

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 4, 1997. The following were present:

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

Commissioner Bob Freeman joined the meeting where indicated. Commissioner Mable Butler was absent.

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

ADMINISTRATIVE SUPPORT DIVISION - DISCUSSION AGENDA

1. Consideration of Membership and Mission Review Board (MMRB) recommendations for appointments/reappointments to the Animal Services Advisory Board, Bikeways Advisory Board, Fire and Life Safety Code Board of Adjustment and Appeals, and the Orange Blossom Trail Development Board (General Services Department/Agenda Development).

Staff Report

Earl Denton, vice-chairman of the Membership and Mission Review Board, presented the recommendations of the MMRB. The Board took the following actions:

- a. Animal Services Advisory Board

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board reappointed Carmen Marie Shaw and Jacqueline Wilson to the Animal Services Advisory Board for additional two-year terms expiring December 31, 1998.

b. Bikeways Advisory Board

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board appointed Fernando Villanueva to the Bikeways Advisory Board, replacing Nelson Coll, for a term expiring June 30, 1998.

c. Fire and Life Safety Code Board of Adjustment and Appeals

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board reappointed Douglas Walton and Ed Spahn to the Fire and Life Safety Code Board of Adjustment and Appeals for terms expiring December 31, 1998.

d. Orange Blossom Trail Development Board

Motion

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board:

- reappointed Charlene Mitchell for a term expiring January 14, 2001;
- reappointed Irwin Shargaa and Thomas Murphy for terms expiring January 14, 1998;
 - appointed Bruce Antone and Michael Caridi to replace Bill Herrington and Michael McAfee for terms expiring January 14, 2001;

to the Orange Blossom Trail Development Board.

2. Discussion regarding the Green Light Program (Facilities Management Department).

Staff Report

Assistant to the Administrative Support Director Venetta Denis explained that the Green Light Program represents a voluntary agreement with the Environmental Protection Agency (EPA) to survey all County facilities, to consider a full range of lighting options, and to specify upgrade options that maximize energy savings and maintain or improve lighting quality.

Ms. Denis said the program's goal is to install upgrades in at least 90 percent of applicable County facilities within five years and to provide the EPA with documentation of upgrade projects. She pointed out that lighting accounts for 20 to 25 percent of all electricity sold to the County, and energy-efficient lighting prevents pollution because less fuel is burned to produce power. Ms. Denis noted that the County will save \$300,000 when all building retrofits have been completed.

Discussion

The Board discussed the savings from energy-efficient heating, ventilating, and air conditioning systems, whether the program is exclusive to County-owned buildings or extends to those leased, if the projected savings have taken the new Courthouse into account, and if the results of this program can be shared state-wide with other county and municipal governments.

Action

The Board did not take any action.

COUNTY COMPTROLLER - DISCUSSION AGENDA

1. Acknowledgment and filing of the Audit of the Orange County Courthouse Construction Project.

Staff Report

County Comptroller Martha Haynie reviewed the factors prompting the audit and how it differs from other audits she has previously presented. She noted the new County courthouse is the largest, most costly public government building ever constructed in downtown Orlando. County Comptroller Haynie commented that its visibility has drawn attention from citizens and the media; and further, the Courthouse met several traditional audit selection criteria: high cost, high risk, and high public interest.

County Comptroller Haynie explained that, because of temporary staff vacancies, the firm of Coopers and Lybrand (C&L) was selected to assist in performing this construction audit and to train her staff for future construction audits. She noted that after Comptroller staff met with C&L to analyze contract documents, they determined that the audit scope should cover the financial controls associated with payment and change order processes between the Board and the joint venture construction management group; the Minority and Women Business Enterprise (M/WBE) summary report; and the direct purchase program.

County Comptroller Haynie said that, overall, C&L found the County's construction administration staff is managing the project in a professional, business-like manner, specifically in the areas of document control and contract administration; further, the audit revealed concerns with the construction manager's contract change order pricing and billing discrepancies. She stated the items uncovered in the audit are not at all unusual given the size and scope of the project. County Comptroller Haynie concluded that she would be reporting on the M/WBE process with regard to this project within the next few months.

County Comptroller Haynie introduced newly appointed Director of County Audit Carl Smith.

Discussion

The Board discussed construction manager and architect review and certification of change orders, the accuracy of documentation prior to the project's closeout, and the target date for completing the M/WBE report.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Butler were absent; the Board acknowledged and accepted the Audit of the County Courthouse Construction Project for filing.

PUBLIC WORKS DIVISION - DISCUSSION AGENDA

1. Discussion regarding legal issues surrounding Power Line Moratorium Ordinance.

A court reporter, Susan M. Baker, Zacco and Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Staff Report

Public Works Division Director Ajit Lalchandani stated that the purpose of his report is to review related issues and options concerning overhead power lines on Orangescape roads. Mr. Lalchandani noted that on October 22, 1996, the Board placed a right-of-way utilization moratorium on power line installation and construction on certain County roadways which expires on April 22, 1997. He said that following imposition of the moratorium, staff completed an analysis of the legal implications and an evaluation of the technical issues should be completed within a month.

Mr. Lalchandani explained that use of the right-of-way along county roadways by utility companies is governed by ordinance. He noted that a problem arose when Florida Power Corporation submitted a permit application to install 80-foot-tall power poles in the John Young Parkway right-of-way, a use incompatible with highway beautification.

Assistant County Attorney Joel Prinsell outlined the County's options pertaining to overhead transmission lines within rights-of-way as follows:

- **maintain the status quo;**
 - **establish a system for all or some County residents, or the power company's customers to pay the cost differential between overhead and underground power line installation;**
 - **seek regulatory relief from the Florida Public Service Commission (FPSC);**
- **seek statutory relief from the Legislature;**
- **pass a siting ordinance applicable only to new construction.**

Mr. Prinsell requested that, at its March 11, 1997, meeting, the Board direct staff to draft an ordinance for the Local Planning Agency's determination of its consistency with the County's comprehensive plan and to engage discussion with the public and the power industry. He further proposed that a public hearing on this issue be held on April 15, 1997.

County Attorney Tom Wilkes stated that the County's chances of prevailing in litigation concerning the proposed ordinance are even at best. Mr. Wilkes pointed out that the ordinance would be more narrowly drawn and rely on different statutory authority from Seminole County's, and would target new power line construction only on certain roads.

John Marks, Esquire, of the law firm of Katz, Kutter, Haigler, Alderman, Marks, Bryant, and Yon, the County's consultant, addressed the Board and further explained that it would take a year or longer to seek relief from the FPSC via a complaint, a petition, or through the rule-making process. Mr. Marks commented on potential power company legal challenges and associated litigation costs depending on the type of County ordinance adopted.

Discussion

The Board discussed seeking relief from the FPSC or the Legislature, the ability of power companies to pass the additional cost for burying cables on to customers, franchise fees, power company lobbying of the FPSC, the expense of possible litigation, the likelihood of prevailing, and conflicting legal precedent for FPSC jurisdiction.

The Board discussed amending the County right-of-way utilization ordinance for new power line construction and the difference between it and those adopted in Seminole and Brevard Counties, the purchase of right-of-way by the power companies, and the possibility of drafting an ordinance applicable to all County roads. The Board also discussed alternative routes for overhead power lines and whether power poles could be made more aesthetically pleasing.

Commissioner Freeman joined the meeting.

Action

By consensus, the Board agreed to decide on March 11, 1997, whether to direct staff to draft an ordinance concerning right-of-way utilization permits for overhead utility lines; and further, to schedule a public hearing on Tuesday, April 15, 1997, for consideration.

COUNTY CONSENT AGENDA**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; Commissioner Edwards abstained from voting on Administrative Support Division Item 4; the Board:

- deferred County Comptroller Item 3b for discussion (see page 16 for discussion and subsequent approval);
- deferred Administrative Support Division Item 4 (see page 15 for discussion and subsequent approval);
- deferred Fiscal and Human Resources Division Item 8 (see page 15 for discussion and subsequent approval);
- deferred Planning and Development Division Item 1 (see page 16 for discussion and subsequent approval);

and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval to pay \$28,395.80 to the Federal National Mortgage Association, in care of Shubha Shivpurkar, lienholder of record. This amount represents the overbid on a tax deed sale, Certificate 2802-1993. On June 13, 1995, the sale generated \$28,395.80 more than the taxes and costs, which was turned over to the Board of County Commissioners on April 2, 1996 (Administrative/Fiscal Division).
 2. Acknowledgment and filing of the Lynx/Central Florida Regional Transportation Authority's Comprehensive Annual Financial Report for the fiscal year ended September 30, 1996 (Administrative/Fiscal Division).
 3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - **West Orange Healthcare District Audited Financial Report for fiscal year ended September 30, 1996; dated January 24, 1997.**
- City of Orlando notices of ordinance as follows:

- Annexing to the corporate limits of the city, property located southeast of Interstate 4 and north of Holden Avenue; dated January 27, 1997.
- Changing the name of Wallace Road, between Turkey Lake Road and a point approximately 348 feet west of Turkey Lake Road, to Double Eagle Way; dated January 13, 1997.
- Vacating, closing, and abandoning a right-of-way, utility easement, temporary cul-de-sac easement, and temporary drainage easement on property at Timbersound located within the Villages of Timberleaf, north of Raleigh Street; dated January 13, 1997.
- Vacating, closing, and abandoning easements on property within the existing Harbour Square site, located at the southeast corner of Pershing Avenue and Semoran Boulevard; dated January 13, 1997.

(As stated in the above motion, this item was deferred for discussion and subsequent approval. See page 16.)

(Comptroller Clerk of the Board of County Commissioners)

4. 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 February 25, 1997, to March 3, 1997; total of \$25,109,094.29.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and execution by the County Chairman of a sewer line easement and authorization to record instrument: Michigan Avenue Complex-State Juvenile Detention Center, Sewer Line Easement, District 4 (Real Estate Management Department).
2. Approval and execution by the County Chairman of a resolution in connection with canceling the current ad valorem taxes against eight parcels: Hansonhurst Park Lots 9 through 16, Resolution, District 4 (Real Estate Management Department).

(Resolution 97-M-10 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval and execution by the County Chairman of a lease between Bishop Unlimited, Inc., and the County: Facilities Management and Graphic Reproduction - Warehouse and Office, Lease, District 4 (Real Estate Management Department).

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

4. Approval and authorization to record instruments in connection with the donations of rights-of-way: Activity Center Turkey Lake Road Network Agreement, Warranty Deeds, Temporary Non-Exclusive Drainage Easements, Consent and Subordination to Temporary Non-Exclusive Drainage Easement and Affidavit, District 1 (Real Estate Management Department).

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

(As stated in the above motion, this item was deferred for discussion and subsequent approval. See page 15.)

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y7-107-JS to the low responsive and responsible bidder, City Environmental Services, Inc., of Florida, for household hazardous waste collection/disposal. The total cost is \$402,294 ([Solid Waste Department] Purchasing and Contracts Department).
2. Approval to increase the total annual value of Contract Y6-175 in the amount of \$274,500 with Superior Temporaries d/b/a Labor World, for temporary labor. The total cost is \$375,000 ([Convention Center] Purchasing and Contracts Department).
3. Approval of an extension of Contract Y4-128 through October 1997 with CDI Corporation, Southeast, for drafting services for the Utilities Engineering Department. The total cost is \$130,000 ([Utilities Engineering Department] Purchasing and Contracts Department).

4. Approval to award Invitation for Bid Y7-719-PW, CD91-03, to the low responsive and responsible bidder, Trimble Enterprises, Inc., for East 13th Street (Apopka) roadway and drainage improvements. The total cost is \$202,665.70 ([Highway Construction] Purchasing and Contracts Department).
5. Approval of Amendment 4 to Contract Y4-814, architectural services for the Convention Center Phase I Retrofit with Borrelli and Associates in the amount of \$7,047. The new contract total to date is \$3,263,917 ([Convention Center] Purchasing and Contracts Department).
6. Approval of a contract with The Galbreath Company for facilities management services for the Courthouse. The total cost is \$6,878,651 ([Construction Administration] Purchasing and Contracts Department).

(Contract Y6-109-EW is on file in the Purchasing and Contracts Department.)

7. Confirmation of the County Chairman's staff reappointments for March 1997:
 - John Warbington, Manager, Building Department, Planning and Development Division
 - David Bevans, Manager, Event Services, Convention Center
 - Jessie Allen, General Manager, Convention Center
 - Samuel Anderson, Manager, General Services Department, Administrative Support Division

(Human Resources Department).

8. Approval to disburse \$100,000 to the Hispanic Business Initiative Fund from fiscal year 96-97 nondepartmental expenditures (OMB).

(As stated in the above motion, this item was deferred for discussion and subsequent approval. See page 15.)

9. Approval of Budget Transfers 97-238 and 97-240 (OMB).

(Budget Transfers 97-238 and 97-240 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval of Budget Amendments 97-41, 97-42, and 97-44 through 97-47 (OMB).

(Budget Amendments 97-41, 97-42, and 97-44 through 97-47 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
11. Approval of CIP Amendments 22-97 and 23-97 (OMB).

(CIP Amendments 22-97 and 23-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
12. Approval of the payment of Intergovernmental claims for February 13, 1997, totaling \$82,304.67 (Risk Management Department).
13. Receipt and filing of the February 6, 1997, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

Health and Community Services Division

1. Approval and execution of a Low Income Home Energy Assistance Program Agreement between the Florida Department of Community Affairs and the County. This is a cost-reimbursement agreement not to exceed \$487,545, which will provide home energy assistance, crisis payments, and weather-related supply shortage assistance to low-income clients in Orange and Osceola Counties. The agreement will be in effect April 1, 1997, through March 30, 1998. There will be no cost to the County (Community Affairs Department).

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

Planning and Development Division

1. Approval and execution of the Road Impact Fee Agreement regarding an alternative traffic study between Cove-Macomas Joint Venture 1 (for Eckerd Drug Store) and the County, District 2 (Building Department).

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

(As stated in the above motion, this item was deferred for discussion and subsequent approval. See page 15.)

- 2. Receipt and filing of the minutes of the January 14, 1997, meeting of the Lake Conway Water and Navigation Control District Advisory Board, District 4 (Environmental Protection Department).

Public Works Division

- 1. Approval to issue Excavation Permit 96-E4-460, District 4 (Development Engineering Department).
- 2. Approval and execution by the County Chairman of the interlocal agreement between the County and Lake County for maintenance of Phil C. Peters Road and Shell Pond Road, District 1 (Roads and Drainage Department).

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

- 3. Approval and execution by the County Chairman of the interlocal agreement between the County and the St. Johns River Water Management District for the Little Wekiva River bank stabilization project, District 2 (Stormwater Management Department).

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

- 4. Approval of Change Order 3-PW to Contract Y6-709 with Southland Construction, Inc., for Ivey Lane, Elston Lane, and Columbia Street paving and drainage improvements in the amount of \$86,111, District 6 (Highway Construction 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 Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Ted Edwards

- County Administrator Jean Bennett

- County Attorney Tom Wilkes
- Chief Deputy Comptroller Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioner Mable Butler was absent.

Presentation of Service Awards

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

- Richard A. Baird of the Planning and Development Division, Environmental Protection Department, for 20 years of service.
- Jessie J. Allen of the Convention Center, Operations Manager and General Manager, for 20 years of service.
- Robert H. Fischer of the Fire Rescue Division, Station 30, for 20 years of service.
- Thomas J. MacCubbin of the Health and Community Services Division, Cooperative Extension Service, for 25 years of service.
- William R. Scott of the Utilities Division, Wastewater Department, for 20 years of service.

The Board paused for an invocation by Father Bob Kirby, Holy Cross Catholic Church, followed by the Pledge of Allegiance to the Flag.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF FEBRUARY 20, 1997

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board accepted the recommendations of the Planning and Zoning Commission under date of February 20, 1997, with the exception of: Cases Z-96-064, Z-96-010, Z-96-101, Z-97-002, Z-97-012; an ordinance amending Chapter 30 (Planning and Development) and Chapter 38 (Zoning), Orange County Code; and the Communication Tower Ordinance which will be heard by the Board; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling public hearings as follows:

- Case Z-96-064 in the name of Kur-Star, Watson Center, on April 1, 1997;

- Case Z-96-101 in the name of Ronald N. Schwartz, Spring Lake, on April 1, 1997;
- Case Z-96-110 in the name of Donald W. McIntosh, Lake Sherwood Village, on April 1, 1997;
- Case 97-012 in the name of Alexandra (USA) Inc., on April 1, 1997;

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of February 20, 1997, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

- 8. Approval to disburse \$100,000 to the Hispanic Business Initiative Fund from fiscal year 96-97 nondepartmental expenditures (OMB).

Discussion

The Board discussed the origins of the Black Business Investment and the Hispanic Business Initiative Funds and the possible creation of an Asian or Indian business fund.

and

Administrative Support Division

- 4. Approval and authorization to record instruments in connection with the donations of rights-of-way: Activity Center Turkey Lake Road Network Agreement, Warranty Deeds, Temporary Non-Exclusive Drainage Easements, Consent and Subordination to Temporary Non-Exclusive Drainage Easement and Affidavit, District 1 (Real Estate Management Department).

Discussion

The Board discussed the extension and completion of Turkey Lake Road, the possibility of a new name more compatible with the tourist area in which the road is located, and soliciting

name suggestions from the Tourist Development Council and the community.

and

Planning and Development Division

1. Approval and execution of the Road Impact Fee Agreement regarding an alternative traffic study between Cove-Macomas Joint Venture 1 (for Eckerd Drug Store) and the County, District 2 (Building Department).

Discussion

Commissioner Freeman stated that staff has provided him with information clarifying this item.

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioner Edwards abstained from voting on Administrative Support Division Item 4; Commissioner Butler was absent; the Board:

- approved the disbursement of \$100,000 to the Hispanic Business Initiative Fund from fiscal year 96-97 nondepartmental expenditures;
- approved and authorized the recording of instruments in connection with the donations of rights-of-way: Activity Center Turkey Lake Road Network Agreement, Warranty Deeds, Temporary Non-Exclusive Drainage Easements, Consent and Subordination to Temporary Non-Exclusive Drainage Easement and Affidavit;
- approved the Road Impact Fee Agreement regarding an alternative traffic study between Cove-Macomas Joint Venture 1 (for Eckerd Drug Store) and the County.

(Activity Center Turkey Lake Road Network Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

County Comptroller

3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - b. City of Orlando notices of ordinance as follows:
 - Annexing to the corporate limits of the city, property located southeast of Interstate 4 and north of Holden Avenue; dated January 27, 1997.
 - Changing the name of Wallace Road, between Turkey Lake Road and a point approximately 348 feet west of Turkey Lake Road, to Double Eagle Way; dated January 13, 1997.
 - Vacating, closing, and abandoning a right-of-way, utility easement, temporary cul-de-sac easement, and temporary drainage easement on property at Timbersound located within the Villages of Timberleaf, north of Raleigh Street; dated January 13, 1997.
 - Vacating, closing, and abandoning easements on property within the existing Harbour Square site, located at the southeast corner of Pershing Avenue and Semoran Boulevard; dated January 13, 1997.

Discussion

Commissioner Hoenstine stated that staff has answered his questions concerning this item.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Butler was absent; the Board acknowledged the following "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners:

City of Orlando notices of ordinance as follows:

- Annexing to the corporate limits of the city, property located southeast of Interstate 4 and north of Holden Avenue; dated January 27, 1997.
- Changing the name of Wallace Road, between Turkey Lake Road and a point approximately 348 feet west of Turkey Lake Road, to Double Eagle Way; dated January 13, 1997.
- Vacating, closing, and abandoning a right-of-way, utility easement, temporary cul-de-sac easement, and temporary drainage easement on property at Timbersound located within the Villages of Timberleaf, north of Raleigh Street; dated January 13, 1997.
- Vacating, closing, and abandoning easements on property within the existing Harbour Square site, located at the southeast corner of Pershing Avenue and Semoran Boulevard; dated January 13, 1997.

NONAGENDA - INTRODUCTION OF VISITORS

Commissioner Edwards introduced representatives of the Hispanic Chamber of Commerce.

(NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER. FOR APPEARANCES, DISCUSSION, AND MOTION, SEE PAGE 20.)

MSTU/BU PUBLIC HEARING - AMEND ISLES OF WINDERMERE MSTU/BU, STREETLIGHTING, DISTRICT 1

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 Isles of Windermere; Section 12, Township 23, Range 27; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$208 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - ESTABLISH HUNTER'S CREEK 550 MSTU/BU, STREETLIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Hunter's Creek 550; Section 31, Township 24, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$88 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - ESTABLISH CRYSTAL CREEK MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), 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 and maintenance of retention pond(s) at Crystal Creek; Section 20, Township 24, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$39 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH PINE RIDGE HOLLOW EAST PHASE 1 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 Pine Ridge Hollow East Phase 1; 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$35 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH ESTABLISH TWIN OAKS LANE MSTU/BU, ROAD IMPROVEMENTS, 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 road improvements at Twin Oaks Lane; 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 area residents has an annual cost of \$4.93 per front foot for road improvements.

and

MSTU/BU PUBLIC HEARING - ESTABLISH RIO PINAR EAST HOMEOWNERS' ASSOCIATION, INC., MSTU/ BU; COMMON AREA MAINTENANCE; 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 common area maintenance at Rio Pinar East; Section 36, Township 22, 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 homeowners' association has an annual cost of \$32 per lot for common area maintenance.

Appearances

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

Discussion

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

Motion

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

- amending an MSTU/BU at Isles of Windermere, annual cost per lot of \$208 for streetlighting.
- establishing an MSTU/BU at Hunter's Creek 550, annual cost of \$88 for streetlighting.
- establishing an MSTU/BU at Crystal Creek, annual cost of \$39 for streetlighting and an annual cost of \$54 for maintenance of retention pond(s).
- establishing an MSTU/BU at Pine Ridge Hollow East Phase 1, annual cost per lot of \$35 for streetlighting and an annual cost of \$54 for maintenance of retention ponds.
- establishing an MSTU/BU at Twin Oaks Lane, cost per front foot of \$4.93 for road improvements.
- establishing an MSTU/BU at Rio Pinar East, annual cost of \$32 for common area maintenance.

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

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. FOR APPEARANCES, DISCUSSION, AND MOTION, SEE PAGE 21.)

APPEAL OF ENVIRONMENTAL PROTECTION DEPARTMENT STAFF DECISION - APPELLANT: JUANITA DRAGE, ET AL. APPLICANT: DAN GRABHORN; BOAT DOCK AND BOAT HOUSE CONSTRUCTION PERMIT; LITTLE LAKE CONWAY/LISA WATERWAY CANAL; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal filed by Juanita Drage,

et al., of the decision of the Orange County Environmental Protection Department to issue a permit to Dan Grabhorn for the construction of a boat dock and boat house, pursuant to Orange County Code, Chapter 15, Section 15-344.

and

APPEAL OF ENVIRONMENTAL PROTECTION DEPARTMENT STAFF DECISION - APPELLANT: JUANITA DRAGE, ET AL. APPLICANT: LARRY BARNES; BOAT DOCK AND BOAT HOUSE CONSTRUCTION PERMIT; LITTLE LAKE CONWAY/LISA WATERWAY CANAL; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal filed by Juanita Drage, et al., of the decision of the Orange County Environmental Protection Department to issue a permit to Larry Barnes for the construction of a boat dock and boat house, pursuant to Orange County Code, Chapter 15, Section 15-344.

Staff Report

Senior Environmental Specialist Pam Thomas stated that Commissioner Hoenstine has requested continuances to allow staff time to resolve issues with all parties involved.

Appearances

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

Discussion

County Chairman Chapin closed the public hearings 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 Butler was absent; the Board continued the public hearings to consider the appeals filed by Juanita Drage of the Environmental Protection Department Manager's decisions of approval of the requests by Dan Grabhorn and Larry Barnes for permits to construct boat docks and boat houses, until March 18, 1997, at 3:30 p.m.

Commissioner Johnson left the meeting.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: C. PHILLIP WALLIS, WESTO DEVELOPMENT, INC.; CDL II; CASE Z-96-094, JANUARY 16, 1997; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by C. Phillip Wallis, president, Westo Development, Inc., CDL II, to rezone Residential Country Estate District (RCE) (1966) to Planned Development (PD), on property generally located on the northeast corner of West Lake Butler and McKinnon Roads; District 1; Section 12, Township 23, Range 27; Orange County, Florida.

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

Staff Report

Planning and Development Division Director Bruce McClendon outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Tom Ross, Esquire; Akerman, Senterfitt, and Eidson, P.A. (no address given); for the applicant.

The following person addressed the Board with general comments:

- Frederick R. Verner, resident of the Kelso subdivision.

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 Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Butler were absent; the Board approved the request by C. Phillip Wallis, Westo Development, Inc., CDL II, to rezone Residential Country Estate District (RCE) (1966) to Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the CDL II Land Use Plan, dated "Received December 9, 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.

2. Living area shall be a minimum of 2,000 square feet.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - OSPREY COVE PRELIMINARY SUBDIVISION, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Osprey Cove Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located west of Rose Avenue and north of Edgewater Drive; District 2; Section 30, 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 reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Heath recommended that a condition be added as follows:

- Waiver of Orange County Zoning Code, Section 38-1501, to allow for a minimum lot size of 45 feet by 95 feet.

Appearances

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

- Randy June, the applicant; June Engineering; 71 East Church Street, Orlando, Florida.

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 County Chairman Chapin, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioners Johnson and Butler were absent; the Board approved the Osprey Cove Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Osprey Cove Preliminary Subdivision Plan, dated "Received February 7, 1997," 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 March 4, 1998, in accordance with Orange County Subdivision Regulations, as amended.

2. The variance from Section 38-456 and Section 38-1501 for a front setback of 20 feet and a rear setback of 20 feet is approved.
3. Prior to construction plan approval, the size, location, and points of connection for water mains and force mains shall be determined.
4. Prior to platting the property, a street name plan shall be submitted to and approved by the Zoning Department's Street Addressing Section.
5. Waiver of Orange County Zoning Code, Section 38-1501, to allow for a minimum lot size of 45 feet by 95 feet.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - VISTA COVE PRELIMINARY SUBDIVISION - AFFORDABLE HOUSING, DISTRICT 3

Notice was given that the Board of County Commissioners would hold

a public hearing to consider the Vista Cove Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Dean Road and north of the East-West Expressway; District 3; 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

Planning Department Manager David Heath stated that Commissioner Johnson has requested the public hearing be continued to a date and time when she could be present.

Appearances

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

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Butler were absent; the Board continued the public hearing to consider the Vista Cove Preliminary Subdivision Plan until April 1, 1997, at 3:30 p.m.

NONAGENDA - COMMUNITY MEETINGS

County Chairman's Report

County Chairman Chapin stated that the timeline for community meetings to discuss the Blue Ribbon Commission Report is being revised for the following reasons:

- several municipalities have asked for more time to formulate their capital and operations and maintenance figures;
- the new superintendent of schools and new Lynx director should contribute their visions to the effort;
- the outcome of this year's legislative session could impact local governments in the area of education.

County Chairman Chapin noted that, because the Blue Ribbon Report

has taken much time and money to produce, it is important that the Board not lose sight of or confuse its findings with unanswered questions.

Discussion

The Board discussed the urgency of the school issue, the need for improvements to the transportation, stormwater, and park systems, and the Legislature's placing a top priority on education. The Board also discussed formulation of figures for the light rail system and the return to local governments of federal money for transportation, the return of money from the St. Johns Water Management District and the South Florida Water Management District for dealing with stormwater, the unexpected increase in school construction costs, and the ability of the municipalities to project budgets.

Action

The Board did not take any action.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 3:20 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator