

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, December 17, 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 during the morning session.

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

COUNTY CHAIRMAN'S REPORT - DISCUSSION AGENDA

1. Election of Vice-chairman.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board elected Commissioner Hoenstine to serve as vice-chairman.

ADMINISTRATIVE SUPPORT DIVISION - DISCUSSION AGENDA

1. Membership and Mission Review Board (MMRB) recommendations regarding the Children and Family Services Advisory Board, the Citizens' Commission for Children, the Citizens' Review Panel for Human Services, the Civic Facilities Authority, the Health Facilities Authority, the Orlando/Orange County Airport Zoning Board, and the Parks and Recreation Advisory Board (General Services Department/Agenda Development).

Staff Report

Kha Le-Huu, chairman of the Membership and Mission Review Board (MMRB), presented the recommendations of the MMRB. The Board took the following actions:

- a. Children and Family Services Advisory Board

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:

- appointed Judge Jose R. Rodriguez to replace Judge Walter Komanski for a term expiring December 31, 1997;
- reappointed Judge Danny Dawson for a term expiring December 31, 1997;
- reappointed Robert Harrell, Commissioner Clarence Hoenstine, and Cindy Frongello for terms expiring December 31, 1998;
- appointed Scott Hutchinson to replace Linda Vanrell for a term expiring December 31, 1998;

and further, deferred consideration of the reappointment of Lorelei Anderson-Francis to the Children and Family Services Advisory Board.

b. Citizens' Commission for Children

Motion

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

- appointed Marina Bland and Randy Berridge to replace Hudie Stone and Christine Crosby for terms expiring December 31, 1999;
- appointed To-Lan Trinh-Le to replace County Chairman Linda Chapin for an unexpired term through December 31, 1997.
- reappointed Donna Rickelman for a term expiring December 31, 1999;

to the Citizens' Commission for Children.

c. Citizens' Review Panel for Human Services

Staff Report

Michael Rudd, liaison to the Citizens' Review Panel for Human Services, explained the mission and make-up of this board.

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:

- appointed Rufus Brooks in the Youth Advocate category for a term expiring December 31, 1999;

- appointed Shirley Bryant and Arsenio Mestre in the At Large category for terms expiring December 31, 1998;
- appointed Myrna Carter, Dennis Freytes, Lonni Hillis, and Carol Reed in the At Large category for terms expiring December 31, 1999;
- appointed Kitty Jean Ellison in the HRS category for a term expiring December 31, 1999;
- appointed Gregory Seaton as M/WBE Spokesperson for a term expiring December 31, 1999;
- appointed A.K. Ben Sharma as Senior Representative for a term expiring December 31, 1999;
- appointed Carol Solomon in the HRS category for a term expiring December 31, 1998;
- appointed Weldon Ledbetter as Alternate;
- reappointed Joseph Ares and Barbara Hunter in the At Large category for terms expiring December 31, 1998;
- reappointed Jose Fernandez, Kristin Harbin, Glenn Humes, Ron Pecora, and John Risper in the At Large category for terms expiring December 31, 1997;
- reappointed Donna Rickelman in the Physically Challenged category for a term expiring December 31, 1998;
- reappointed Jacquelyn Wilkerson in the Economically Distressed category for a term expiring December 31, 1997;

to the Citizens' Review Panel for Human Services.

d. Civic Facilities Authority

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:

- reappointed Jennifer Green-Chan, as requested by the City of Orlando, for a term expiring December 31, 1999;
- reappointed Pamela Peter and Erna Richter for terms expiring December 31, 1999;

to the Civic Facilities Authority.

e. Health Facilities Authority

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 reappointed Royce B. Walden to the Health Facilities Authority for a term expiring December 31, 2000.

f. Orlando/Orange County Airport Zoning Board

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board reappointed Glen Arnold Carter to the Orlando/Orange County Airport Zoning Board for a term expiring December 31, 1999.

g. Parks and Recreation Advisory Board

Commissioner's Report

Commissioner Butler asked that the listing of the current Parks and Recreation Advisory Board members be corrected to reflect that Arthur Beeler is her appointee.

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board appointed Christian Swann to replace Nancy Reed as County Chairman Chapin's At Large representative on the Parks and Recreation Advisory Board for a term expiring June 30, 1998.

COUNTY CONSENT AGENDA

County Attorney's Report

County Attorney Tom Wilkes stated that Fiscal and Human Resources Division Items 18 through 22 are Housing Finance Authority bond issues. Mr. Wilkes explained that, when conduit agencies issue bonds, these bonds must be approved by the Board and the resolution must contain protective language stating the bonds are not the obligation of the County itself; further, that in approving the bonds the County is not approving land use designations of any kind. He advised the Clerk that the necessary protective language would be added to the bond resolutions after the Board approves them.

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: Commissioner Edwards abstained from voting on County Attorney Item 2; the Board:

- deferred Fiscal and Human Resources Item 4 (See page 365 for discussion and subsequent approval.);
- deferred Fiscal and Human Resources Item 6 for discussion (See page 376 for discussion and subsequent approval.);

and further, approved the balance of the County Consent Agenda items as follows, including Administrative Support Division Addendum 1:

County Comptroller

1. Approval to pay the Clerk of the Circuit and County Courts for services rendered during the month of November 1996 in the total amount of \$323,267.31 (Administrative/Fiscal Division).
2. Approval to dispose of tangible personal property:
 - a. Dispose of assets through trade-in to the vendor for an allowance toward new equipment.
 - b. Return unserviceable assets to vendor.
 - c. Demolish shed without commercial value.
 - d. Dispose of assets by public auction.

(Property Accounting Department)

3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
 - Period from December 10, 1996, to December 16, 1996; total of \$11,474,601.

(Finance and Accounting Department)

Sheriff's Office

1. Approval and execution by the County Chairman of the Sheriff's Public Official Bond for a term of 1997 to 2000 as required by Florida Statute 30.09.

County Attorney

1. Approval of the Stipulated Final Judgment in the condemnation action styled Orange County vs. Blackacres, Inc., et al., Case CI95-5446, Parcel 1107, and execution of the County Quit-Claim Deed and Reservation of Easement as required by the Mediated Settlement Agreement dated September 5, 1996 (County Attorney).

(Stipulated Final Judgment and Agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval of a negotiated settlement in the final amount of two hundred ten thousand dollars (\$210,000) less amounts already paid in the condemnation case of Orange County, Florida versus Ernestine Montague, Case CI95-5702, Parcel 1168, owned by Richard and Beverly Jo Farmer, Old Winter Garden Road project (Ivey Lane to U.S. 441) (County Attorney).

(Commissioner Edwards' memorandum of voting conflict is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval and authorization to record instruments and pay appropriate recording fees: Clubhouse Estates Screen Wall Improvements, Temporary Construction Easements, Parcels 709, 714, 723, 728, 729, 730, and 737, District 1 (Real Estate Management Department).
2. Approval and execution by the County Chairman of a lease extension modification agreement between Magnolia Partnership, Limited, and the County: Payroll/Human Resources Implementation Project, Lease Extension Modification Agreement, District 3 (Real Estate Management Department).

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

3. Confirmation of appointments as follows:
 - Stephen Wiedenbeck as Commissioner Freeman's representative on the Board of Zoning Adjustment;
 - Carl Fabry as Commissioner Staley's representative on the Board of Zoning Adjustment;
 - reappointment of Willie Williams as Commissioner Butler's representative on the Board of Zoning Adjustment;
 - reappointment of Teresa Jacobs as the County Chairman's representative on the Board of Zoning Adjustment.

All terms will expire December 31, 1998 (General Services Department/Agenda Development).

Administrative Support Division - Addendum 1

4. Confirmation of appointments as follows:

- Robert Sears as Commissioner Edwards' representative on the Board of Zoning Adjustment;
- reappointment of Ron Burth as Commissioner Hoenstine's representative on the Board of Zoning Adjustment.

The terms of the appointments will expire December 31, 1998 (General Services Department/Agenda Development).

Fiscal and Human Resources Division

1. Approval to award Invitation For Bid Y7-113-HF to the low responsive and responsible bidder, Schindler Elevator Corporation, for a five-year term contract to furnish elevator and escalator maintenance for the Convention Center. The total annual cost is \$384,408 ([Convention Center/Contract Administration Department] Purchasing and Contracts Department).
2. Approval to award Invitation For Bid Y7-121-JS to the low responsive and responsible bidder, Safety Equipment Company, for a three-year term contract, renewable for an additional 24 months, to furnish safety products. The estimated annual cost is \$180,000 ([Public Utilities Division] Purchasing and Contracts Department).
3. Approval to award Invitation For Bid Y7-604-R2 to the low responsive and responsible bidder, Electronics Distributors, Inc., dba Danforth Sound Systems, to provide electronics components, wiring, and labor for the new courthouse. The total annual cost is \$327,995 ([Division of Information Technologies] Purchasing and Contracts Department).
4. Approval to award Invitation For Bid Y7-117-GJ, for 1997 production year automobiles, vans, and light trucks to the low responsive and responsible M/WBE bidder, Prestige Ford, at a total estimated annual cost of \$1,274,550 ([Fleet Management Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred for discussion. See page 365.)

5. Approval to enter into a contract with the only known source, Physio-Control, to purchase Lifepak 500 equipment. The total cost is \$167,380 ([Emergency Medical Services Department] Purchasing and Contracts Department).
6. Approval to amend Contract Y5-817 with Government Systems Group to authorize the implementation of Phase IV database maintenance. The total amount for Phase IV services is not to exceed the amount of \$171,536 ([Stormwater Management Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred for discussion. See page 376.)

7. Approval of a resolution to authorize an annual interfund transfer of up to \$2,000,000 from the Water Utilities System Fund to the General Fund (OMB).

(Resolution 96-W-02 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

8. Approval for the Sheriff's Office to spend approximately \$3,000 of the Law Enforcement Trust Fund to provide contributions of \$1,500 to the Richmond Heights Elementary School Red Ribbon Drug Awareness Campaign and \$1,500 to the Lisa Merlin Home, Inc. (OMB).

9. Approval for the Sheriff's Office to spend approximately \$1,000 of the Law Enforcement Trust Fund to provide a contribution to the East Orlando Goldenrod Rotary Organization (OMB).

10. Approval and execution by the County Chairman of the resolution to revise the current Fee Directory (OMB).

(Resolution 96-M-64 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Approval of Budget Amendments 97-22 and 97-23 (OMB).

(Budget Amendments 97-22 and 97-23 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

12. Approval of CIP Amendments 04-97, 05-97, and 08-97 through 10-97 (OMB).

(CIP Amendments 04-97, 05-97, and 08-97 through 10-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

13. Approval to disburse \$25,000 from Commissioner Staley's discretionary funds to the Apopka Historical Society, Inc. (OMB).
14. Approval to disburse \$75,000 from Commissioner Freeman's discretionary funds to the City of Ocoee (OMB).
15. Approval of Budget Transfers 96-728 and 97-113 through 97-115 (OMB).

(Budget Transfers 96-728 and 97-113 through 97-115 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
16. Approval of the payment of Intergovernmental claims for November 21 and 27, 1996, totaling \$291,467.01 (Risk Management Department).
17. Receipt and filing of the minutes of the November 14, 1996, meeting of the Intergovernmental Risk Management Committee (Risk Management Department).
18. Approval and execution of the resolution approving the issuance by the County Housing Finance Authority of Multi-family Mortgage Revenue Bonds not to exceed \$10,500,000 for the Pointe Vista Apartments Phase II (Housing Finance Authority).

(Resolution 96-B-10 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
19. Approval and execution of the resolution approving the issuance by the County Housing Finance Authority of Multi-family Mortgage Revenue Bonds not to exceed \$12,300,000 for the Regal Pointe Apartments (Seminole County) (Housing Finance Authority).

(Resolution 96-B-11 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
20. Approval and execution of the resolution approving the issuance by the County Housing Finance Authority of Multi-family Mortgage Revenue Bonds not to exceed \$10,820,000 for the Clarcona Bay Club Apartments (Housing Finance Authority).

(Resolution 96-B-12 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
21. Approval and execution of the resolution approving the issuance by the County Housing Finance Authority of Multi-family Mortgage Revenue Bonds not to exceed \$7,100,000 for the Greens at Ventura (Housing Finance Authority).

(Resolution 96-B-13 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

22. Approval and execution of the resolution approving the issuance by the County Housing Finance Authority of Multi-family Mortgage Revenue Bonds not to exceed \$16,600,000 for The Lakes of Plantation Grove (Housing Finance Authority).

(Resolution 96-B-14 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 Contract Y7-607 between the County and Human Services Associates, Inc., in the amount of \$150,000 for drug and alcohol screening, assessment, detoxification, and stabilization services rendered through the Juvenile Assessment Center - Addictions Receiving Facility to youths between 12 and 17 years of age. The County's share is 25 percent which will be paid in two equal payments of \$75,000 for 1,029 days at \$145.75 per day. The funds are budgeted and will be coming out of Fund 007, Health Services Unit. There will be one initial payment and a second payment to be made April 1, 1997. There will be no additional cost to the County, all districts (Health and Community Services Division).

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

2. Approval and execution of a settlement agreement between the State of Florida Department of Juvenile Justice and the Board of County Commissioners in the amount of \$211,935.48. The Board approved the original Contract G8002 for Level II Day Treatment Services on October 1, 1996. This agreement is for payment for services rendered to the Department of Juvenile Justice from July 1, 1996, through October 27, 1996. There is no additional cost to the County, all districts (Human Services Department).

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

3. Approval to add one position to the Human Services Department manning table to serve as coordinator for the Engelwood area Collaborative Growth Initiative (CGI). The County public schools and the Human Services Department participate in this collaborative which is funded by the Citizens' Commission for Children. A total of \$39,385 will be transferred from the public schools portion of the CGI to the Human Services Department portion of the CGI, District 3 (Human Services Department).

Planning and Development Division

- 1. Approval and execution of a resolution authorizing the acquisition of single-family properties under the Homeownership Opportunities for People Everywhere (HOPE III) Program, all districts (Housing and Community Development Department).

(Resolution 96-M-63 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

- 2. Approval of the proposed settlement between the County and the Florida Department of Environmental Protection regarding the Hazardous Waste Warning Letter OWL-HW/E - 95-0018 issued to the Arthropod Control Department, dated February 28, 1996 (Environmental Protection Department).
- 3. Approval of an increase in the manning table for the Environmental Protection Department (Environmental Protection Department).
- 4. Receipt and filing of the minutes of the October 8, 1996, meeting of the Lake Conway Water Advisory Board, District 4 (Environmental Protection Department).
- 5. Receipt and filing of the minutes of the October 17, 1996, meeting of the Lake Jessamine Water Advisory Board, District 4 (Environmental Protection Department).
- 6. Approval of the Fourth Amended Transportation Impact Agreement and authorization for the County Chairman to execute the agreement, District 2 (Planning Department).

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

- 7. Approval to advertise resolutions to lien property cleaned by the County, pursuant to County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, Resolutions to Lien: LC-96-107, LC-96-121, LC-96-123, LC-96-125, LC-96-130, LC-96-132, LC-96-133, LC-96-138, LC-97-001, LC-97-002, LC-97-006, LC-97-007, LC-97-008, LC-97-009, LC-97-010, LC-97-013, LC-97-014, all districts (Resolutions are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(Zoning Department).

Public Works Division

1. Approval to increase the speed limit to 40 miles per hour on existing 30-mile-per-hour sections of Powers Drive, both northbound and southbound, between West Colonial Drive and Old Winter Garden Road, District 1 (Traffic Engineering Department).

FISCAL AND HUMAN RESOURCES DIVISION CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

4. Approval to award Invitation For Bid Y7-117-GJ, for 1997 production year automobiles, vans, and light trucks to the low responsive and responsible M/WBE bidder, Prestige Ford, at a total estimated annual cost of \$1,274,550 ([Fleet Management Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Edwards noted that the low responsive and responsible M/WBE bidder, Prestige Ford, Inc., is located in Eustis, that the company would receive an unfair advantage if given the ten percent minority preference over bidders within the County, and that award of the contract to the lowest bidder could save \$40,000.

Staff Report

Purchasing Supervisor Elaine Walker explained that if the Invitation for Bid is not awarded solely to Prestige Ford, the award would then be divided among four companies which were the low bidders in each category: Kaiser Pontiac Buick GMC Truck, Inc., \$667,746.29; Don Reed Ford, Inc., \$147,848;

Presige Ford, Inc., \$396,641; and Orlando Dodge, Inc., \$101,319; for a total of \$1,313,554.29.

Discussion

The Board discussed the cost to the County of the ten percent minority preference, the division of the award, and the locations of the bidding companies.

Motion

Upon a motion by Commissioner Edwards, seconded by Commissioner Staley, 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 awarded Invitation for Bid Y7-117-GJ to the low bidders in each category: Kaiser Pontiac Buick GMC, Inc.; Don Reed Ford, Inc.; Prestige Ford, Inc.; and Orlando Dodge, Inc.

GREAT OAKS VILLAGE CHRISTMAS CAROLS

The children of Great Oaks Village sang Christmas carols and presented Christmas gifts to the Board members.

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 Bob Freeman, 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 Freeman joined the meeting where indicated.

The Board paused for an invocation by the Reverend Tim Gunter, pastor of the Banana Bay Baptist Church, Ocoee, Florida, followed by the Pledge of Allegiance to the Flag.

ORDINANCE PUBLIC HEARING - ENACTMENT OF AN ORDINANCE PERTAINING TO ELECTED OFFICERS IN ORANGE COUNTY, FLORIDA; SETTING SALARIES TO BE RECEIVED BY THE COUNTY CHAIRMAN AND COUNTY COMMISSIONERS

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

AN ORDINANCE PERTAINING TO ELECTED OFFICERS IN ORANGE COUNTY, FLORIDA; SETTING THE SALARIES TO BE RECEIVED BY THE COUNTY CHAIRMAN AND COUNTY COMMISSIONERS; ESTABLISHING THE METHOD BY WHICH PERIODIC INCREASES AND DECREASES IN SALARIES FOR THE COUNTY CHAIRMAN AND COUNTY COMMISSIONERS WILL BE COMPUTED; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner's Report

Commissioner Staley noted that although the Charter Review Commission set County Commissioners' salaries at \$25,000 per year, it was not the commission's intent to keep them at that amount forever; and further, the Board should possess the ability to review the salary issue in the future. Commissioner Staley stated it will be difficult to attract highly qualified candidates for county leadership if salaries remain at current levels.

Appearances

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

- Marci Arthur, Charter Review Commission member, 19 Interlachen Road, College Park, Florida.
- Lee Chira, vice-chairman of the original Charter Study Commission (no address given).
- Tony Martin, Victoria Equities (no address given).
- Earl Denton, president, Orange County Homeowners' Association, 1017 Grand Versailles, Orlando, Florida.
- Bertica Cabrera, 1306 Lancaster Drive, Orlando, Florida.

Commissioner Freeman joined the meeting.

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

- Jerry Rebel (no address given).
- Pauline Pelletier, 3210 Oakstand Lane, Orlando, Florida.
- Ann Martin (no address given).

- Marty Sharp, Southwest Orange County Homeowner's Association member (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

A motion by Commissioner Staley, seconded by Commissioner Butler, with Commissioners Staley, Hoenstine, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Johnson, and Edwards voting NO by voice vote; to adopt the proposed ordinance setting the salaries to be received by the County Chairman and County Commissioners, establishing the method by which periodic increases and decreases in salaries for the County Chairman and County Commissioners will be computed, failed.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with Commissioners Staley, Johnson, Hoenstine, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman and Edwards voting NO by voice vote; the Board adopted the proposed ordinance setting the salaries to be received by the County Chairman and County Commissioners as amended below:

- Section 2-30(a) to read:
- Effective January 1, 1997, the salary paid to each County commissioner shall be \$56,083.
- Section 2-30(b) to read:
- Effective January 1, 1997, the salary paid to the County Chairman shall be \$112,500.

(Ordinance 96-40 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF DECEMBER 5, 1996

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of December 5, 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 December 5, 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: AMDEV CORPORATION/WEST ORANGE TOWNHOUSE LIMITED; PETITION TO VACATE 96-33, PORTION OF A TEN-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Amdev Corporation/West Orange Townhouse Limited, Petition to Vacate 96-33, to vacate a portion of a 10-foot utility easement; on property located at 14038 Fairway Willow Lane, on the common lot line separating Lots 11 and 12 of the Woodbridge on the Green Subdivision; District 1; Section 10, Township 24, Range 27; Orange County, Florida.

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

Staff Report

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 Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 96-33 vacating a portion of a 10-foot utility easement on the above-described property.

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

Commissioner Staley left the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: B. D. HARTER, II; PETITION TO VACATE 96-40, PORTION OF 36TH STREET, 37TH STREET, AND GARDENIA AVENUE RIGHT-OF-WAY; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by B. D. Harter, II, Petition to Vacate 96-40, to vacate portions of 36th Street, 37th Street, and Gardenia Avenue right-of-way; on property generally located approximately 800 feet south and 700 feet west of the John Young Parkway/Interstate 4 intersection; District 6; Section 9, 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

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 Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted a resolution granting Petition to Vacate 96-40 vacating

portions of 36th Street, 37th Street, and Gardenia Avenue right-of-way 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 SEVEN PUBLIC HEARINGS WERE CONSIDERED TOGETHER. (SEE PAGE 374 FOR THE APPEARANCES, DISCUSSION, AND MOTION.)

MSTU/BU PUBLIC HEARING - AMEND STONEBRIDGE PHASES 1-3 AND STONEBRIDGE LANDINGS 1 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 Stonebridge Phases 1-3 and Stonebridge Landings 1; Sections 13 and 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$33 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - ESTABLISH STONEBRIDGE LANDINGS 1 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 retention pond(s) maintenance at Stonebridge Landings 1; 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

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

and

MSTU/BU PUBLIC HEARING - ESTABLISH CHATHAM WOODS MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 2

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 Chatham Woods; Section 1, 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 \$43 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH CYPRESS GLEN MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 3

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 Cypress Glen; Section 20, 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 \$34 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH EDGEWATER SHORES MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 2

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 Edgewater Shores; Section 32, Township 21, 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 \$33 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH KAIETEUR PLACE MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 2

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 Kaieteur Place; Section 1, 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 \$34 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH LAKE UNDERHILL PINES MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 3

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 Lake Underhill Pines; Section 30, 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 \$53 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

Appearances

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

Discussion

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

Motion

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

- establishing an MSTU/BU at Stonebridge Phases 1-3 and Stonebridge Landings 1, annual cost of \$33 per lot for streetlighting.
- establishing an MSTU/BU at Stonebridge Landings 1, annual cost of \$27 per lot for maintenance of retention pond(s).
- establishing an MSTU/BU at Chatham Woods, annual cost of \$43 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).
- establishing an MSTU/BU at Cypress Glen, annual cost of \$34 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).
- establishing an MSTU/BU at Edgewater Shores, annual cost of \$33 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).
- establishing an MSTU/BU at Kaieteur Place, annual cost of \$34 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).
- establishing an MSTU/BU at Lake Underhill Pines, annual cost of \$53 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

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

STORMWATER UTILITY RESOLUTION PUBLIC HEARING - ELECTION TO USE THE NON-AD VALOREM SPECIAL ASSESSMENT LEVIED WITHIN PORTIONS OF THE UNINCORPORATED AREAS OF THE COUNTY

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN PORTIONS OF THE UNINCORPORATED AREA OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

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

Commissioner Staley joined the meeting.

Appearances

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

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 Butler, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board adopted the proposed resolution to use the uniform method of collecting non-ad valorem special assessments levied within portions of the unincorporated area of the County.

(Resolution 96-M-62 is on file in the office of the Clerk of the Board of County Commissioners.)

FISCAL AND HUMAN RESOURCES CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

- 6. Approval to amend Contract Y5-817 with Government Systems Group to authorize the implementation of Phase IV database maintenance. The total amount for Phase IV services is not to exceed \$171,536 ([Stormwater Management Department] Purchasing and Contracts Department).

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved amending Contract Y5-817 with Government Systems Group to authorize the implementation of Phase IV database maintenance in an amount not to exceed \$171,536.

County Chairman Chapin left the meeting.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - CHESTER HILL ESTATES PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION (CONTINUED FROM AUGUST 6, SEPTEMBER 10, AND OCTOBER 22, 1996), DISTRICT 3

By consensus, the Board reopened the public hearing to consider the Chester Hill Estates Planned Development/Preliminary Subdivision Plan, continued from the August 6, September 10, and October 22, 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 resolve access issues. Mr. Heath reviewed the request and the Development Review Committee's (DRC) recommendation of approval subject to conditions. He noted that the date in DRC Condition 1 should be changed from July 2, 1996, to December 11, 1996.

Appearances

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

- George Garrett, engineer, for the developer (no address given).
- John Scussel, Esquire; 220 Nottaway Trail, Maitland, Florida; for the owner of the landlocked parcel.

No one appeared in opposition to the plan.

Discussion

Acting Vice-chairman Johnson 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; County Chairman Chapin was absent; the Board approved the Chester Hill Estates Planned Development/Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Chester Hill Planned Development/Phase 2 and 3 Preliminary Subdivision/Development Plan, dated "Received December 11, 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 December 17, 1997, in accordance with Orange County Subdivision Regulations, as amended.

2. Infrastructure, including the proposed retention pond located in Phase II, shall be constructed prior to the development of Phase III.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: MIRANDA FITZGERALD, ESQUIRE, THE SUMMIT; CASE Z-96-091, NOVEMBER 14, 1996; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Miranda Fitzgerald, The Summit, to rezone from Citrus Rural District (A-1) (1963) to Planned Development District (PD) and add 4.678 acres lying west of and adjacent to parcel five into the Planned Development/Development of Regional Impact (PD/DRI) to increase the size of the parcel to 13.438 acres, on property generally located on the south side of

Maitland Boulevard 300 feet east of Albemarle Road, 1/2 mile east of Forest City Road; District 2; Section 27, Township 21, 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 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; and further, requested Board approval of the Fourth Amended Development Order.

Appearances

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

- Miranda Fitzgerald, Esquire; the applicant; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A.; 215 North Eola Drive, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

Acting Vice-chairman Johnson 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; County Chairman Chapin was absent; the Board approved the request by Miranda Fitzgerald, The Summit, to rezone from Citrus Rural District (A-1) (1963) to Planned Development District (PD) and add 4.678 acres lying west of and adjacent to parcel five into the Planned Development/Development of Regional Impact (PD/DRI) to increase the size of the parcel to 13.438 acres, on the above-described property; subject to the following conditions:

1. Development shall conform to the Summit Planned Development, BCC approvals, and the Notice of Proposed Change to the DRI, dated "Received October 31, 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.

further, approved the Fourth Amended Development Order; and further, made a determination of consistency with the Comprehensive Policy Plan.

County Chairman Chapin joined the meeting.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: KEE-KON YIH, BONNET CREEK RESORT DRI; COMPREHENSIVE POLICY PLAN AMENDMENT TRANSMITTAL; CASE 97-1-D-11, NOVEMBER 14, 1996; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing regarding a request by Kee-Kon Yih/World Union Industrial Cooperation, Inc., for transmittal of a proposed amendment to the 1990-2010 Comprehensive Policy Plan, as it has been amended as authorized by Chapter 163, Florida Statutes, for the following matters:

1. Proposed amendment to the CPP which would change the uses of lands within the areas identified on the map on file for Bonnet Creek Resort Development of Regional Impact, generally located on the west side of Interstate 4 at the Orange-Osceola county line; District 1; Sections 32 and 29, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area. Mr. Heath noted that this request is being taken out of cycle because a Development of Regional Impact is involved; and further, that staff recommends transmittal.

Appearances

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

- Scott Henderson, Henderson Planning Group (no address given).

No one appeared in opposition to the request.

Commissioner Edwards 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 Johnson, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board approved transmittal of Amendment 97-1-D-1-1 Bonnet Creek Resort Development of Regional Impact, to the Florida Department of Community Affairs.

Commissioner Freeman left the meeting.

Commissioner Edwards joined the meeting.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTIONS 20-212 AND 20-213; PERTAINING TO THE CHILDREN AND FAMILY SERVICES BOARD

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 ORANGE COUNTY CHILDREN AND FAMILY SERVICES BOARD; AMENDING SECTION 20-212 OF THE ORANGE COUNTY CODE TO REVISE THE PURPOSES OF THE BOARD; AMENDING SECTION 20-213, OF THE CODE TO CLARIFY AND OTHERWISE AMEND THE POWERS AND DUTIES OF THE BOARD; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Linda Akins reviewed the proposed ordinance and outlined its provisions.

Appearances

No one appeared in favor of or 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 Butler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board adopted the proposed ordinance amending Orange County Code, Sections 20-212 and 20-213; pertaining to the Children and Family Services Board.

(Ordinance 96-41 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: KERRY GODWIN, III, SUTTON LAKES PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP TO INCREASE NUMBER OF UNITS AND EXPAND LAND USE; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Kerry Godwin, III, for Sutton Lakes Planned Development, to increase the number of units from 400 to 755 (approximately eight per acre). Land use to expand from attached and/or time-share to include multi-family or attached/detached single-family short-term rentals and/or time share; pursuant to Orange County Code, Section 38-1207; on property generally located on the east side of S.R. 545, approximately one-half mile north of U.S. Highway 192; District 1; Section 31, Township 24, Range 27; Orange County, Florida.

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

Staff Report

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

Commissioner Johnson left the meeting.

Commissioner Freeman joined the meeting.

Appearances

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

- Kerry Godwin, the applicant (no address given).

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

- Terry Barney, area property owner, 17125 Arrowhead Boulevard, Orlando, Florida.
- Liz Walsh-Steele, representing area residents (no address given).

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Hoenstine, and Butler voting AYE by voice vote; Commissioner Edwards abstained; Commissioner Johnson was absent; the Board continued the public hearing to consider the request by Kerry Godwin, III, for Sutton Lakes Planned Development, to increase the number

of units from 400 to 755 (approximately eight per acre) until February 4, 1997, at 3 p.m.

(Commissioner Edwards' memorandum of voting conflict is on file in the office of the Comptroller Clerk.)

SUBSTANTIAL CHANGE PUBLIC HEARING - EVELYN CONROY, QUADRANGLE PLANNED DEVELOPMENT/ LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT (PD/LUP/DRI); AMEND LUP TO ALLOW MONOPOLE COMMUNICATION TOWER; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Evelyn Conroy, American Portable Telecom, Quadrangle Planned Development/Development of Regional Impact/Land Use Plan (PD/DRI/LUP) for an amendment to the LUP to allow a 132-foot monopole communication tower, pursuant to Orange County Code, Section 38-1207; on property generally located on the southeast corner of Quadrangle Boulevard and Corporate Boulevard; District 5; Section 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

Planning Department Manager David Heath stated that the property owner has withdrawn the 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.

Action

By consensus, the Board accepted the applicant's withdrawal.

Commissioner Johnson joined the meeting.

Commissioner Freeman left the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: EVELYN CONROY, UNIVERSITY TRUST PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP TO ALLOW MONOPOLE COMMUNICATION TOWER; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Evelyn Conroy, American Portable Telecom, University Trust Planned Development/Land Use Plan (PD/LUP), for an amendment to the LUP to allow a 132-foot monopole communication tower, pursuant to Orange County Code, Section 38-1207; on property generally located 580 feet east of Alafaya Trail and 225 feet north of Orpington Street; District 5; Section 15, 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.

Planning and Development Division Director Bruce McClendon stated that the Communications Tower Task Force met on December 16, 1996, and that Zoning Department Manager Melvin Pittman has notified the task force members that staff will be requesting a moratorium on approval of cellular tower permits until they can review tower standards, guidelines, and criteria.

Mr. McClendon listed the following proposed conditions of approval for future cellular tower permits:

1. The monopole communication tower shall be designed and constructed as a co-location facility.
2. This change determination shall be conditionally approved subject to review and reconsideration by the Board of County Commissioners if the communication tower does not have a co-located service provider within two years from the date of its approval. Provided, however, that if the owner of the tower is able to document that a continuous, good faith, proactive effort has been made to secure a co-located service provider, the Board of County Commissioners shall grant a reasonable extension.
3. The condition of co-location shall be satisfied when the applicant provides a recorded memorandum of the lease signed by the co-location service provider.

Court Reporter

A court reporter, Ninette Hernandez, Barbara Perry and Company, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Legal Counsel

In response to a question from Commissioner Hoenstine concerning mandatory co-location, County Attorney Tom Wilkes stated that the proposed language was the strongest possible and, that under the Constitution, parties cannot be made to enter into contracts.

Deputy County Administrator Byron Brooks stated that two public hearings to consider the cellular tower permit moratorium are scheduled for January 7 and January 28, 1997; further, that a worksession for detailed discussion of this issue is scheduled for February 25, 1997.

Commissioner Freeman joined the meeting.

County Chairman Chapin left the meeting.

Appearances

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

- Martha Formella, Esquire; Foley and Lardner, P.A., 111 North Orange Avenue, Suite 1800, Orlando, Florida; for the applicant.

The following person addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

Acting Vice-chairman Johnson accepted the following exhibit from Ms. Formella:

- Clerk's Composite Exhibit 1, correspondence from American Portable Telecom to the Zoning Department, to Primeco, BellSouth Mobility, and AT&T Wireless; questionnaire; staff report; site plan.

County Chairman Chapin joined the meeting.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the request by Evelyn Conroy, American Portable Telecom, University Trust Planned Development/Land Use Plan (PD/LUP), for an amendment to the LUP to allow a 132-foot monopole communication tower; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. The monopole communication tower shall be designed and constructed as a co-location facility.
2. The condition of co-location shall be satisfied when the applicant provides a recorded memorandum of the lease signed by the co-location service provider.
3. The applicant shall respond in writing to any written requests for co-location within 30 days and shall copy the County Zoning Department Manager on all such responses. If the co-location request is denied, the applicant's written response shall specify the reason(s) for such denial.

and further, made a finding of consistency with the Comprehensive Policy Plan.

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 (CONTINUED FROM NOVEMBER 19, 1996)

By consensus, the Board reopened the 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 RV 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; continued from the November 19, 1996, Board meeting.

(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 resolve issues with residents and to allow Commissioner Freeman to be present at the public hearing. Mr. Heath reviewed the change request and the Development Review Committee's determination of substantial change. He stated the DRC recommended approval of the request subject to conditions.

Appearances

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

- Scott Henderson, Henderson Planning Group (no address given) for Midland Lakes Development Company, the contract purchaser of the property.

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

- Ron Gilpin, for the area mobile home owners, 6846 Lefleur, Orlando, Florida.
- Robert Reese, 6917 Lauranje Lane, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by 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 RV 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 January 28, 1997, at 2 p.m.

MSTU/BU PUBLIC HEARING - ESTABLISH SOUTHWEST ORANGE COUNTY MSTU/BU, ROADSCAPING LANDSCAPING IMPROVEMENTS AND 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 a roadscape project to provide landscape capital improvements and ongoing maintenance to maintain the medians and rights-of-way of the following roads: Apopka-Vineland Road from Old Winter Garden Road to Lake Avenue, Dr. Phillips Boulevard from Conroy-Windermere Road to Sand Lake Road, Turkey Lake Road from Conroy-Windermere Road to the extension of Lake Avenue, Hiawasse Road from Orlando City limits just south of MetroWest Development to Conroy-Windermere Road, Conroy-Windermere Road from Turkey Lake Road to Windermere city limits just west of Isleworth Development, and Sand Lake road from Interstate 4 to Apopka-Vineland road; District 1; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin stated that this proposal is for a millage-rate-based MSTU and that it would establish an MSTU/BU for roadscape landscaping improvements and maintenance for the southwest County area. Ms. Godwin noted that the maximum millage to be assessed would not be greater than one-half mil, and that the actual millage rate would be determined at a later

hearing. She said that two conditions will be imposed if the Board approves this resolution:

1. A ballot of the affected property owners must be conducted.
2. A nonprofit corporation committee shall be formed.

Commissioner's Report

Commissioner Freeman displayed photographs and described the proposed landscaping improvements to the southwest area roadways.

Appearances

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

- Lee Chira (no address given), chairman of Roadscape.
- John Puhek, treasurer, Winderwood Homeowners' Association (no address given).
- Mary Morgan, president, Orange Tree Homeowners' Association (no address given).
- Paul McGarigal, ReMax Masters Real Estate, local area property owner (no address given).
- Andy Pugh, MetroWest area resident (no address given).
- Leo Rogers, past president, Winderwood Homeowners' Association (no address given).
- Jimmy O'Neill, 5412 Palm Lake Circle, Orlando, Florida.

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

- Mark Makus, area resident (no address given).
- Richard L. Spears, president, Orange County Homeowners' Association, 9132 Ridge Pine Trail, Orlando, Florida.
- Stephanie Perez, representative, Diamond Cove Homeowners' Association, 10448 Sparkle Court, Orlando, Florida.
- John Gregory, area resident (no address given).
- Beverly Boyer, president, Sand Lake Hills Homeowners' Association (no address given).
- Ray Tool, North Bay area resident (no address given).

The following persons addressed the Board with general comments:

- Teresa Jacobs, 8652 Sugar Palm Court, Orlando, Florida.

- Lane Neilson, 5535 Osprey Isle Lane, Orlando, Florida.
- Walter Guilbeault, area resident (no address given).

Discussion

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

Motion

A motion by Commissioner Freeman, seconded by Commissioner Hoenstine, with Commissioner Freeman voting AYE by voice vote; County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler, voting NO by voice vote; to adopt a resolution establishing an MSTU/BU for roadscaping landscaping improvements and maintenance in the southwest County area failed.

County Chairman Chapin adjourned the afternoon 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 Administrator Jean Bennett
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Bob Freeman was absent.

By consensus, the Board adjourned as the Board of County Commissioners and reconvened as the Orange County Library District Governing Board.

BUDGET ADJUSTMENT PUBLIC HEARING

Staff Report

Office of Management and Budget Manager Sharon Donoghue announced the total amount for the Library Budget Amendment is \$27,907.

Appearances

No one appeared in favor of or in opposition to the budget amendment.

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 Library District Governing Board adopted Budget Amendment 97-24.

(Budget Amendment 97-24 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

By consensus, the Board adjourned as the Library District Governing Board and reconvened as the Board of County Commissioners.

Staff Report

Ms. Donoghue explained that as required by the budget resolution adopted in September, the Board must hold this hearing prior to December 31 to recognize rollover encumbrances and grant funds and to reconcile the actual fund balances. Ms. Donoghue stated that the budget amendment for all other funds totals \$140,891,185; further, there are two Capital Improvement Program (CIP) amendments: for rollover encumbrances, \$74,309,091; and for project adjustments, a decrease of \$3,387,145.

Appearances

No one appeared in favor of or in opposition to the budget and CIP amendments.

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 the CIP Amendments and Budget Amendment 97-25.

(CIP Amendments 06-97 and 07-97 and Budget Amendment 97-25 are 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 6:50 p.m.