. Lots shall be graded so as not to adversely affect adjacent lots.
4. A five-foot (5') chain link fence shall be provided along the rear of Lots 39-43.
5. The developer shall obtain wastewater and water service from the County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
6. At the time of platting, all existing structures shall be removed or comply with County codes and regulations.
7. A deed restriction shall be recorded requiring minimum house size to be 2000 square feet for Lots 45-55.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SEMINOLE RIDGE PRELIMINARY SUBDIVISION, DISTRICT 2 (CONTINUED FROM OCTOBER 29, 1996) (CONTINUED FROM NOVEMBER 12, 1996 FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider the Seminole Ridge Preliminary Subdivision Plan, continued from the October 29 and November 12, 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 on October 29, 1996, was continued to allow time to address the issue of small lots and that the public hearing on November 12, 1996, was continued for decision only. Mr. Heath reviewed the request and the Development Review Committee's recommendation of approval.

**Appearances**

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

- John A. Moseler, the applicant; ZOM Development (no address given).
- Tom Cavanaugh, property owner (no address given).

No one appeared in opposition to the plan.

**Discussion**

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

**Motion**

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

Commissioner Freeman was absent; the Board approved the Seminole Ridge Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Seminole Ridge Preliminary Subdivision Plan, dated "Received October 1, 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.

This Preliminary Subdivision Plan approval automatically expires on November 19, 1997, in accordance with the Orange County Subdivision Regulations as amended.

2. Request for variance of Section 34-152 of the Orange County Code to allow three flag lots is approved.
3. Request for variance of Section 34-171 of the Orange County Code to waive the 350-foot sidewalk request along the east side of entrance road is approved. In lieu of this requirement a five-foot (5') sidewalk along the western side of Street "A" from Lot 19 to Lot 1 is required.
4. Prior to construction plan approval, documentation with supporting calculations shall be submitted which indicates that this project is consistent with the approved drainage plan for the Seminole Ridge Apartments.
5. Prior to construction plan approval, the size, location, and points of connection for water mains and force mains shall be determined.
6. Section 38-1501 of the Zoning regulations is waived to allow 20-foot front and rear setbacks.
7. A revised subdivision plan with minimum lot widths of 45 feet shall be submitted to the Development Review Committee.

NONAGENDA - SCHRIMSHER INTERCHANGE

Chairman's Report

County Chairman Chapin stated that she is willing to concede on all issues of contention regarding the agreement between the City of Orlando and the County

related to the development of the Schrimsher Interchange with the exception of the impact fee usage.

County Chairman Chapin stated that she will not change her position with regard to the mandatory use of impact fees collected being used to pay off the County debt.

**Motion**

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board directed staff to draft an agreement regarding only the development of the Schrimsher interchange, conceding to all requests by the City of Orlando with the exception of the impact fee usage, which shall be used to pay off the County debt and present the agreement to the Board for approval on December 17, 1996.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 4:55 p.m.