

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, July 15, 1997. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, and Ted Edwards
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioners Clarence Hoenstine and Mable Butler were absent.

There being a quorum, the County Chairman called the meeting to order at 10:30 a.m.

WORKSESSION - EXPRESSWAY AUTHORITY PRESENTATION RE: ECONOMIC AND MOBILITY IMPACTS OF EXPRESSWAY AUTHORITY**County Chairman's Report**

County Chairman Chapin stated she requested that Orlando-Orange County Expressway Authority Executive Director Dr. Harold Worrall update the Board regarding the positive effects of the expressway system on mobility and the area's economy.

Report

Orlando-Orange County Expressway Authority Executive Director Dr. Harold W. Worrall reviewed the results of a study by the Center for Urban Transportation Research showing that the authority's network of toll highways has saved money for users of the system. Dr. Worrall noted that had the expressway system not been built, remaining roads and streets in the Orlando area would have had to suffice as alternate travel routes, resulting in congestion, reduced speeds, and increased travel time. He commented that these factors would have deterred people from locating homes and businesses in the Orlando area.

Dr. Worrall said the expressway system's improvement of mobility has translated into appreciation of property values and population and job growth within buffer areas surrounding the highways. He also noted that expressway use saves money because less fuel is consumed, pollution is reduced, and fewer traffic accidents occur.

Discussion

The Board discussed the expressway's significant reduction of pollution, the methods for calculating travel time, the link between good transportation planning and growth management, lower costs for acquisition of right-of-way in advance of area development, and the predominant use of Interstate 4 by local traffic. The Board also discussed improvement of surface arterial roads connecting to expressways, a possible Maguire Road turnpike interchange, and the need to complete the western beltway before the Horizons West project can proceed.

FISCAL AND HUMAN RESOURCES - DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates for entering into contract negotiations to provide engineering services for Old Winter Garden Road (S.R. 50 to Apopka-Vineland Road), RFP Y7-820-MK ([Public Works Engineering Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Staley stated that he was present at the June 23, 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 Old Winter Garden Road (S.R. 50 to Apopka Vineland Road), from the following firms listed alphabetically:

- Gee and Jenson, Inc.
- Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.
- Lochrane Engineering, Inc.

Discussion

The Board discussed the cost of design in the project's conceptual phase and the importance of Old Winter Garden Road to the area.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board approved the following short list ranked as follows:

- #1 Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.
- #2 Lochrane Engineering, Inc.
- #3 Gee and Jenson, Inc.

and further, authorized staff to enter into contract negotiations to provide engineering services for Old Winter Garden Road (S.R. 50 to Apopka Vineland Road), RFP Y7-820-MK.

(Contract Y7-820-MK will be on file in the Purchasing and Contracts Department.)

2. Selection of one firm and two ranked alternates for entering into contract negotiations to provide engineering services for North Ocoee Subdivision paving and drainage improvements, RFP Y7-821-MK ([Public Works Engineering Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Staley stated that he was present at the June 23, 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 North Ocoee Subdivision paving and drainage improvements from the following firms listed alphabetically:

- Berryman and Henigar
- International Engineering Consultants, Inc.
- Reynolds, Smith, Hills, Inc.

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board approved the following short list ranked as follows:

- #1 Reynolds, Smith, and Hills, Inc.
- #2 International Engineering Consultants, Inc.
- #3 Berryman and Henigar

and further, authorized staff to enter into contract negotiations to provide engineering services for North Ocoee Subdivision paving and drainage improvements, RFP Y7-821-MK.

(Contract Y7-821-MK will be on file in the Purchasing and Contracts Department.)

3. Approval to award Invitation for Bid Y7-728-CT to the low responsive and responsible bidder, Wharton-Smith, Inc., for Northwest Water Reclamation Facility Rerating Phase II. The

total cost is \$16,672,000 ([Utilities Division] Purchasing and Contracts Department).

Action

By consensus, the Board deleted this item.

PLANNING AND DEVELOPMENT DIVISION - DISCUSSION AGENDA

1. Presentation regarding the Orange County Video Library Series (information only), all districts (Planning Department).

Staff Report

Planning Department Manager David Heath stated that the purpose of this discussion is to provide information to the Board concerning the Video Library Series. Mr. Heath explained that County Chairman Chapin introduced the series to the public at the June 14, 1997, Community Conference, and that County staff has produced this collection of informative videos designed to educate citizens about programs and processes of County government. He noted that the videos will be housed within the County Library System to afford optimum public access.

Mr. Heath presented a video narrated by Planner Bill Pable highlighting some of the services County divisions render to residents such as donation of surplus materials to nonprofit groups, crime prevention seminars, and cooperative extension gardening and parenting classes to implement the County's Citizens First initiative.

Discussion

The Board discussed the creative and innovative use of videos informing citizens about County services and broadcasting the videos on Orange TV.

NONAGENDA - STATUS OF MEDFLY/AERIAL MALATHION SPRAYING

Commissioner's Report

Commissioner Staley stated that a medfly infestation has the potential to greatly damage agriculture.

Administrative Aide to Commissioner Staley Patsy McClure stated that no more medflies have been found in the County within the past few days and outlined the placing of traps in an 81-square-mile area near the site where one medfly was found. Ms. McClure noted

that no malathion spraying is done until two male medflies, larvae, or several female medflies are discovered. She noted that the United States Environmental Protection Agency has changed its spraying protocol from 200 to 300 meters setback from named wetlands. Ms. McClure said if any more medflies are found, only the area immediately around the find will be sprayed once a week for five or six weeks. She reviewed previous efforts and costs of medfly eradication using baited traps.

Discussion

The Board discussed spraying in Hillsborough County, whether malathion damages automobiles, the release of sterile medflies to combat a potential infestation, and how medflies may be transported from one area to another.

COUNTY CONSENT AGENDA

Motion

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

- deleted Fiscal and Human Resources Division Item 5;
- deleted Fiscal and Human Resources Division Item 8, CIP Amendment 79-97;
- deleted Health and Community Services Division Item 1;
- deleted Planning and Development Division Item 5;

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

County Administrator

1. Approval of the Serious Habitual Offender Comprehensive Action Program (SHOCAP) grant award received by the Orange County Sheriff's Office (County Administrator).

County Comptroller

1. Approval of the minutes of the June 24, 1997, and July 1, 1997, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval to revise the minutes of June 3, 1997, at page 283, to reflect the Board's action (as confirmed by review of audio

recording) regarding a Development Review Committee Decision Appeal Public Hearing for JoAnn Abramowitz, Saddlebrook, District 1 as follows:

Motion as Approved

Upon a motion by Commissioner Freeman seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board upheld the decision of the Development Review Committee and denied the request of JoAnn Abramowitz, Saddlebrook, to erect a fence or privacy wall through an easement along Lots 58 and 59.

Revised Motion

Upon a motion by Commissioner Freeman seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board upheld the decision of the Development Review Committee and denied the request by JoAnn Abramowitz, Saddlebrook, to eliminate the requirement of a gate in a fence or privacy wall through an easement along Lots 58 and 59.

(Comptroller Clerk of the Board of County Commissioners)

3. Acknowledge "File for the Record" documents received in the Office of the Comptroller Clerk of the Board of County Commissioners as follows:
 - a. Public Official Bonds and Oaths of Office, dated May 20, 1997, for members of the West Orange Healthcare District Board of Trustees, as follows:
 - Charles E. Spears
 - John M. Cappelman, M.D.
 - David J. Stanford
 - Mary Anne Swickerath
 - Patricia M. Ahrendt
 - b. Notification of receipt of the Orange County Property Appraiser's budget request for fiscal year 1997-98, as provided in Section 195.087, and notification that tentative approval with adjustments will be provided to the Board and Property Appraiser prior to July 15, 1997; from Florida Department of Revenue; dated June 12, 1997.

(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 July 1, 1997, to July 7, 1997; total of \$20,663,841.86.
 - Period from July 8, 1997, to July 14, 1997; total of \$8,005,959.76.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and authorization to record instrument: Crystal Creek (Peppermill West, Tracts F and G), Utility Easement, District 4 (Real Estate Management Department).
2. Approval and authorization to record instruments: Collegiate Village Commercial, Waterline and Utility Easement, and Subordination of Encumbrance, District 5 (Real Estate Management Department).
3. Approval of the City of Orlando's appointment of Thomas Powell to the Orlando-Orange County Airport Zoning Board with a term expiring December 31, 1998, and approval of the appointment of Robert Pleus to the Orlando-Orange County Airport Zoning Board with a term expiring December 31, 1999 (General Services Department/Agenda Development).

Fire Rescue Division

1. Approval and execution of Memorandum of Understanding between Orange County and the Orange County Sheriff's Office providing for distribution of the proceeds of the 911 Emergency Telephone System fees (E 911 Systems).

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

Fiscal and Human Resources Division

1. Ratification of emergency and sole source procurement from Digital Equipment Corporation, to relocate the DEC computer

equipment during the Data Center move for the Division of Information Technologies. The total cost is \$109,932 ([Network Engineering Department] Purchasing and Contracts Department).

2. Approval to award Invitation for Bid Y7-169-RW to the low responsive and responsible bidder, M.D. Moody and Sons, Inc., for a one-year term contract for the rental of a dragline (3 CY Bucket). The total estimated annual cost is \$102,000 ([Solid Waste Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y7-627-HF to the low responsive and responsible bidder, Graebel/Orlando Movers, Inc., to furnish moving services to various county agencies from their present locations to the new courthouse. The total cost is \$223,319.02 ([Facilities Management Department] Purchasing and Contracts Department).
4. Approval of Contract Y7-2067 with the Fort Christmas Historical Society for the rehabilitation of two historic homes and the relocation of additional historic homes to the Fort Christmas Park. The total cost is \$178,000 ([Parks and Recreation Department] Purchasing and Contracts Department).
5. Approval of Contract Y7-2075 with Orlando Regional Healthcare System for patient services and forensic physical examinations. The total cost is \$140,000 plus 80 percent of itemized charges ([Medical Examiner/EMS Department] Purchasing and Contracts Department).

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

6. Approval of Contract Y7-2076 with the State of Florida Department of Children and Families for juvenile drug court outpatient services. The total cost is \$125,000 ([Health and Community Services Division] Purchasing and Contracts Department).
7. Approval of Budget Transfers 97-536 through 97-538 (Office of Management and Budget).

(Budget Transfers 97-536 through 97-538 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

8. Approval of CIP Amendments 79-97 and 82-97 through 85-97 (Office of Management and Budget).

(CIP Amendments 82-97 through 85-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

(As stated in the above motion, CIP Amendment 79-97 was deleted from the agenda.)

9. Approval of payment of intergovernmental claims for June 19, 1997, and June 26, 1997, totaling \$479,883.04 (Risk Management Department).
10. Receipt and filing of the June 12, 1997, and June 19, 1997, minutes of the Intergovernmental Risk Management Committee meetings (Risk Management Department).

Health and Community Services Division

1. Approval and execution of Certificate of Public Convenience and Necessity for Columbia Park Hospital/Florida Regional EMS to provide intra-facility advanced life support transport. Term of the certificate is July 15, 1997, through July 15, 1999, Districts 2, 3, 4, 5, and 6 (Emergency Medical Services Department).

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

2. Approval and execution of Low Income Home Energy Assistance Program (LIHEAP) Modification of Agreement No. 1 between the Florida Department of Community Affairs and Orange County, Florida. The modification allows the County to receive additional funds in the amount of \$153,748 which will increase the total LIHEAP budget from \$487,545 to \$641,293. There is no cost to the County. Term of the agreement is April 1, 1997, to March 31, 1998, 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 fiscal year 1997-98 Community Services Block Grant Agreement and Resolution with Florida

Department of Community Affairs in an amount not to exceed \$530,872. This is a cost-reimbursement agreement and funds will be used to provide social service programs, client transportation, employability skills training, counseling, case management, and other support services to low-income families in Orange and Osceola Counties. Term of the agreement is October 1, 1997, through September 30, 1998, all districts (Community Affairs Department).

(Agreement and Resolution 97-M-27 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval and execution of deeds of conservation easements and recording costs not to exceed \$60 for Barber Park and Split Oak Mitigation Park. Conservation easements are required for permits issued for Barber Park Phase I and C.R. 535 project, District 4 (Parks and Recreation Department).

Planning and Development Division

1. Approval and execution of a road impact fee agreement regarding alternative traffic study between Tipton Associates, Incorporated (for Texaco Xpress Lube) and Orange County, District 1 (Building Department).

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

2. Approval and execution of a road impact fee agreement regarding alternative traffic study between Gladys Torres (for Pyramid Auto Paint and Body) and Orange County, District 3 (Building Department).

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

3. Approval and execution of a road impact fee agreement regarding alternative traffic study between Houlihan's Restaurant and Orange County, District 6 (Building Department).

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

4. Approval and execution of a road impact fee agreement regarding alternative traffic study between Darden Corporation

(for Bahama Breeze Restaurant) and Orange County, District 6 (Building Department).

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

5. Approval and execution of the agreement between Orange County and American Earthworm Company, Inc., pertaining to vermicomposting of domestic wastewater sludge, Districts 1 and 2 (Environmental Protection Department).

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

6. Receipt and filing of the Lake Jessamine Water Advisory Board minutes, April 17, 1997, and May 22, 1997, District 4 (Environmental Protection Department).
7. Receipt and filing of the Lake Killarney Advisory Board minutes, May 29, 1997, District 5 (Environmental Protection Department).
8. Receipt and filing of the Windermere Water and Navigation Control District Advisory Board minutes, April 18, 1997, District 1 (Environmental Protection Department).
9. Approval and execution of a One Year Action Plan for Housing and Community Development Programs for FY 1997-98, all districts (Housing and Community Development Department).

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

Public Works Division

1. Approval to adopt a resolution to vacate a portion of the plat of Munger Land Company, District 1 (Development Engineering Department).

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

2. Approval to renew Excavation/Fill Permit 80-EF3-220, District 1 (Development Engineering Department).

3.

- Approval to establish a "No Parking" zone on the east side of Clarcona Road beginning from the south right-of-way line of Keene Road and extending 1,400 feet south, District 2 (Traffic Engineering Department).
4. Approval of "Stop" and "Yield" sign installations in the Lake Steer Pointe Subdivision, District 1 (Traffic Engineering Department).
 5. Approval of "Stop" and "Yield" sign installations in the Southchase Phase 1B, Village 12A Subdivision, District 4 (Traffic Engineering Department).
 6. Approval of "Stop" and "Yield" sign installations in the Southchase Phase 1B, Village 11B Subdivision, District 4 (Traffic Engineering Department).
 7. Approval of "Stop" and "Yield" sign installations in the Waterford Chase Village Tract A, Phase I Subdivision, District 4 (Traffic Engineering Department).
 8. Approval of "Stop" and "Yield" sign installations in the Econ River Estates Subdivision, District 5 (Traffic Engineering Department).
 9. Approval of "Stop" sign installation in the Greenpointe Subdivision, District 4 (Traffic Engineering Department).
 10. Approval of "Yield" sign installations in the Sherwood Phase Two Subdivision, District 4 (Traffic Engineering Department).

Utilities Division

1. Approval of Change Order No. 1 (Final) to Contract No. Y6-728-CT with Masci Construction, Inc., for the Veradale, Lake Margaret Terrace, and Roberta Place Phase II water distribution system improvements, in the increased amount of \$96,482.40. This increases the original contract amount from \$461,052.00 to \$556,534.40, District 4 (Utilities Engineering Department).

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers

on the First Floor, Orange County Administration Center. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, and Ted Edwards
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioners Clarence Hoenstine and Mable Butler were absent. County Comptroller Martha Haynie joined the meeting where indicated.

The Board paused for an invocation by the Reverend Willie C. Barnes, pastor of the Macedonia Missionary Baptist Church, followed by the Pledge of Allegiance to the Flag.

Presentation of Service Awards

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

- Newton L. Holtzclaw of the Administrative Support Division Facilities Management Department for 20 years of service.
- Ella J. Gilmore of the Health and Community Services Division for 30 years of service.
- Donald L. Ferguson of the Health and Community Services Division Arthropod Control Department for 20 years of service.
- Edward G. Eubanks and Robert P. Bedwell of the Planning and Development Division Building Department for 20 years of service.
- John W. Parker of the Public Works Division Roads and Drainage Department for 25 years of service.
- James E. Lashley of the Public Works Division Roads and Drainage Department for 30 years of service.
- Donald A. Freelove of the Utilities Division Wastewater Pumping Department for 20 years of service.

JULY 3, 1997, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board accepted the recommendations of the Orange County Board of Zoning

Adjustment under date of July 3, 1997; subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of July 3, 1997, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: GEORGE M. MCBEE; PETITION TO VACATE 97-03, PORTION OF TWO (2) DRAINAGE EASEMENTS; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by George M. McBee, Petition to Vacate 97-03, to vacate a portion of two (2) drainage easements; on property generally located at the northeast corner of the Silver Star Road and Powers Drive intersection; District 2; Section 13, Township 22, Range 28; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board adopted a resolution granting Petition to Vacate 97-03 vacating a portion of two (2) drainage easements on the above-described property.

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

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTION 21-231; RIGHT-OF-WAY UTILIZATION PERMITS FOR INSTALLATION OF POLES AND ACCOMPANYING OVERHEAD LINES WITHIN COUNTY RIGHT-OF-WAY

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

AN ORDINANCE AMENDING SECTION 21-231 OF THE ORANGE COUNTY CODE, A PROVISION OF THE ORANGE COUNTY RIGHT-OF-WAY UTILIZATION REGULATIONS ENTITLED "LOCATION STANDARDS," RELATING TO THE PLACEMENT OF POLES AND ACCOMPANYING OVERHEAD LINES ALONG AND ACROSS ORANGE COUNTY RIGHTS-OF-WAY AND ROADS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Joel Prinsell reviewed the proposed ordinance and outlined its provisions. Mr. Prinsell further outlined recommended changes to the proposed ordinance as follows:

- Page 2, Section 1(c), Line 64, delete "new" before "set of poles..."
- Page 2, Section 2(c), Line 72, add "roadway" before "construction..."

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board adopted the proposed ordinance amending Orange County Code, Section 21-231; right-of-way utilization permits for installation of poles and accompanying overhead lines within County right-of-way; including revisions outlined by staff as follows:

- Page 2, Section 1(c), Line 64, delete "new" before "set of poles..."
- Page 2, Section 2(c), Line 72, add "roadway" before "construction..."

(Ordinance 97-12 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

CONSERVATION AREA IMPACT PUBLIC HEARING - APPLICANT: BILL FRITZE, ORANGEWOOD COVE, OUT-OF-COUNTY MITIGATION; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bill Fritze, Orangewood Cove, for the approval of out-of-County mitigation for conservation area impacts as required by Orange County Comprehensive Policy Plan, Conservation Element, Policy 1.4.6, on property generally located approximately one-quarter mile south of Central Florida Parkway, on the east side of International Drive; District 1; Section 18, 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

Senior Planner Paul Sebert outlined the request; identified the subject property; and further, noted that staff recommends approval of the request.

Appearances

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

- Bill Fritze, the applicant; Henderson and Bodwell Consulting Engineers (no address given).

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board approved the request by Bill Fritze, Orangewood Cove, for

out-of-County mitigation for conservation area impacts as required by Orange County Comprehensive Policy Plan, Conservation Element, Policy 1.4.6, on the above-described property; subject to receipt of the South Florida Water Management District Permit.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: BILL BECKETT, WORLD GATEWAY (GREENE PROPERTY) PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT (PD/LUP/DRI); AMEND LUP; NONSUBSTANTIAL DEVIATION TO DRI; THIRD RESTATED DEVELOPMENT ORDER; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Bill Beckett, World Gateway Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI), to amend the LUP as follows:

1. Update the plan of development to reflect parcel line and road alignments which have changed. Surveys have refined previous boundaries slightly and a portion of the southwest corner of the site has been removed to accommodate the proposed interchange at I-4 and Osceola Parkway (acreage goes from 865 to 839).
2. Clarify that wetland conservation areas will be dedicated as tracts, but the wetland upland will be encumbered by conservation easements that will be part of individual development lots.
3. Revise the master plan to reflect that the 5.1-acre wildlife corridor has been moved south as part of a larger upland preservation area and that the same connection is provided.
4. Allow for off-site mitigation of wetland impacts outside of the Bonnet, Reedy, or Shingle Creek Basins so that the off-site mitigation site may be utilized;

and further, consider a Nonsubstantial Deviation to the DRI and the Third Restated Development Order; pursuant to Orange County Code, Chapter 30, Section 38-1207; on property generally located east of I-4, west of S. R. 535 and north of the Orange-Osceola County line; District 1; Sections 32, 33, 34, and 35; 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 stated that the applicant has requested a continuance because he is out of the country.

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board continued the public hearing to consider the substantial change request by Bill Beckett, World Gateway Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI), to amend the LUP as follows:

1. Update the plan of development to reflect parcel line and road alignments which have changed. Surveys have refined previous boundaries slightly and a portion of the southwest corner of the site has been removed to accommodate the proposed interchange at I-4 and Osceola Parkway (acreage goes from 865 to 839).
2. Clarify that wetland conservation areas will be dedicated as tracts, but the wetland upland will be encumbered by conservation easements that will be part of individual development lots.
3. Revise the master plan to reflect that the 5.1-acre wildlife corridor has been moved south as part of a larger upland preservation area and that the same connection is provided.
4. Allow for off-site mitigation of wetland impacts outside of the Bonnet, Reedy, or Shingle Creek Basins so that the off-site mitigation site may be utilized;

and further, consider a Nonsubstantial Deviation to the DRI and the Third Restated Development Order; until August 19, 1997, at 2 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HOLDEN COVE PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Holden 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 north of Holden Avenue and east of Orange Blossom Trail; District 4; Section 11, Township 23, Range 29; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath stated that area residents, the Lake Holden Advisory Board, and numerous homeowners' associations along Holden Avenue have voiced concerns. Mr. Heath said that the project has become controversial and recommended that the public hearing be continued until Commissioner Hoenstine can be present.

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

Discussion

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

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board continued the public hearing to consider the Holden Cove Preliminary Subdivision Plan until August 19, 1997, at 2 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: HAL KANTOR, ESQUIRE; BELMERE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP, DISTRICT 1 (CONTINUED FROM JUNE 17, 1997, FOR DECISION ONLY)

By consensus, the Board reopened the public hearing to consider a substantial change request by Hal Kantor, Esquire, Belmere Planned Development, to amend the LUP to change the language under "Approved Number of Units" to read as follows:

1,074 total units subject to a maximum of 366 single-family units for Parcels A-F and 708 units for Parcels G and H and subject to a maximum of 300 multi-family units at a density not to exceed 15 units per acre and a maximum of 130 Assisted Community Living Facility (ACLF) units within Parcel H. Any number of the 366 allowed single-family units within Parcels A-F can be transferred to Parcel H. Any number of the allowed 300 multi-family units and 130 ACLF units may be converted and transferred to Parcel G based on a conversion ratio of one multi-family unit per single-family unit and 7 ACLF units per single family unit. Each of the foregoing transfers are subject to the aforementioned maximums, . . .

pursuant to Orange County Code, Chapter 30, Section 38-1207; on property generally located south of Roberson Road, west of Maguire Road and east of Windermere Road; District 1; Sections 6 and 31, Townships 22 and 23, Range 28; Orange County, Florida; continued from the June 17, 1997, Board meeting.

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

County Chairman's Report

County Chairman Chapin stated that she has informed members of the public wishing to appear at the hearing that it would be continued because of Commissioner Freeman's originally anticipated absence. In fairness to them, she requested that the public hearing be continued.

Appearances

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

Discussion

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

Motion

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board continued the public hearing to consider the request by Hal Kantor, Esquire, Belmere Planned Development, to amend the LUP to change the language under "Approved Number of Units" to read as follows:

1,074 total units subject to a maximum of 366 single-family units for Parcels A-F and 708 units for Parcels G and H and subject to

a maximum of 300 multi-family units at a density not to exceed 15 units per acre and a maximum of 130 Assisted Community Living Facility (ACLF) units within Parcel H. Any number of the 366 allowed single-family units within Parcels A-F can be transferred to Parcel H. Any number of the allowed 300 multi-family units and 130 ACLK units may be converted and transferred to Parcel G based on a conversion ratio of one multi-family unit per single-family unit and 7 ACLK units per single family unit. Each of the foregoing transfers are subject to the aforementioned maximums, . . .

until July 22, 1997, at 2:45 p.m., for decision only.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: DAVID W. ROSEMAN.
APPLICANTS: JERRY AND VIRGINIA KELLEY; ITEM 7, JUNE 5, 1997; DISTRICT 2

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by David W. Roseman of the recommendation of the Board of Zoning Adjustment, dated June 5, 1997, on a request by Jerry and Virginia Kelley for approval of a special exception in Agricultural District (A-1) zone for a private exotic animal shelter to include the keeping and breeding of animals, such as but not limited to, tigers, lions, cougars, and jaguars (maximum of 20 adult cats and their offspring), on property generally located on the south side of Cemetery Road, one-quarter mile west of North Round Lake Road; District 2; Section 15, 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.)

Legal Counsel

County Attorney Tom Wilkes stated that there is a question whether the Board or the Florida Game and Freshwater Fish Commission has jurisdiction in this matter. Mr. Wilkes noted that the commission is a state constitutionally created agency with jurisdiction superior to any city or county. He requested an opportunity for staff to research the jurisdictional issue.

Staff Report

Zoning Department Manager Melvin Pittman outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended approval of the request subject to conditions, but that staff recommends denial.

Appearances

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

- Sue and Jerry Kelley, the applicants; 4950 North Lake Road, Apopka, Florida.
- Yvonne Finzer, board member, Florida Game and Freshwater Fish Commission (no address given).
- Andrea Miller, volunteer worker for the Kelleys (no address given).
- Martha Smith, Kelly Park Road, Apopka, Florida.
- Terry Barton, biology teacher (no address given).
- Tom Mack, 5005 Sadler Road, Zellwood, Florida.
- Karen Wolford, 5560 Round Lake Road, Zellwood, Florida.
- Gloria Rice, area resident (no address given).
- Dorothy Glaze, area resident (no address given).
- Vicki Ferguson, 5564 Round Lake Road, Zellwood, Florida.
- Max Hayman, area resident (no address given).
- Judy Thorsen, area resident (no address given).

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

- David Roseman, the appellant (no address given).
- Gary Miller, president, Northwest Orange County Improvement Association (no address given).
- David Montgomery, resident, Valley Mobile Home Park (no address given).
- Charles Joseph Ayres (no address given).
- William Dunne, Sr., area resident (no address given).

Mary Cole, owner, Valley Mobile Home Park (no address given).

The following person addressed the Board with general comments:

- Lieutenant Tom Quinn, Florida Game and Freshwater Fish Commission (no address given).

Discussion

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

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioners Hoenstine and Butler were absent; the Board continued the public hearing to consider an appeal by David W. Roseman of the recommendation the Orange County Board of Zoning Adjustment, dated June 5, 1997, on a request by Jerry and Virginia Kelley for approval of a special exception in Agricultural District (A-1) zone for a private exotic animal shelter to include the keeping and breeding of animals, such as but not limited to, tigers, lions, cougars, and jaguars (maximum of 20 adult cats and their offspring); until August 19, 1997, at 3:30 p.m., for decision only.

County Comptroller Martha Haynie joined the meeting.

COUNTY ADMINISTRATOR - DISCUSSION AGENDA

1. Sales tax.

County Attorney's Report

County Attorney Tom Wilkes reviewed the six documents underlying the proposed sales surtax as follows:

a. Sales Surtax Ordinance

- levies the tax, distributes the proceeds per the interlocal agreement restrictions, takes effect upon voter approval, and sunsets on a date which cannot be extended;

b. Oversight Board Ordinance

- creates citizens' board to investigate, audit, report, and impose sanctions concerning all uses of

the sales surtax, all projects, and compliance by all agencies; no elected officials or public employees may serve;

c. Project Resolution

- a covenant with voters to fund only the projects contained in the resolution; restrictive procedures required for changing any listed project; no "lottery games" may be played;

d. Interlocal Agreement

- the parties are the County, School Board, and the City of Orlando; specifies the method of distribution, apportionment, restrictions on spending of proceeds; provides for audits, sanctions, and reporting requirements;

e. Accountability Agreements for Cities (Exhibit A)

- the parties are cities other than Orlando; contains the same restrictions, reporting requirements, audits, and sanctions as the Interlocal Agreement cited above;

f. Accountability Agreements for the Florida Department of Transportation, the Orlando-Orange County Expressway Authority, and Lynx (Exhibit B)

- contains the same restrictions, reporting requirements, audits, and sanctions as the Interlocal Agreement cited above.

Mr. Wilkes highlighted the safeguards within the documents implementing the sales surtax: the expiration date for the tax cannot be extended; the money is to be spent for listed projects only, not salaries or overhead; the projects cannot easily be changed; and, the County Comptroller and oversight board will act as independent "watchdogs." He also outlined the schedule for approval, execution, and effective dates of the documents; appointments to the oversight board; the start of tax collection, if approved by the voters, and the sunset of the ordinance.

Discussion

The Board discussed repeal of the tourist development tax when a seventh-cent sales surtax is imposed, early payment of Orlando Arena/Citrus Bowl bonds because of unanticipated excess revenues from the fifth cent, repeal of the sales surtax ordinance before its sunset date if more money is collected than projected, and how many projects can be accomplished in six- and ten-year periods.

The Board also discussed the source of funding for the County Comptroller's administration of the sales surtax; the ability of municipalities, state agencies, and the School Board to issue bonds against anticipated surtax revenue; School Board and County project lists; the right of the voters to decide on imposition of the sales surtax; and the timing for distribution of surtax proceeds.

The Board discussed the Blue Ribbon Commission's citing of transportation as a top priority, meeting of entities' most critical needs, and funds used to provide information to citizens about the proposed tax. The Board also discussed the costs and timing of a mail ballot referendum and inspection of ballot signatures; the cost of new school construction and improvement of school facilities management; the timing and funding for light rail and the western beltway; and parks and road improvements for the northeast County area.

In response to a question from Commissioner Johnson regarding additional administrative staff, County Comptroller Martha Haynie stated that her office may need five additional staff members.

Supervisor of Elections Bill Cowles stated that his office estimates the cost of a mail ballot at \$250,000 compared to \$551,000 for a traditional referendum conducted at polling places. He explained the use of postal cards for correcting mailing list addresses prior to sending the actual ballot, absentee ballots, the possible use of public library sites for ballot returns, reissuance of undeliverable ballots, and mechanisms for combating fraud.

Superintendent of Schools Dr. Dennis Smith stated every item on the schools' project list is being strenuously reviewed to determine top funding priorities, that he is proposing a commission to review significant building project bids and

specifications for all capital project expenditures. Dr. Smith urged the Board to support the sales surtax referendum because of the needs of the County's school children.

Action

By consensus, the Board directed staff to schedule a public hearing on August 5, 1997, to consider a one-cent sales surtax ordinance and an ordinance establishing a citizens' sales surtax oversight board.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:20 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator