

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 29, 1997. The following were present:

- Vice-chairman Clarence Hoenstine
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Ted Edwards, and Mable Butler
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

County Chairman Chapin was absent.

There being a quorum, the Vice-chairman called the meeting to order at 9 a.m.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Freeman wishes to discuss traffic signals on Apopka-Vineland Road at Pointe Cypress Drive and Turtle Creek Community.

Commissioner's Report

Commissioner Freeman explained the urgency of the request for the traffic signals on Apopka-Vineland Road at Pointe Cypress Drive and Turtle Creek Subdivision. He pointed out that the Cypress Pointe Homeowners' Association is willing to pay the cost of the light at Pointe Cypress Drive, and the developer of the Turtle Creek Subdivision is willing to pay for the signal at the subdivision entrance and contribute to the cost of a flashing yellow light at Bay Meadows Elementary School.

Commissioner Freeman reported that the proposal is to synchronize the traffic signals to stop traffic at both ends of Apopka-Vineland Road simultaneously, allowing the residents of the subdivisions to enter and exit Apopka-Vineland Road. He stated that Disney employee pass-through traffic adds to the congestion caused by the construction,

Commissioner Freeman read excerpts of a letter from Prairie Construction Company stating its position that installing the traffic signal at Pointe Cypress Drive would impact the timely completion of the Apopka-Vineland Road construction project.

Staff Report

Traffic Engineering Department Manager Ruby Rozier explained the scope of the Apopka-Vineland Road construction project and stated that traffic signals have been approved at Pointe Cypress Drive, Bay Meadows, and Darlene Drive. Ms. Rozier narrated a slide presentation showing the traffic conditions in the construction area.

Ms. Rozier reported that the traffic signal at Pointe Cypress Drive will be installed by a private contractor hired by the homeowners' association after the construction is completed in September or October 1997. She informed the Board that Prairie Construction Company notified staff that installing the signal prior to completion of construction will involve at least \$10,000 in change orders.

Public Works Division Director Ajit Lalchandani explained the process for change orders.

Ms. Rozier explained the process by which the Traffic Engineering Department determines signal needs. She stated based upon the current development schedules, a traffic signal at Turtle Creek would not be warranted for 18 months. Ms. Rozier said that staff recommends that the traffic signal at Turtle Creek be approved when warranted and justified.

Appearances

The following persons addressed the Board:

- Jack Armstrong, Sentry Management, Inc.; 2180 West S.R. 434, Suite 5000; Longwood, Florida.
- Tom Lightsey, 9750 Bohart Court, Orlando, Florida.
- Kathy Mullenix, president of Bay Lakes Homeowners' Association (no address given).
- Ellsworth Gallimore, developer of Turtle Creek Subdivision (no address given).

Discussion

Vice-chairman Hoenstine opened the matter for Board discussion.

County Administrator Jean Bennett explained that the traffic signal at Pointe Cypress Boulevard is warranted and has been approved and the Board is only being asked to authorize early installation. Ms. Bennett added that the signal at Turtle Creek Subdivision and the flashing yellow light at Bay Meadows Elementary are not now warranted and installing a signal there, even with private funding, could set an undesirable precedent.

Motion

A motion by Commissioner Freeman, seconded by Commissioner Butler, with Commissioners Freeman and Butler voting AYE by voice vote; Vice-chairman Hoenstine and Commissioners Staley, Johnson, and Edwards voting NO by voice vote; County Chairman Chapin was absent; to allow the developers of the Turtle Creek and Phillip's Landing Subdivisions and the Cypress Pointe Homeowners' Association to install traffic lights at Cypress Pointe Boulevard and at the Turtle Creek Subdivision and work with the County to install a flashing light at Bay Meadows Elementary School; and further, any additional costs to be paid by mutual agreement of the County, Prairie Construction, the developers, and homeowners' association failed.

Motion

Upon a motion by Commissioner Edwards, seconded by Vice-chairman Hoenstine, and carried with Vice-chairman Hoenstine and Commissioners Staley, Edwards, and Butler voting AYE by voice vote; Commissioners Freeman and Johnson voting NO by voice vote; County Chairman Chapin was absent; the Board authorized allowing the Cypress Pointe Homeowners' Association to immediately install a traffic light at Cypress Pointe Boulevard.

Commissioner Freeman left the meeting.

COUNTY ATTORNEY - DISCUSSION AGENDA

1. Approval of the proposed Settlement Agreement between American Portable Telecom (APT) and Orange County resolving the three federal cases and three state cases arising from Orange County's denial of APT's application for special exception for a communication tower on Rock Springs Road, the appeal of the special exception for a tower on Goldenrod Road,

and the denial of the application for a substantial change amendment to the planned development/land use plan for a tower in Westin/Deerfield; and b) Announcement of intent to move for rescission of prior votes on the APT tower cases during the Board meeting of May 6, 1997 (County Attorney).

Staff Report

County Administrator Jean Bennett announced that this item was deleted from the agenda and will be rescheduled as a public hearing.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide engineering services for Continuing Professional Transportation planning services, RFP Y7-902-MK ([Planning Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Johnson stated that she was present at the April 14, 1997, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm and two ranked alternates to provide engineering services for continuing professional transportation planning services from the following firms listed alphabetically:

- Greiner, Inc.
- Leftwich Consulting Engineering, Inc.
- Transportation Consulting Group

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with Vice-chairman Hoenstine and Commissioners Staley, Johnson, and Edwards voting AYE by voice vote; Commissioner Butler voting NO by voice vote; County Chairman Chapin and Commissioner Freeman were absent; the Board approved the following short list ranked as follows:

- #1 Transportation Consulting Group**
- #2 Greiner, Inc.**
- #3 Leftwich Consulting Engineering, Inc.**

and further, authorized staff to enter into contract negotiations for continuing professional transportation planning services, RFP Y7-902-MK.

Commissioner Freeman joined the meeting.

PLANNING AND DEVELOPMENT DIVISION - DISCUSSION AGENDA

1. Approval to process payment of \$100,000 to the Central Florida Innovation Corporation from budgeted FY 96-97 nondepartmental expenditures, all districts (Division Office).

Staff Report

Economic Development Administrator John Lewis reviewed the request, explained the purpose of the Central Florida Innovation Corporation (CFIC), and outlined how the services provided by the CFIC benefit the County.

Appearances

The following person addressed the Board:

- Richard Fox, president of the CFIC (no address given).

Commissioner Freeman left the meeting.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with Vice-chairman Hoenstine and Commissioners Staley, Johnson, and Butler voting AYE by voice vote; Commissioner Edwards voting NO by voice vote; County Chairman Chapin and Commissioner Freeman were absent; the Board authorized payment of \$100,000 to the Central Florida Innovation Corporation from FY 96-97 nondepartmental expenditures.

Commissioner Freeman joined the meeting.

COUNTY CONSENT AGENDA

Motion

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

- deleted Item (a) under Fire and Rescue Division Item 1;
- corrected the backup information relating to Fiscal and Human Resources Division Item 20 (page 135) to read Educational Facilities Authority instead of Health Facilities Authority;
- deferred Public Works Division Item 6 (Addendum 1) for discussion (see page 160 for subsequent approval).

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

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the total amount of \$336,030.19 for services rendered during the month of March 1997 (Administrative/Fiscal Division).
2. Acknowledgment and filing of the Audited Financial Statements - Orange County Housing Finance Authority for the year ended September 30, 1996. Copies of the financial statements have been previously provided by the Authority (Administrative/ Fiscal Division).
3. Approval to pay \$9,348.25 to W.M. Property Corporation, lienholder of record. This amount represents the overbid on a tax deed sale of July 9, 1996, which was turned over to the Board of County Commissioners on November 5, 1996 (Administrative/Fiscal Division).
4. Acknowledgment and filing of the Review of Teen Pregnancy/ Parenting Program of Frontline Outreach, Inc. Copies of the report have been provided by the County Comptroller's Office under separate cover (Administrative/Fiscal Division).
5. Acknowledgment and filing of the Follow-up Review of Polaroid Film Usage - Zoning Department. Copies of the report have been provided by the County Comptroller's Office under separate cover (Administrative/Fiscal Division).
6. Approval of the minutes of the April 8, 1997, and April 15, 1997, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
7. Acknowledge "File for the Record" document received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - Florida Public Service Commission Order on Motions for Reconsideration; re: Application for rate increase and increase in service availability charges by Southern States Utilities, Inc., for Orange-Osceola Utilities, Inc., in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake,

Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, St. John's, St. Lucie, Volusia, and Washington Counties.

(Comptroller Clerk of the Board of County Commissioners)

8. 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 April 15, 1997, through April 21, 1997; total of \$15,889,253.30.

-Period from April 22, 1997, through April 28, 1997; total of \$38,149,779.51.

Administrative Support Division

1. Approval and authorization to record instruments: Seretta Building, Water Line Easement and Subordination of Encumbrance, District 2 (Real Estate Management Department).
2. Approval and authorization to record instruments: Waterford Chase Village Phase I Tracts A, B, and C-1, Temporary Drainage Easement and Temporary Wastewater Line Easements, District 4 (Real Estate Management Department).
3. Approval and authorization to record instruments: Cypress Landings Phase III, Drainage and Utility Easement, Pump Station Easement, Access and Utility Easement, Drainage Easement and Subordination of Encumbrance, District 1 (Real Estate Management Department).
4. Approval and execution by County Chairman of resolution in connection with canceling the current ad valorem taxes against a parcel acquired for the betterment and use of the County: Lake Mann Shores Lot 108, Resolution, District 6 (Real Estate Management Department)

(Resolution 97-M-17 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval and authorization to record instrument and pay recording fees: Clubhouse Estates Screen Wall Improvements, Temporary Construction Easement, Parcel 726, District 1 (Real Estate Management Department).
6. Confirmation of the County Chairman's appointment of George M.D. Hart as Manager of the Real Estate Management Department (Division Office).

Fire Rescue Division

1. Approval and execution of:
 - a. Memorandum of Understanding between Orange County and the Fire Rescue Division;
 - b. Interlocal Agreements between Orange County and the City of Apopka, Greater Orlando Aviation Authority, City of Maitland, City of Ocoee, Orange County Fire Rescue Division, City of Orlando (for Orlando Police and Orlando Fire), University of Central Florida, City of Winter Garden and the City of Winter Park to provide for the distribution of the proceeds of the 9-1-1 Emergency Telephone System Fee according to the Florida Emergency Telephone Act and Ordinance 95-27;
 - c. Approval of a senior clerical position to handle receptionist, filing, and other general office duties associated with the function of the 9-1-1 office (E 9-1-1 Systems Department).

(As stated in the motion above, the Memorandum of Understanding was deleted from this item.)

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

2. Approval and execution of a modification to the Emergency Management Preparedness and Assistance (EMPA) Base Grant Agreement to add to Article XIV two New Standard Conditions (F and G) in accordance with the Governor's Execution Order 96-236 (Office of Emergency Management).

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

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y7-716-BI to the low responsive and responsible bidder, Wal-Mark Contracting Group, LLC., for construction of the Orange County Convention Center Event Utilities Offices, Personnel Staffing Offices and Fine Host Offices. The total cost is \$107,521 ([Convention Center Construction Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y7-723-CT to the low responsive and responsible bidder, Holbrook Construction Company, for construction of the Orange County Utilities Central Laboratory Facility. The total cost is \$3,929,200 ([Utilities Engineering Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y7-724-CT to the low responsive and responsible bidder, Dial Communications, Inc., for Rimar Ridge/Ranchette Water Distribution System Improvements. The total cost is \$199,785 ([Utilities Engineering Department] Purchasing and Contracts Department).
4. Approval to provide prior authority to award Invitation for Bid Y7-739-BI to the low responsive and responsible bidder for the construction of Lake George Park. The total cost is \$500,000 ([Parks and Recreation Department] Purchasing and Contracts Department).
5. Approval of Amendment 2 to Contract Y5-505 with Miller-Sellen Associates, for the Specific Area Plan for the first village in the Horizon West area. The cost of the amendment is \$69,475. New contract total to date is \$265,900 ([Planning Department] Purchasing and Contracts Department).
6. Approval of Amendment 5 to Contract Y8-849B, with Greiner, Inc., for additional engineering and surveying services for Turkey Lake Road (from I-4 to Sand Lake Road). The cost of the amendment is \$9,261.44. New contract total to date is \$690,499.95 ([Public Works Engineering Department] Purchasing and Contracts Department).
7. Approval of Amendment 2, Contract Y5-807, with Bowyer- Singleton & Associates, for additional engineering and surveying services for Southchase Road construction project (Orange Blossom Trail to Landstar Boulevard). The cost of the

amendment is \$57,040. New contract total to date is \$801,007 ([Utilities Engineering Department] Purchasing and Contracts Department).

8. Approval of Contract Y7-2066 with the City of Winter Garden, for improvements to park and recreation facilities (Maxey Community Center). The total cost is \$100,000 ([Community Affairs] Purchasing and Contracts Department).

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

9. Approval to award Contract Y7-2069 to the Local Health Council of East Central Florida, Inc., for fiscal agent services for Ryan White Title I pass-through accounts, in the amount of \$1,945,640 ([County Chairman's Office] Purchasing and Contracts Department).

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

10. Approval for the Sheriff's Office to spend approximately \$835,653 of Law Enforcement Impact Fees for the purchase of thirty-two vehicles, radios, and guns (OMB).

11. Approval for the Sheriff's Office to spend approximately \$22,026 of the Law Enforcement Trust Fund: \$17,850 for the "Guide to Dangerous Drugs" brochure; and \$4,176 for the "Orange County's Most Wanted" circular (OMB).

12. Approval to disburse discretionary funds:

- District 6, High-Tech Tutoring, Inc., \$25,000;
- District 6, Guardian Care, \$111,100;
- District 6, Orlando Urban League, \$30,000;
- District 3, Coalition for the Homeless, \$100,000;
- District 6, YMCA/Metropolitan Office, \$50,000;

(OMB).

13. Approval of the amendment to the resolutions which document FY 1996-97 CIP projects to be funded by commercial paper (OMB).

(Resolutions 97-M-18 and 97-M-19 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

14. Approval of Budget Transfer 97-347 (OMB).

(Budget Transfer 97-347 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

15. Approval of Budget Amendments 97-55 and 97-56 (OMB).

(Budget Amendments 97-55 and 97-56 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

16. Approval of CIP Amendments 52-97, 53-97, and 56-97 (OMB).

(CIP Amendments 52-97, 53-97, and 56-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

17. Approval of payment of Intergovernmental claims for April 3, 1997, and April 10, 1997, totaling \$199,527.93 (Risk Management Department).

18. Receipt and filing of the March 27, 1997, and April 3, 1997, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

19. Acknowledgment of imposition of resolved impasse issues and approval of Central Florida Police Benevolent Association (PBA) collective bargaining agreement (Labor Relations Department).

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

20. Approval and execution of Resolution approving the issuance of Educational Facilities Revenue Bonds by the Orange County Educational Facilities Authority in an initial aggregate principal amount of not to exceed \$22,500,000 on behalf of Rollins College (Orange County Educational Facilities Authority).

(Resolution 97-B-02 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(As stated in the motion above, the backup information

relating to this item (page 135 of the agenda) was corrected to read Educational Facilities Authority instead of Health Facilities Authority.)

Health and Community Services Division

1. Approval and execution of Agreement between Osceola County and Orange County for the provision of social services to the economically disadvantaged residents in Osceola County. This is the continuation of an existing program and Osceola County has agreed to provide financial assistance to Orange County up to a maximum of \$42,500 for all services provided by the Orange County Community Affairs Department. Term of the Agreement is October 1, 1996, through September 30, 1997. 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.)

2. Approval and execution of the Summer Food Service Program Application for Participation and Agreement with the Florida Department of Education, Food and Nutrition Management in the amount of \$476,526. This is an entitlement program which is an extension of the National School Lunch Program to provide meals to children up to age 18. Term of the agreement is June 2, 1997, through August 8, 1997. There will be no cost to the County, all districts (Community Affairs Department).

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

3. Approval and execution of renewal of Public Convenience and Necessity Certificate for Orlando Regional Healthcare System to provide Air and Mobile Care Intra-Hospital Advanced Life Support Transport. Term of this Certificate is April 30, 1997, through April 30, 1999, all districts (Emergency Medical Services Department).

4. Approval and execution of Contract Renewal G8003 (Respite Shelter Contract) between the State of Florida Department of Juvenile Justice and Orange County in the amount of \$65,700. This is a respite bed program for clients referred by the Department of Juvenile Justice. Term of the Agreement is July 1, 1997, through June 30, 1998. No County funds are required, all districts (Human Services Department).

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

5. Approval and execution of Contract Renewal G6003 (Independent Living) between the State of Florida Department of Juvenile Justice and Orange County in the amount of \$167,170. The contract provides for independent living services up to a maximum of eight slots and beds. Term of the Contract is July 1, 1997, through June 30, 1998. No County funds are required, all districts (Human Services Department).

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

6. Approval to waive permit fees in the amount of \$77 for two 20 x 40 tents to be erected for the County Employee Family Picnic on May 3, 1997 (Social Committee).

Planning and Development Division

1. Approval and execution of Lease agreement between the Orlando Humane Society and Animal Services to allow for the operation of the East Side Low Cost-Sterilization Clinic (Animal Services Department).

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

2. Receipt and filing of the Lake Conway Water and Navigational Control District Advisory Board minutes of March 11, 1997, District 4 (Environmental Protection Department).
3. Receipt and filing of the Windermere Water and Navigation Control District Advisory Board minutes of February 21, 1997, District 1 (Environmental Protection Department).
4. Approval and execution of a Developer's Agreement for discounts of impact fees for the Riverfront Apartments Affordable Housing Development (Housing and Community Development Department).

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

5. The Board of County Commissioners, serving in its role as the Local Redevelopment Authority (LRA), is asked to authorize staff to request the Navy to remove and dispose of all such personal property from the Sound Lab prior to the Navy's departure, District 4 (Planning Department).

Public Works Division

1. Approval of "Stop" sign installation on Deerfield Boulevard, District 4 (Traffic Engineering Department).
2. Approval of "Stop" and "Yield" sign installations in the Villages II at Eastwood Phase 2 Subdivision, District 4 (Traffic Engineering Department).
3. Approval of "Stop" and "Yield" sign installations in the Wekiva Chase Subdivision, District 2 (Traffic Engineering Department).
4. Approval to establish a "No Parking" zone on the east side of Rose Avenue beginning from the north right-of-way line of Orange Blossom Trail and extending 650 feet north, District 2 (Traffic Engineering Department).
5. Approval to establish a "No Parking" zone on the east side of Winegard Road beginning 280 feet from the south right-of-way line of Lancaster Road and extending 660 feet south, District 4 (Traffic Engineering Department).

Addendum 1

6. Approval and execution of the First Amendment to the Central Florida Research Park Phase 2 Transportation Methodology Agreement, District 5 (Division Office).

(As stated in the motion above, this item was deferred for discussion see below and page 160.)

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Public Works Division - Addendum 1

6. Approval and execution of the First Amendment to the Central Florida Research Park Phase 2 Transportation Methodology Agreement, District 5 (Division Office).

Staff Report

Deputy Public Works Division Director Bill Baxter explained why the agreement is necessary, outlined its provisions, and stated that the agreement was expedited because of a pending closing.

Appearances

The following person addressed the Board:

- Richard Fulton, Esquire; Baker & Hostettler (no address given), for the Central Florida Research Park.

Motion

By consensus, the Board continued the discussion until the afternoon session (see page 160).

Vice-chairman Hoenstine 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:

- Vice-chairman Clarence Hoenstine
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Ted Edwards, and Mable Butler
- Deputy County Administrator Howard Tipton
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

County Chairman Chapin was absent.

The Board paused for an invocation by Reverend Caretha Evers Brown, co-pastor of the Full Gospel Faith Fellowship, followed by the Pledge of Allegiance to the Flag.

Presentation of Proclamation.

County Chairman Chapin presented a proclamation designating the week of May 4 through May 10, 1997, as Corrections Staff Week.

Presentation of Proclamation.

County Chairman Chapin presented a proclamation signifying the 25th anniversary of the Apollo 16 space mission and recognizing the accomplishments of astronaut John Young.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Public Works Division - Addendum 1

- 6. Approval and execution of the First Amendment to the Central Florida Research Park Phase 2 Transportation Methodology Agreement, District 5 (Division Office).

Staff Report

Public Works Director Ajit Lalchandani reviewed general information regarding County support of the Central Florida Research Park (CFRP). Mr. Lalchandani explained the internal roadway system in the CFRP and operation and maintenance issues relating to its MSTU/BU for retention pond maintenance.

Deputy Public Works Division Director Bill Baxter explained the external roadway system of the CFRP. Mr. Baxter reviewed the impacts the CFRP has on Lakanotosa Trail and Woodbury Road. He informed the Board of on-going discussions with School Board regarding contributing to the cost of paving Woodbury Road for a new elementary school.

Mr. Baxter reviewed the agreement and explained how it addressed roadway and development issues relating to the CFRP. He stated that the agreement was reviewed and recommended for approval by the Development Review Committee.

Planning Department Manager David Heath informed the Board of negotiations with the Board of Regents regarding payment of \$288,000 for the University of Central Florida's impacts on Lakanotosa Road.

Discussion

Vice-chairman Hoenstine opened the matter for Board discussion.

Motion

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with all present members

voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the First Amendment to the Central Florida Research Park Phase 2 Transportation Methodology Agreement.

APRIL 17, 1997, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of April 17, 1997, with the exception of Cases Z-97-025, Z-96-102, and Z-97-013 and the amendment to the Road Impact Fee Ordinance which will be heard by the Board; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Cases Z-97-025 in the name of Carlisle Management, Inc., "Al Bashrani"; Z-96-102 in the name of Josline M. Larece, "Rio Grande Plaza"; and Z-97-013 in the name of Jeffrey I. Sherrin, Trustee "535 Planned Development."

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of April 17, 1997, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 163 FOR THE APPEARANCES, DISCUSSION, AND MOTION.

MSTU/BU PUBLIC HEARING - AMEND DEERFIELD AREA MSTU/BU FROM COUNTY-MAINTAINED RETENTION POND(S) TO A REIMBURSABLE MAINTENANCE RETENTION POND(S); DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU from county- maintained retention pond(s) to a reimbursable maintenance retention pond(s) at Deerfield Area MSTU/BU; Sections 21 and 22, 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 property owners and the Deerfield Homeowners' Association has an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - AMEND CHESTERHILL ESTATES PHASE 1 MSTU/BU, STREETLIGHTING, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting at Chesterhill Estates Phase 1 Subdivision; Section 5, Township 20, 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 property owners has an annual cost of \$71 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - AMEND GRANADA VILLAS PHASES 1-4 MSTU/BU, STREETLIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting at Granada Villas Phases 1-4 Subdivision; Sections 34 and 35, Township 23, 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 property owners has an annual cost of \$61 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - AMEND HUCKLEBERRY FIELDS TRACT N-6 MSTU/BU, STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting

at Huckleberry Fields Tract N-6 Subdivision; Section 34, 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 \$47 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - AMEND WINFIELD UNITS 1 AND 2 MSTU/BU, STREETLIGHTING AND MAINTENANCE OF RETENTION POND(S), DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider amending an MSTU/BU for streetlighting and maintenance of retention pond(s) at Winfield Units 1 and 2 Subdivision; 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$36 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ESTABLISH KELVINGTON DRIVE MSTU/BU, STREETLIGHTING, 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 at Kelvington Drive; Section 33, 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 residents has an annual cost of \$.37 per front foot for streetlighting.

Appearances

No one appeared in favor of or in opposition to the MSTU/BUs.

Discussion

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

Motion

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

- Amending Deerfield Area MSTU/BU, annual cost of \$54 per lot for retention pond(s) maintenance.
- Amending Chesterhill Estates Phase 1 MSTU/BU, annual cost of \$71 per lot for streetlighting.
- Amending Granada Villas Phases 1-4 MSTU/BU, annual cost of \$61 per lot for streetlighting.
- Amending Huckleberry Fields Tract N-6 MSTU/BU, annual cost of \$47 per lot for streetlighting.
- Amending Winfield Units 1 and 2 MSTU/BU, annual cost of \$36 per lot for streetlighting and \$54 per lot for retention pond(s) maintenance.
- Establishing Kelvington Drive MSTU/BU, annual cost of \$.37 per front foot for streetlighting.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: M. RUSSELL DAVIDSON, FOR THE APPLICANT; APPLICANT: DPC ENGINEERING AND DEVELOPMENT, INC.; LAKE BRYAN BEACH COMMUNICATION TOWER; ITEM 6, DECEMBER 5, 1996; DISTRICT 1 (CONTINUED FROM JANUARY 28, 1996)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by M. Russell Davidson of the recommendation of the Board of Zoning Adjustment, dated December 5, 1996, on a request by DPC Engineering and Development, Inc., Lake

Bryan Beach Communication Tower, for approval of a special exception in Farmland Rural (A-2) zone to erect a monopole communication tower 150 feet in height, continued from the January 28, 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

Zoning Department Manager Melvin Pittman reported that the appellant requested that the public hearing be continued.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board continued the public hearing to consider an appeal by M. Russell Davidson of the recommendation of the Board of Zoning Adjustment, dated December 5, 1996, on a request by DPC Engineering and Development, Inc., Lake Bryan Beach Communication Tower, for approval of a special exception in Farmland Rural (A-2) zone to erect a monopole communication tower 150 feet in height until June 3, 1997, at 2:45 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: CHARLES TRUE, P.E.; EMERALD FOREST PRELIMINARY SUBDIVISION; REDUCE LOT SIZES; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Charles True, P.E., Emerald Forest Preliminary Subdivision, to reduce the size of the lots from 75- to 80-foot lots to 60-foot lots, which would increase the number of lots by 13, pursuant to Orange County Code, Article II, Section 34-27; on property generally located east of Apopka-Vineland Road and south of Big Sand Lake; District 1; Section 10, 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 reported that this item has been withdrawn by the applicant.

Motion

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

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - THE VILLAGES OF RIO PINAR
PRELIMINARY SUBDIVISION, DISTRICT 3 (CONTINUED FROM APRIL 1, 1997)**

By consensus, the Board reopened the public hearing to consider the Village of Rio Pinar Preliminary Subdivision Plan, continued from the April 1, 1997, 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 reviewed the request and the Development Review Committee's recommendation for approval subject to conditions.

Appearances

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

- Mark Evans, Pizzuti Development, Inc.; 255 South Orange Avenue, Suite 1350, Orlando, Florida.
- John Garrett, P.E.; Regional Engineers, Planners & Surveyors, Inc.; 2999 All American Boulevard, Orlando, Florida.

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

- Jim Wazny, 609 Ensenada Drive, Orlando, Florida.

The following person addressed the Board with general comments:

- Carlos Castelleiro, president of the Rio Pinar Homeowners' Association, 767 Mendoza Drive, Orlando, Florida.
- Sharon Lynch, 8857 Curry Ford Road, Orlando, Florida.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the Villages of Rio Pinar Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Villages of Rio Pinar Preliminary Subdivision Plan, dated "Received March 20, 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.
2. Prior to construction plan submittal, a drainage study to establish the 100-year flood elevation needs to be submitted to the County engineer for review and approval.
3. Prior to construction plan approval, documentation with supporting calculations shall be submitted which indicates that existing outfall systems have the capacity to accommodate this project.
4. The existing pump station shall be upgraded as required at the developer's cost.
5. A Conservation Area Impact Permit shall be submitted to the Environmental Protection Department prior to approval of construction plans.
6. Waiver of Orange County Code to allow a gated community is granted subject to conditions of Resolution 96-M-22.
7. Twenty foot (20') fee-simple access shall be provided to all retention ponds.

8. The developer shall ensure that all construction traffic for both subdivisions' infrastructure and home construction shall access the project via Econlockhatchee Trail and/or Oriente Avenue. No construction traffic will be permitted on Ensenada Avenue.
9. Pedestrian/bicycle access is required between Block C and Oriente Avenue/Deerwood School. Location of access will be determined prior to final construction plan approval as approved by County staff.
10. Minimum 2000 square foot living area.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - VISTA COVE PRELIMINARY SUBDIVISION - AFFORDABLE HOUSING, DISTRICT 3 (CONTINUED FROM MARCH 4, 1997, AND APRIL 1, 1997)

By consensus, the Board reopened the public hearing to consider the Vista Cove Preliminary Subdivision Plan, continued from the March 4, 1997 and April 1, 1997, 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 reviewed the request and the Development Review Committee's recommendation for approval subject to the conditions.

Appearances

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

- Carlos Rivera, Cafe Homes, Inc., 1602 Rio Cove Court, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Motion

A motion by Commissioner Johnson, seconded by Commissioner Edwards, with Commissioners Johnson, Edwards, and Butler voting AYE by voice vote; Vice-chairman Hoenstine and Commissioners Freeman and Staley voting NO by voice vote; County Chairman Chapin was absent; to

approve the Vista Cove Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Vista Cove Preliminary Subdivision Plan, dated "Received February 14, 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.
2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states the capacity of the existing drainage system along Dean Road can accommodate the discharge from this site.
3. The minimum lot width shall be 40 feet.
4. There shall be a mandatory homeowners' association.

failed due to a tie vote.

Motion

By consensus, the Board continued the public hearing to consider the Vista Cove Preliminary Subdivision Plan until May 20, 1997, at 2 p.m., for decision only.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ALBERTO AND NELLY REVEIZ, NELLY'S HOUSE OF BEAUTY; Z-96-100, DECEMBER 19, 1996; DISTRICT 4 (CONTINUED FROM FEBRUARY 4, 1997, FEBRUARY 25, 1997, AND APRIL 1, 1997; FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider a request by Alberto and Nelly Reveiz, Nelly's House of Beauty to rezone Single Family Dwelling District (R-1A) to Professional Office District (PO), continued from the February 4 and 25, 1997, and April 1, 1997, Board meetings.

(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, identified the location of the subject property, and explained that the hearing was continued so the applicant can address access issues with the abutting property owners to the east of the property.

Assistant County Attorney Joel Prinsell explained the proposed access agreement.

Appearances

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

Discussion

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

Motion

Upon a motion by Vice-chairman Hoenstine, seconded by Commissioner Edwards, and carried with Vice-chairman Hoenstine and Commissioners Staley, Johnson, and Edwards voting AYE by voice vote; Commissioners Freeman and Butler voting NO by voice vote; County Chairman Chapin was absent; the Board approved the application by Nelly and Alberto Reveiz to rezone their parcel from Single-Family Dwelling District (R-1A) to Professional Office District (PO) subject to the recording of the fully executed voluntary declaration of covenants and restrictions presented by them today, including its exhibits, wherein they declare that they will permit the parking of motor vehicles only in the rear of their parcel, and that, if and when the property located immediately to the east of their parcel is rezoned or developed, they will cooperate with the County and use their best efforts to share access to Hoffner Avenue with the owner of the parcel to the east; and further, remanded the public hearing to the Board of Zoning Adjustment to address access issues.

For the record, County Attorney Tom Wilkes explained that the applicants have no rights now that the zoning has been approved until they either get the cross easements, which effectively would give them the 85-foot width or go back to the Board of Zoning Adjustment and obtain a variance and come back to the Board which may or may not be granted. Mr. Wilkes stated that the Board still has its full discretion to grant the variance.

Commissioner Butler left the meeting.

Commissioner Freeman left the meeting.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: MID-FLORIDA MATERIALS COMPANY; ITEM 6, APRIL 3, 1997; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider an application by Mid-Florida Materials Company, Permit No. 85-F23-2049, for a Construction Demolition Debris Land Fill Permit, on property located at 3950 Golden Gem Road; District 2; Section 23, Township 20, 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

Environment Protection Department Manager Anna Hacha-Long outlined the request, identified the location of the subject property, and explained the staff recommendation of approval with conditions.

Appearances

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

- John Howell, Esquire; Maguire Voorhis & Wells; Two South Orange Avenue, Orlando, Florida, for the applicant.

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman and Butler were absent; the Board approved the application by Mid-Florida Materials Company, Permit No. 85-F23-2049, for a Construction Demolition Debris Land Fill Permit on the above-described property subject to the following conditions:

1. Landfill operations shall conform to the Mid-Florida Materials Construction and Demolition Debris Landfill Permit Application, dated December 1994, and revised February 27, 1997, and to the following conditions of approval. Landfill operations 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 that these laws, ordinances, and regulations are expressly modified by these conditions or by direct or approved action of the Board of County Commissioners.

2. Operations shall be conducted in accordance with the County Solid Waste Ordinance (92-19), the approved application prepared by Roger A. Hill, P.E., dated December 1994 and revised February 27, 1997, and all applicable Florida Department of Environmental Protection regulations.
3. Financial responsibility in the amount of \$912,000 will be provided by a performance bond prior to permit issuance, and the face amount will be updated annually.
4. "Notice of Prior Use as a Landfill" is to be executed and recorded prior to permit issuance.
5. The Groundwater Monitoring Report is to be submitted annually to the Environmental Protection Department.
6. An upgraded topographic survey of the disturbed area is to be submitted annually to the Environmental Protection Department.
7. Scales are to be operational within 60 days after permit issuance. Accurate records of material excavated, debris received (by weight), and debris landfilled must be maintained and reported to the Environmental Protection Department quarterly. Materials recycled must be quantified and reported (by weight) to the Resource Recovery Department monthly. The County reserves the right to inspect off-site recycling operations to confirm reported quantities.
8. The unclosed portion of the landfill shall not exceed ten (10) acres at a time. The cover soil shall be continuously furnished and secured within 1500 feet of the active working face and made available to the County for closure purpose at no cost in accordance with Final Closure agreements.
9. Proposed background monitoring wells MW-4 and MW-5 shall be installed in accordance with the approved permit renewal application referenced above within 90 days of permit issuance.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 30 (PLANNING AND DEVELOPMENT) AND CHAPTER 38, STANDARD INDUSTRIAL CLASSIFICATION (ZONING) - (2ND HEARING)

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

AN ORDINANCE RELATING TO PLANNING, ZONING AND DEVELOPMENT IN ORANGE COUNTY; AMENDING PROVISIONS OF CHAPTER 30 ("PLANNING AND DEVELOPMENT") OF THE ORANGE COUNTY CODE; AMENDING PROVISIONS OF CHAPTER 38 ("ZONING"); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Zoning Department Manager Melvin Pittman reviewed the changes to the proposed ordinance that were made at the April 1, 1997, public hearing.

Chief Planner Rocco Relvini stated that staff is proposing the following changes to the March 6, 1997, draft ordinance:

1. Page 33, line 858: after the word "appearance" add "as defined in Section 38-1."
2. Page 46, line 1378: after the sentence "This ordinance shall become effective pursuant to general law." add "Except as may be expressly provided otherwise by this ordinance, any use existing as of [the date of adoption of this ordinance] shall be subject to the amendments set forth in this ordinance as of the effective date, and shall not be entitled to nonconforming use status."

Mr. Relvini explained the effects of the changes and discussed provisions of the proposed ordinance which grants the County an exemption from its zoning regulations.

Appearances

The following person addressed the Board with general comments:

- Bruce Moncrief, 3910 South John Young Parkway, Orlando, Florida.

As a result of Mr. Moncrief's presentation, staff recommended that paint ball be a permitted use in commercial and industrial zoning districts and allowed as a special exception in residential zoning districts.

No one appeared in favor of or in opposition to the proposed ordinance.

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman and Butler were absent; the Board adopted the proposed ordinance amending Orange County Code, Chapter 30 (Planning and Development) and Chapter 38, Standard Industrial Classification (Zoning) amended as follows:

- Page 33, line 858: after the word "appearance" add "as defined in Section 38-1."
- Page 46, line 1378: after the sentence "This ordinance shall become effective pursuant to general law." add "Except as may be expressly provided otherwise by this ordinance, any use existing as of [the date of adoption of this ordinance] shall be subject to the amendments set forth in this ordinance as of the effective date, and shall not be entitled to nonconforming use status."
- Add paint ball as a permitted use in commercial and industrial zoning districts and allowed as a special exception in residential zoning districts.

(Ordinance 97-05 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

MEETING ADJOURNED

There being no further business, the Vice-chairman adjourned the meeting at 5:05 p.m.

