

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, August 5, 1997. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Clarence Hoenstine, Ted Edwards, and Mable Butler
- County Administrator Jean Bennett
- Deputy County Attorney John Gehrig
- Chief Deputy Comptroller as Clerk Jim Moye
- Assistant Deputy Clerk Tom Stark

Commissioner Mary Johnson joined the meeting where indicated.

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

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

1. Consideration of the Membership and Mission Review Board recommendations for appointments/reappointments to the following advisory boards (General Services Department/Agenda Development).

Staff Report

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

Affordable Housing Advisory Committee

**Motion**

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Eric F. Kovar to replace Paul Mashburn and reappointed Judith Kovich to the Affordable Housing Advisory Board for terms expiring June 30, 1999.

Animal Services Advisory Board

Staff Report

Mr. Kha Le-Huu stated that the MMRB has deferred the request to appoint Dr. Valerie Yicius to replace Dr. Mark E. Perreault on the Animal Services Advisory Board to a later date.

Bikeways Advisory Board

Mr. Kha Le-Huu stated that the MMRB is not requesting the reappointment of Bruce Martin to the Bikeways Advisory Board at this time.

**Motion**

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

- appointed Deputy Debra Clouchete to succeed Corporal Charles F. Wolfe for a term expiring June 30, 1998;
- reappointed Thomas Peterson to the Bikeways Advisory Board for a term expiring June 30, 1998;
- reappointed Pamela Sue Oliver and Michael Wilson for terms expiring June 30, 1999

to the Bikeways Advisory Board.

Community Action Board

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Bert Carrier to succeed Bill Spoons and reappointed Robert Sindler and Ernest Page to the Community Action Board for terms expiring December 31, 1999; and further, deferred the reappointment of Anthony Grant for consideration at a later date.

Enterprise Zone Development Agency

**Motion**

**Upon a motion by Commissioner Hoenstine, seconded by County  
Chairman Chapin, and carried with all present members voting**

AYE by voice vote; Commissioner Johnson was absent; the Board appointed Cheryl Belfay to succeed Thomas Kornegay on the Enterprise Zone Development Agency for a term expiring December 31, 2000.

Environmental Protection Commission

**Action**

By consensus, the Board deferred consideration of the request to appoint Joe McKinney, Renee Thomas, Miguel Pineiro, Kay Yeuell, Phillip Arthur, David Hayed, and Thomas K. Maurer to the Environmental Protection Commission until a later date; and further, directed the Membership Mission and Review Board to reevaluate the applicants to ensure a balanced representation on the Board.

Road Construction Advisory Board

**Motion**

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed Edward Holmes to succeed Charles True and reappointed Patrick Aliu to the Road Construction Advisory Board for terms expiring June 30, 1998.

**NONAGENDA - MEMBERSHIP MISSION AND REVIEW BOARD RECOMMENDATIONS**

County Chairman Chapin directed staff to display a phone number on the overhead screen during presentation of the Membership and Mission Review Board (MMRB) recommendations to provide the viewing audience with a contact number for obtaining information on MMRB advisory board appointment applications.

County Chairman Chapin also directed staff to discontinue including backup MMRB Recommendation documentation in the notebook provided to the Commissioners to eliminate duplication of information received by the Commissioners in a separate booklet.

**COUNTY ADMINISTRATOR DISCUSSION AGENDA**

- 1a. Approval of the Contribution Agreement between Orange County and Wayne Densch Center for the Homeless, Inc.; approval for

the County Chairman to execute deed of Conveyance to Densch Center in a form acceptable to the Real Estate Management Department.

- b. Approval of budget transfer in the amount of \$123,304 providing telephone commission revenue for operating expenses for FY 1997 as agreed to by the Board on August 27, 1996.
- c. Approval of budget amendment in the amount of \$360,000 authorizing expenditure of a State Legislative appropriation for the project.
- d. Approval of State Alcohol Drug Abuse and Mental Health Office's (ADM) recommended allocation of 1997 equity funds for Adult Mental Health and Substance Abuse (Densch Project) and Children's Mental Health and Substance Abuse to ADM's identified District 7 priorities.

#### Staff Report

County Administrator Jean Bennett identified the community partners who will be joining with the County in the creation of the Wayne Densch Center for the Homeless, Inc. Ms. Bennett stated that this presentation will review equity issues and offer recommendations for distribution of equity funds; present a program summary and update since Board approval on August 27, 1996; review the County's contribution to the project; and critique the preliminary project construction schedule.

#### **Commissioner Johnson joined the meeting.**

Glen Castle, program supervisor of the Alcohol, Drug Abuse, and Mental Health (ADM) District 7 Office, addressed the Board and reviewed the funding inequities for District 7 and noted that ADM funding is exempt from requests for proposals at the State level.

Mr. Castle explained that ADM assists the County in identifying needs through advice and oversight from the Health and Human Services Board, collaborative efforts with community partners, and formal recommendations from each of the county commissions represented in District 7. He also reviewed the ADM's district priority needs for enhancing the services provided.

Ms. Bennett reviewed the identified needs of the County as determined by the Community Mental Health Task Force and stated that the proposal for the Wayne Densch Center for the Homeless, Inc., was created in response to those identified needs.

Ms. Bennett also reviewed the project and noted that the accomplishments since August 1996 include appointment of the board of directors, receipt of a grant, approval of the Alpha House Project, funding approval for fiscal year 1997-98, and appointment of the executive director. She added that ground breaking for the project will occur on September 10, 1997.

Assistant to the County Administrator Robert Spivey reviewed key features of the project budget and stated that the budget includes in-kind contributions, telephone commission revenues, and optional funding sources and strategies. Mr. Spivey also reviewed the project construction schedule.

John Williams, vice-chairman of the Wayne Densch Center for the Homeless, Inc., addressed the Board and discussed the qualifications of members of the board of directors, the executive director, and the fundraising assistant.

Ms. Bennett concluded the presentation with a review of how the community and citizens will benefit from this Center.

#### Discussion

The Board discussed the overall cost of the project, in-kind contributions, fundraising efforts, State grants, the County's capped contribution, and treatment and cost of incarcerating mentally ill patients.

The Board further discussed operation and maintenance expenses, the City of Orlando's funding contribution, telephone commission funds, benefits for law enforcement, short-fall concerns, and limitations of admission to the Center to Orange County citizens only.

The Board further discussed the County's statutory responsibility for social services, the continuum process of the Center, the responsibility of each city within the County to share in the cost of the Center, and policies and operational procedures of Center.



Legal Counsel

In response to a question by Commissioner Butler regarding the Board's ability to approve the entire request in one motion, Deputy County Attorney John Gehrig stated that only one motion is necessary provided that no commissioner wishes to vote against any one part of the request.

**Motion**

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

- approved the Contribution Agreement between Orange County and Wayne Densch Center for the Homeless, Inc.; and further, authorized the County Chairman to execute the Deed of Conveyance to Densch Center in a form acceptable to the Real Estate Management Department;
- approved Budget Transfer 97-608 in the amount of \$123,304 providing telephone commission revenue for operating expenses for fiscal year 1997 as agreed to by the Board on August 27, 1996;
- approved Budget Amendment 97-60 in the amount of \$360,000 authorizing expenditure of a State Legislative appropriation for the project;
- approved the State Alcohol Drug Abuse and Mental Health Office's (ADM) recommended allocation of 1997 equity funds for Adult Mental Health and Substance Abuse (Densch Project) and Children's Mental Health and Substance Abuse to ADM's identified District 7 priorities.

**FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA**

1. Selection of one firm and two alternates to provide engineering services for Taft-Vineland Road (Orange Blossom Trail to Orange Avenue), RFP Y7-823-MK ([Public Works Engineering Department] Purchasing and Contracts Department).

County Chairman's Report

County Chairman Chapin reviewed the July 21, 1997, Procurement Review Committee's recommendation on the selection of one firm

and two alternates for engineering services for Taft-Vineland Road (Orange Blossom Trail to Orange Avenue) from the following firms listed alphabetically:

- H.W. Lochner, Inc.
- Lochrane Engineering, Inc.
- Wilbur Smith Associates

**Motion**

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the following short list ranked as follows:

- #1 H. W. Lochner, Inc.
- #2 Lochrane Engineering, Inc.
- #3 Wilbur Smith Associates

and further, authorized staff to enter into contract negotiations for engineering services for Taft-Vineland Road (Orange Blossom Trail to Orange Avenue), RFP Y7-823-MK.

2. Selection of one firm and two alternates to provide tennis management services at both Lake Cane/Marsha Park and Fort Gatlin Recreation Center, RFP Y7-162-JS ([Parks and Recreation Department] Purchasing and Contracts Department).

County Chairman's Report

County Chairman Chapin reviewed the July 22, 1997, Procurement Review Committee's recommendation on the selection of one firm and two alternates to provide tennis management services at both Lake Cane/Marsha Park and Fort Gatlin Recreational Center from the following firms listed alphabetically:

- Amre Sammakia Tennis Academy
- Doug Yuen Tennis, Inc.
- M.G. Tennis Shop, Inc.

**Motion**

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the following short list ranked as follows:

- #1 M.G. Tennis Shop, Inc.
- #2 Amre Sammakia Tennis Academy
- #3 Doug Yuen Tennis, Inc.

and futher, authorized staff to enter into contract negotiations to provide tennis management services at both Lake Cane/Marsha Park and Fort Gatlin Recreational Center, RFP Y7-162-JS.

#### COUNTY CONSENT AGENDA

##### Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board:

- deleted County Attorney Item 2;
- deleted Administrative Support Division Item 3;
- deleted Fiscal and Human Resources Division Item 3;
- deferred Budget Amendment 97-82 from Fiscal and Human Resources Division Item 7 for discussion (see pages 555 and 556 for subsequent approval);
- deferred Planning and Development Division Item 3 for discussion (see pages 555 and 556 for subsequent approval);

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

##### County Attorney

1. Approval of a Joint Motion for Stipulated Final Judgment in the condemnation action styled Orange County, Florida v. Feil, et al., Case No. CI94-469, Parcel 104, involving the West Orange Trail, allowing the owner, Louis Feil, access over the trail upon submittal of development plans to and approval by Orange County (County Attorney).
2. Approval of Stipulated Final Judgment, Quit Claim Deed, and Reservation of Easement in the amount of \$650,000; Orange County v. Tarmac Florida, Inc., et al., Case No. 95-5907, Parcels 110A, 110B, 110C, 110D, 710, 810, and 910 (County Attorney).

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



**County Comptroller**

1. Approval of the disposition of tangible personal property by public auction (Property Accounting Department).
2. Approval of the minutes of the July 22, 1997, meeting of the Board of County Commissioners (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. Florida Public Service Commission Case Assignment and Scheduling Records re: Resolution by the Orange County Board of County Commissioners for extended service area between the Mount Dora exchange and the Apopka, Orlando, Winter Garden, Winter Park, East Orange, Reedy Creek, Windermere, and Lake Buena Vista exchanges; dated July 11, 1997.
  - b. Notification of tentative adjustments to and approval of the fiscal year 1997-98 operating budget for the Orange County Property Appraiser as provided in Section 195.087, F.S., and notification that final amendments or changes will be provided by August 15, 1997, including direction to deliver any additional information for review in advance of that date from Florida Department of Revenue; dated July 10, 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 22, 1997, to July 28, 1997; total of \$18,937,235.53.

**Administrative Support Division**

1. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Christmas

Park paving and drainage improvements (Antler, Celestial, and Luke Streets), Resolution, District 5 (Real Estate Management Department).

2. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Haas Road paving and drainage improvements (Plymouth-Sorrento Road to Mt. Plymouth Road), Resolution, District 2 (Real Estate Management Department).
3. Approval and execution by County Chairman of conservation easement and right of entry in connection with the donation of environmentally sensitive land for mitigation purposes and authorization to record instruments: AAL Transmission/S.R. 50, Warranty Deed, Conservation Easement, and Right of Entry, District 4 (Real Estate Management Department).

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

4. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$30: Clear Lake Retrofit, Warranty Deed, Parcel 102, District 6 (Real Estate Management Department).
5. Confirmation of the appointment of Walter R. Prince as a private sector representative on the Community Action Board. The term will expire three years from date of appointment (General Services Department/Agenda Development).

#### **Fiscal and Human Resources Division**

1. Approval to enter into a contract with Professional Engineering Consultants to provide engineering services for Lake Sherwood drainage basin study drainwell evaluation. The total cost is \$157,042 ([Stormwater Management Department] Purchasing and Contracts Department).  
  
(Contract is on file in the Purchasing and Contracts Department.)
2. Approval of Amendment 7 to Contract Y3-809 with Singhofen & Associates for engineering services for Bonneville Drive master drainage study. Cost of the amendment is \$39,559. New

contract total to date is \$285,909.55 ([Stormwater Management Department] Purchasing and Contracts Department).

3. Approval of Amendment 2 to Task Authorization 38, Contract Y2-902 with Boyle Engineering, Continuing Engineering Services for Water and Wastewater Projects, for design services for the Butler Bay Drive water main extension. Cost of the amendment is \$117,959. New contract total to date is \$234,999 ([Utilities Engineering Department] Purchasing and Contracts Department).

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

4. Approval to amend Contract Y5-817 with Government Systems Group (GSG), for continued maintenance of the utility and billing system for the Stormwater Management Department. Cost of the amendment is \$70,395. New contract total to date is \$597,752 ([Stormwater Management Department] Purchasing and Contracts Department).
5. Confirmation of the County Chairman's staff reappointments for August 1997:
  - James Show, Manager, Development Engineering Department, Public Works Division
  - David Heath, Manager, Planning Department, Planning and Development Division
  - Donnell Bjoring, Manager, Community Corrections Department, Corrections Division
  - Scott Bradstreet, Manager, Corrections Facility Department, Corrections Division
  - Linda Haller, Manager, Animal Services Department, Planning and Development Division
  - Janice Addison, Business Manager, Business Office, Convention Center

(Human Resources Department).

6. Approval of Budget Transfer 97-590 (OMB).

(Budget Transfer 97-590 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval of Budget Amendments 97-82 through 97-85 (OMB).

(As stated in the above motion, Budget Amendment 97-82 was deferred for discussion, see pages 555 and 556 for subsequent approval.)

(Budget

8. Approval of CIP Amendment 90-97 (OMB).  
(CIP Amendment 90-97 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
9. Approval of payment of Intergovernmental claims for July 17, 1997, totaling \$126,328.77 (Risk Management Department).
10. Receipt and filing of the July 10, 1997, minutes of the Intergovernmental Risk Management Committee meeting (Risk Management Department).

**Planning and Development Division**

1. Receipt and filing of the Lake Holden Water Advisory Board minutes of June 24, 1997, District 4 (Environmental Protection Department).
2. Receipt and filing of the Windermere Water and Navigation Control District Advisory Board minutes of May 19, 1997, District 1 (Environmental Protection Department).
3. Approval and execution of an agreement between the City of Winter Park and the County which specifies the services and requirements the City is to perform for construction improvements to the Winter Park Community Center, District 5 (Housing and Community Development Department).

**(As stated in the above motion, this item was deferred for discussion, see pages 555 and 556 for subsequent approval.)**

4. Approval of a resolution authorizing an expansion of Orange County's Enterprise Zone in the South Orange Blossom Trail area to include the Greater Washington Shores area, District 6 (Planning Department).

(Resolution 97-M-29 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approva

Case No. 96-3548GM), District 4 (Planning Department).

6. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions to Lien: LC 97-063; LC 97-067; LC 97-056; LC 97-061 and LC 97-062, Districts 1, 2, and 6 (Zoning Department).

(Resolutions 97-ZON-35 through 97-ZON-39 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

#### **Public Works Division**

1. Approval to issue Excavation Permit 97-E2-207, District 2 (Development Engineering Department).
2. Approval to establish a ten-ton weight limit on Falkner Road eastbound at Forest City Road, District 2 (Traffic Engineering Department).
3. Approval to install a "Stop" sign on Alex Place east of Plunkett Avenue, District 2 (Traffic Engineering Department).
4. Approval of "Yield" sign installations in the Country Chase Unit 6 Subdivision, District 6 (Traffic Engineering Department).
5. Approval of "Stop" and "Yield" sign installations in Cheltenham Subdivision, District 3 (Traffic Engineering Department).
6. Approval and execution by the County Chairman of a joint agreement for the construction of stormwater improvements for Miller's Cove Subdivision with Leon and Mattie Miller, District 5 (Development Engineering Department).

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

7. Approval and execution by the County Chairman of South Orange Blossom Trail Impact Fee Agreements with five property owners

along South Orange Blossom Trail to purchase right-of-way for improvements, Districts 1 and 4 (Division Office).

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

#### **Utilities Division**

1. Approval to designate Elaine Barbour as hearing officer for the Mandatory Refuse Collection Program and Recycling Assessment and Marilyn Hockhan as the alternate, all districts (Division Office).

**County Chairman Chapin adjourned the morning session.**

#### **MEETING RECONVENED**

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Mable Butler
- County Administrator Jean Bennett
- Assistant County Attorney Paul Chipok
- Chief Deputy Comptroller as Clerk Jim Moye
- Assistant Deputy Clerk Tom Stark

The Board paused for an invocation by Rico Brown, Assistant Youth Minister of the Westmoreland Church of Christ, 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:

- Joyce Hartsfield of the Corrections Division Direct Supervision Department for 20 years of service.
- Patrick Allen of the Fire Rescue Division Operations Department for 25 years of service.

- Romain

- Shirley Brown, Valarie Curgil, Almastine Coleman, and Gladys Dubose of the Health and Community Services Division Community Affairs Department for 20 years of service.

Presentation of the NACo/NACIO Awards

Communications Director Ben Hardcastle announced that the County has won 37 NACo and two NACIO awards for 1997.

County Chairman Chapin presented NACo and NACIO awards to the following award recipients:

- Larry Simmons, Facilities Management Department, Administrative Support Division
- Shelly Poore, County Administrator's Office
- Bill Burchfield, Emergency Medical Services Bureau, Fire Rescue Division
- Bob Lemley, Office of Emergency Management, Fire Rescue Division
- Bill Moore, Office of Emergency Management, Fire Rescue Division
- Sharon Donoghue, Division Office, Fiscal and Human Resources Division
- Patrick Cook, Arthropod Control Department, Health and Community Services Division
- Joe Gray, Community Affairs Department, Health and Community Services Division
- Dee Wilkins, for Glinder Stephens, Cooperative Extension Services Department, Health and Community Services Division
- Mike Perkins, Cooperative Extension Services Department, Health and Community Services Division
- Tyra Witsel, Division Office, Health and Community Services Division
- Joseph Adams, Historical Museum, Health and Community Services Division
- Martin Bird, Human Services Department, Health and Community Services Division
- Lucille Anderson, Human Services Department, Health and Community Services Division
- Ruby Johnson, Medical Clinic, Health and Community Services Division

- John Connell, Parks and Recreation Department, Health and Community Services Division
- Randy Milling, Parks and Recreation Department, Health and Community Services Division
- Janice Knight, Information Resource Management
- Linda Haller, Animal Services Department, Planning and Development Division
- John Warbington, Building Department, Planning and Development Division
- Rick Baird, Environmental Protection Department, Planning and Development Division
- Bruce Eastman, Environmental Protection Department, Planning and Development Division
- Nancy Sharifi, Housing and Community Development, Planning and Development Division
- Bill Pable, Planning Department, Planning and Development Division
- Kristen McGinnis, Planning Department, Planning and Development Division
- Kendell Keith, Planning Department, Planning and Development Division
- Joanna Dyson, Planning Department, Planning and Development Division
- Alan Ispass, Division Office, Utilities Division
- Charlie Archer, Division Office, Utilities Division
- Bill Heller, Division Office, Utilities Division,
- Barbara Chasteen, Agenda Development, General Services Department
- Chad Quinn, Graphic Reproduction, General Services Department

- Alicia

#### **NONAGENDA - RECOGNITION**

Commissioner Hoenstine recognized the members of the Educational Excellence Committee present in the audience.

#### **Presentation of Plaque**

Assistant Roads and Drainage Department Manager Donald Jacobovitz presented a plaque to County Chairman Chapin recognizing the County as one of the top 100 sponsors of the Juvenile Diabetes Foundation. Stewart Morrell, executive director of the Central Florida chapter of the Juvenile Diabetes Foundation, addressed the Board and announced that the County was the country-wide top governmental

team for 1996. Mr. Morrell also announced that the 1997 Walk To Cure Diabetes will be held on Saturday, November 1, 1997.

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: AMERICAN GENERAL HOME EQUITY, INC.; PETITION TO VACATE 97-22, 10.0-FOOT OUTFALL DITCH EASEMENT; DISTRICT 6**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by American General Home Equity, Inc., Petition to Vacate 97-22, to vacate a 10.0-foot outfall ditch easement, which is generally located located at 3726 Old Winter Garden Road; District 6; Section 28, Township 22, Range 29; Orange County, Florida.

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

**Staff Report**

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

**Appearances**

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

- Alan Michaels (no address given).

No one appeared in opposition to the request.

**Discussion**

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

**Motion**

**Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 97-22 vacating a 10.0-foot outfall ditch easement on the above-described property.**

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

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: MIKE CARMACK;  
PETITION TO VACATE 97-23, 10.0-FOOT UTILITY EASEMENT; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mike Carmack, Petition to Vacate 97-23, to vacate a 10.0-foot utility easement, which is generally located at 322 Prairie Dune Way; District 4; Section 35, Township 22, Range 31; Orange County, Florida.

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

**Staff Report**

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

**Appearances**

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

- Michael Carmack, the applicant; 322 Prarie Dune Way, Orlando, Florida.

No one appeared in opposition to the request.

**Discussion**

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

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 97-23 vacating a 10.0-foot utility easement on the above-described property.

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

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - THE WATSON CENTER  
PLANNED DEVELOPMENT/PRELIMINARY SUBDIVISION; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider The Watson Center Planned Development

Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County

Subdivision Regulations; on property generally located west of Hiawassee Road, north of Conroy-Windermere Road; District 1; Section 11, 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**

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

**Appearances**

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

- John Wettach; Lowndes, Drosdick, Doster, Kantor & Reed, P.A. (no address given); for the applicant.

No one appeared in opposition to the plan.

**Discussion**

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

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved The Watson Center Planned Development/Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to The Watson Center Planned Development, BCC approvals, and The Watson Center Preliminary Subdivision/Development Plan, dated "Received June 19, 1997," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulation] 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 Commissioner.

amended.

2. Prior to construction plan approval, a drainage study to establish the 100-year flood elevation shall be submitted to the County Engineer for review and approval.
3. Since a positive outfall is not available, the stormwater management system shall be designed to retain the 100-year/24-hour storm on site.
4. Waiver of Section 38-1272 (3) of the County Code to allow 0-foot to 5-foot side setbacks on the plan is granted.
5. This approval does not constitute approval of the on site sewage disposal system (OSDS). Developer shall comply with the provisions of the OSDS ordinance.

**DEVELOPMENT OF REGIONAL IMPACT NONSUBSTANTIAL DEVIATION PUBLIC HEARING - APPLICANT: GLORIA LOCKRIDGE, ESQUIRE; ORLANDO JETPORT CENTER PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT; AMEND THE DEVELOPMENT ORDER; DISTRICT 4 (CONTINUED FROM JULY 1, 1997)**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gloria Lockridge, Orlando Jetport Center Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI) for a change to the Development Order, Condition II, 10. This condition currently requires the paving of Weatherbee Road from the existing pavement to Boggy Creek Road prior to the issuance of the first Certificate of Occupancy for any portion of property located south of the OUC railroad.

The proposed condition would require the following: When development of the Center south of the OUC railroad (excluding the school site) generates 4,000 external trips, the developer shall have 18 months to complete the following:

1. The paving of Weatherbee Road from existing pavement to Boggy Creek Road.
2. Signalization of the intersection of Weatherbee Road and Landstar Boulevard and of the intersection of Weatherbee Road and Orange Avenue.



If plans for the paving of Weatherbee Road have not been approved by the County prior to December 25, 2000, then should an amendment be required for an additional Phase I timeframe extension, the impacts of Weatherbee Road shall be examined; on property generally located north of Weatherbee Road and east of Orange Avenue; District 4; Section 13, Township 24, Range 39; 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

County Chairman Chapin stated that the applicant has withdrawn the request.

#### 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.

#### Action

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

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: PAUL CURTIS; GRAND OAKS PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Paul Curtis of Paul Curtis Realty, Inc., for Grand Oaks Planned Development (PD/LUP), to amend the Land Use Plan to reduce the amount of Professional-Office (P-O) use from 60,000 square feet to 35,000 square feet, to allow an ACLF (Adult Congregate Living Facility) as a permitted use within the P-O area and increase the size of the commercial parcel with no increase in the allowable commercial square footage pursuant to Orange County Code, Section 38-1207; on property generally located on the southwest corner of Conroy-Windermere Road and Dr. Phillips Boulevard; District 1; Section 14, 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**

Planning and Development Division Director Bruce McClendon stated that the applicant has 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 Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Paul Curtis of Paul Curtis Realty, Inc., Grand Oaks Planned Development (PD/LUP), to amend the Land Use Plan to reduce the amount of Professional-Office (P-O) use from 60,000 square feet to 35,000 square feet, to allow an ACLF (Adult Congregate Living Facility) as a permitted use within the P-O area and increase the size of the commercial parcel with no increase in the allowable commercial square footage, until August 19, 1997, at 2:45 p.m.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JOHN B. WEBB;  
COMMONS AT WEDGEFIELD UNITS 7 AND 7A PRELIMINARY SUBDIVISION;  
CHANGE FROM PUBLIC ROADWAYS TO GATED COMMUNITY; DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by James B. Webb, Commons at Wedgefield Units 7 and 7A Preliminary Subdivision, to change from public roadways to a gated community, pursuant to Orange County Code, Section 34-27; on property generally located south of S.R. 50 and southwest of S.R. 520; District 5; Section 10, Township 23, Range 32; Orange County, Florida.

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

**Staff Report**

Planning and Development Division Director Bruce McClendon reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.



Appearances

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

- John Webb, Webb & Associates, Inc.; the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved the request by James B. Webb, Commons at Wedgefield Units 7 and 7A Preliminary Subdivision, to change from public roadways to a gated community; which constitutes a substantial change to the development on the above-described property; subject to all requirements of the Gated Community Resolution 96-M-22.

CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

**Fiscal and Human Resources Division**

- 7. Approval of Budget Amendment 97-82 (OMB).

and

**Planning and Development Division**

- 3. Approval and execution of an agreement between the City of Winter Park and the County which specifies the services and requirements the City is to perform for construction improvements to the Winter Park Community Center, District 5 (Housing and Community Development Department).

Staff Report

Deputy County Administrator Byron Brooks stated that staff has answered the Board's questions regarding Fiscal and Human Resources Division Consent Agenda Item 7, Budget Amendment 97-82, and Planning and Development Division Consent Agenda Item 3.

**Motion**

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

- approved Budget Amendment 97-82;
- approved an agreement between the City of Winter Park and the County which specifies the services and requirements the City is to perform for construction improvements to the Winter Park Community Center.

**WORKSESSION - GATING EXISTING COMMUNITIES**

## Staff Report

County Chairman Chapin stated that this worksession is being continued until September 9, 1997, at 3:30 p.m.

**ORDINANCE PUBLIC HEARING - ESTABLISHING A TEMPORARY MORATORIUM ON COMPREHENSIVE POLICY PLAN AMENDMENTS**

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

AN ORDINANCE ESTABLISHING A MORATORIUM ON APPLICATIONS FOR AMENDMENTS TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE 1990-2010 ORANGE COUNTY COMPREHENSIVE POLICY PLAN PENDING PREPARATION, ADOPTION AND TRANSMITTAL OF THE 1998 EVALUATION AND APPRAISAL REPORT; AND PROVIDING AN EFFECTIVE DATE.

## Staff Report

Planning Department Manager David Heath reviewed the proposed ordinance and outlined its provisions. Mr. Heath further outlined recommended changes to the proposed ordinance as follows:

- Page 1, Line 7, replace "establishing a moratorium" with "deferring acceptance of"
- Page 2, Lines 51 and 57, replace "moratorium" with "deferral period"

## Appearances

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

- Mary Ellen Levocz (no address given).



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

- Ken Wright; Shutts and Bowen, P.A.; 20 North Orange Avenue, Suite 1000, Orlando, Florida.
- Don McIntosh (no address given).
- Geoff Goetz; Goetz Properties (no address given).
- Sue Schiffrin (no address given).

The following persons addressed the Board with general comments:

- Aaron Kaufman, 346 Prarie Dune Way, Orlando, Florida.
- Jack Shannin (no address given).

**Discussion**

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

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance establishing a temporary moratorium on applications for comprehensive policy plan amendments to include revisions as outlined by staff as follows:

- Page 1, Line 7, replace "establishing a moratorium" with "deferring acceptance of"
- Page 2, Lines 51 and 57, replace "moratorium" with "deferral period"

(Ordinance 97-16 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Motion**

A motion by Commissioner Freeman to lobby the State Legislature for changes to the concurrency law and modifications to the language of that law regarding roadway capacity, died for the lack of a second.

County Chairman Chapin adjourned the afternoon session.



**MEETING RECONVENED**

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

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

**THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER (SEE PAGE # FOR APPEARANCES, DISCUSSION, AND MOTION.)**

**ORDINANCE PUBLIC HEARING - "ORANGE COUNTY SALES TAX ORDINANCE" CALLING FOR A REFERENDUM ON A ONE PERCENT SALES TAX**

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

AN ORDINANCE RELATING TO TAXATION IN ORANGE COUNTY, FLORIDA; PROVIDING A SHORT TITLE AND LEGISLATIVE FINDINGS; LEVYING ON ALL TAXABLE TRANSACTIONS, AT THE RATE OF ONE PERCENT, THE "LOCAL GOVERNMENT INFRASTRUCTURE SURTAX" PURSUANT TO SECTION 212.054 AND SUBSECTION 212.055(2) OF FLORIDA STATUTES; PROVIDING FOR DISTRIBUTION OF SURTAX PROCEEDS AND CREATION OF CERTAIN FUNDS, ACCOUNTS, AND SUBACCOUNTS IN CONNECTION THEREWITH; PROVIDING RESTRICTIONS ON THE USE OF SALES SURTAX PROCEEDS (AND ALL RELATED INTEREST AND OTHER INVESTMENT EARNINGS); PROVIDING THAT THE TAX SHALL TAKE EFFECT ONLY UPON APPROVAL BY THE ELECTORATE; PROVIDING FOR A SPECIAL REFERENDUM ELECTION TO BE CONDUCTED BY MAIL BALLOT; REQUIRING FURTHER VOTER APPROVAL FOR REPEAL OF THE ORDINANCE IN ITS ENTIRETY AND FOR AMENDMENTS AND REVISIONS TO OR REPEAL OF CERTAIN SECTIONS AND SUBSECTIONS OF THE ORDINANCE; REPEALING THE "5TH CENT" TOURIST DEVELOPMENT TAX LEVIED UNDER SECTION 25-136.1 OF THE ORANGE COUNTY CODE AND MAKING OTHER PROVISIONS WITH RESPECT TO SUCH REPEAL; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING EFFECTIVE DATES AND EXPIRATION DATES.

and

**ORDINANCE PUBLIC HEARING - "ORANGE COUNTY CITIZENS' SALES TAX  
OVERSIGHT BOARD ORDINANCE" CREATING A CITIZENS' BOARD TO PROVIDE  
OVERSIGHT AND ACCOUNTABILITY FOR TAX PROCEEDS.**

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

AN ORDINANCE RELATING TO ADVISORY BOARDS IN ORANGE COUNTY, FLORIDA; PROVIDING A SHORT TITLE AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS AND INTENT; CREATING THE ORANGE COUNTY CITIZENS' SALES SURTAX OVERSIGHT BOARD AND DECLARING ITS PURPOSE; PROVIDING FOR THE MEMBERS OF THE CITIZENS' OVERSIGHT BOARD, THEIR QUALIFICATIONS, AND THE PROCESS BY WHICH THEY ARE APPOINTED; PROVIDING FOR THE TERMS AND REMOVAL OF THE MEMBERS; PROVIDING FOR ELECTION OF BOARD OFFICERS, ADOPTION OF BOARD PROCEDURES, BOARD QUORUM AND VOTING, STAFF SUPPORT FOR THE BOARD, AND REIMBURSEMENT OF EXPENSES INCURRED BY BOARD MEMBERS; PROVIDING THE POWERS AND DUTIES OF THE BOARD; AMENDING SUBSECTIONS 2-203(a) AND 2-209(a) OF THE ORANGE COUNTY CODE TO EXCLUDE THE OVERSIGHT BOARD FROM THE PROVISIONS OF ARTICLE VI OF CHAPTER 2 OF THE COUNTY CODE, THE "ORANGE COUNTY ADVISORY BOARD ORDINANCE," BUT TO REQUIRE MEMBERS OF THE OVERSIGHT BOARD TO ATTEND CERTAIN ORIENTATION SESSIONS FOR ADVISORY BOARD MEMBERS; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING EFFECTIVE DATES AND EXPIRATION DATES AND RESTRICTING THE MANNER IN WHICH REPEAL OF OR CERTAIN AMENDMENTS TO THE ORDINANCE MAY BE ENACTED.

Staff Report

County Attorney Tom Wilkes reviewed the proposed ordinances, resolution, and agreement and outlined the provisions of each.

Mr. Wilkes also requested Board approval and adoption of the following:

- a. a resolution approving the "Sales Tax Project List;"
- b. an Interlocal Agreement regarding Local Option Infrastructure Surtax to be entered into by the County, the City of Orlando, and the School Board;
- c. an agreement for Mail Ballot Election Services to be entered into by the County and the Supervisor of Elections.

Mr. Wilkes outlined revisions to the proposed resolution as follows:

Exhibit A - Parks and Recreation Project List

- add "New Neighborhood Park, District 5" below the "Additional Projects" line;
- move "Magnolia Park, Trimble Park, and Roosevelt Nichols Neighborhood Park" above the "Additional Projects" line;

Exhibit A - Transportation Project List

- add "Projects resulting from the" before "East Orange County Transportation Needs Study" and move the project above the "Additional Projects" line;
- add "and Neighborhood Infrastructure Improvements" to "Paving of Unpaved Roadways" for clarification;

Exhibit O - State of Florida Department of Transportation Project List

- move "State Road 520" above the "Additional Projects" line;
- reduce "Lynx Buses" funding above the "Additional Projects" line to \$2,100,000 and add "Lynx Buses" with funding in the amount of \$2,000,000 below the "Additional Projects" line;

Glenda Hood, mayor of the City of Orlando, addressed the Board and stated that the City of Orlando supports the proposed sales tax and is pleased that the proposal is for ten years. She reviewed the many infrastructure needs of the County and noted that all funds received by the City of Orlando generated by the proposed sales tax will be used for transportation.

Mayor Hood emphasized the importance of accountability to the citizens of Orange County in all issues regarding the proposed sales tax.

Dr. Dennis Smith, superintendent of Orange County Public Schools, addressed the Board and stated that the School Board has submitted a project list that has been revised to minimum standards and noted that nearly \$320,000,000 has been trimmed from the originally

proposed list. He noted that the revised list is for \$990,000,000, which is closer to projected School Board figures.

Superintendent Smith discussed the proposed Community Oversight and Value Engineering Committee that is being established to oversee the School Board's construction projects and stated that the School Board supports the proposed sales tax.

#### Appearances

The following persons addressed the Board in favor of the proposed ordinances, projects list, and agreements:

- John Puheck (no address given).
- Dennis Freytes (no address given.)
- Dennis Bememt, for the Central Florida Hotel/Motel Association (no address given).
- Fran Pignone (no address given).
- Doug Head, chairman of the Orange County Democratic Party (no address given).
- Joanie Shirm (no address given).
- Ronaa Ali, 545 Vern Drive, Orlando, Florida.
- Tico Perez, chairman of the Greater Orlando Chamber of Commerce (no address given).
- Michael Rudd (no address given).
- Thomas Lagomarsino, for the Homebuilders Association Of Mid-Florida (no address given).
- Katie Porta (no address given).
- Roger Nieswender, 516 Lakeview Street, Orlando, Florida.
- Frankie Callan (no address given).

The following persons addressed the Board in opposition to the proposed ordinances, project list, and agreements:

- Gregg Holt (no address given).
- Miriam Lancaster (no address given).
- Cheryl Moore, 4613 Alrix Drive, Orlando, Florida.
- Cathy Boyer, 1753 Lady Slipper Circle, Orlando, Florida.
- Larry Callabretta (no address given).
- Christine Moore (no address given).
- Aaron Kaufman, 346 Prarie Dune Way, Orlando, Florida.

The following persons addressed the Board with general comments:

- Keith Morrison (no address given).
- Betty Howard (no address given).
- Louise Doyle (no address given).
- Bob Bomia (no address given).

- Marty Knox (no address given).

Discussion

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

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board amended the proposed Orange County Sales Tax Ordinance as follows:

- Page 4, Section 2, Line 135, add "on October 1, 1998, or, if earlier," after ". . . repealed, effective"
- Page 10, Section 9(a), Line 379, add "the earlier of the following dates: (i) October 1, 1998, or (ii)" after ". . . repealed as of"
- Page 10, Section 9(a), Line 381, add "which have been" after ". . . revenue bonds"
- Page 10, Section 9(a), Line 381, add "as of the date of this ordinance and which were" after ". . . Orange County"
- Page 10, Section 9(a), Line 383, after ". . . payment thereof." add:

For purposes of the foregoing clause (ii), provisions for full payment of the bonds shall be deemed to have been made when the sum of the following amounts is sufficient to pay, when due, the principal of and interest and redemption premium (if any) on the bonds then outstanding:

- (1) all revenues received from the tax levied under Section 25-136.1 of the County Code and then on deposit, plus any investment earnings thereon; and
- (2) all funds then on deposit in the Renewal and Replacement Reserve Account established in connection with the County's tourist development tax revenue bonds, less an amount equal to three percent of the net asset value of the Orange County Convention Center.



- Page 10, Section 9(b), Line 389, add "described in Subsection (a)" before "and to notify . . ."
- Page 10, Section 9(b), Line 392, add ", if such date occurs or is to occur before October 1, 1998" after ". . . been made"
- Page 10, Section 9(c), Line 394, replace "payment or provision for payment of the bonds described in Subsection (a)" with "repeal of Section 25-136.1 of the Orange County Code"
- Page 10, Section 9(c), Line 395, replace "under Section 25-136.1 of the county code," with "thereunder"

#### Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioners Freeman and Edwards voting NO by voice vote; the Board designated the executive director of the Metropolitan Planning Organization as the seventh member on the Citizens' Sales Tax Oversight Board.

#### Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board amended the proposed Oversight Board Ordinance to include the following language on page 4 at line 162:

Further, none of the following persons shall be eligible for appointment to the oversight board:

- (1) any person who has, or who had in the twelve months before appointment, or who foreseeably could have in the thirty-six months after appointment, any contract under which the person sells or leases any realty, goods, or services to the County, the School Board, Orlando, or any other city or any state agency receiving sales tax proceeds;
- (2) any person employed by or having any direct or indirect ownership interest in any sole proprietorship, any general or limited partnership or joint venture, or any for-profit or not-for-profit corporation or any parent or subsidiary

thereof which has, or which had in the twelve months before appointment, or which foreseeably could have in the thirty-six months after appointment, any contract under which the entity sells or leases any realty, goods, or services to the County, the School Board, Orlando, or any other city or any state agency receiving sales tax proceeds; and

- (3) any person employed by or having any direct or indirect ownership interest in any sole proprietorship, any general or limited partnership or joint venture, or any for-profit or not-for-profit corporation or any parent or subsidiary thereof which is frequently subject to regulation by the County, the School Board, Orlando, or any other city or any state agency receiving sales tax proceeds, and such regulation is substantially different in type and degree from regulation imposed upon the public generally.

#### Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board amended the proposed Orange County Citizens' Oversight Board Ordinance as follows:

Page 4, Section 5(b), Line 158, add "no person who has appointed a campaign treasurer or designated a primary campaign depository as required by Florida Statute 106.021 for any future election" after ". . . preceding twenty-four months"

#### Action

By consensus, the Board corrected a scrivener's error in Subsection 3.4 of the proposed Interlocal Agreement whereby the County's Parks and Recreation and Stormwater subaccount percentages were transposed, and further, clarified that the Parks and Recreation subaccount should be receiving 18.8 percent and the Stormwater subaccount should be receiving 13.8 percent of the County's sales tax proceeds deposits.

#### Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board amended Subsection 5.2.2 of the proposed Interlocal Agreement to add the following paragraph to the bottom of the Subsection:

In any of the foregoing events, all revenues received as reimbursement, whether by the County, the City, or any eligible municipality, shall be treated as Sales Tax proceeds and in all respects shall be subject to the same requirements and restrictions as apply under this Interlocal Agreement and the several Accountability Agreements to Sales Tax proceeds;

and further, amended Subsection 5.2.3 of the proposed Interlocal Agreement to add the following paragraph to the bottom of the Subsection:

Nothing in this Interlocal Agreement shall prohibit the County and OOCEA from later agreeing, whether in the Accountability Agreement or otherwise, that the disbursements to OOCEA under the Accountability Agreement shall be treated as advances to be reimbursed by OOCEA at such time as the entire expressway system or the Western Beltway itself is completed. If any such agreement is entered into, whether as part of the pertinent Accountability Agreement or by separate instrument, OOCEA shall not be required to pay interest on the funds advanced, and the revenues received by the County as reimbursement shall be treated as Sales Tax proceeds and in all respects shall be subject to the same requirements and restrictions as apply to Sales Tax proceeds under this Interlocal Agreement. Further, such reimbursement revenues shall be used and expended by the County only for capital projects for transportation of a regional nature.

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with Commissioners Freeman, Staley, Hoenstine, and Edwards voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson and Butler voting NO by voice vote; the Board amended Subsection 4.5.3 of the proposed Interlocal Agreement as follows:

replace "and the remaining Eligible Municipalities (and, if applicable, the City) pro rata based on the formula used for disbursements under section 3.3" with "Projects Trust Account"

Motion

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board amended Subsection 5.1.1 of the proposed Interlocal Agreement as follows:



Paragraph 2, Sentence 2, change "shall" to "may" and remove "(or otherwise reduce the share of);"

Paragraph 3, Sentence 2, remove "reduce or."

Motion

Upon a motion by Commissioner Staley, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved reconsideration of the amendment to Subsection 4.5.3 of the proposed Interlocal Agreement as follows:

replace "and the remaining Eligible Municipalities (and, if applicable, the City) pro rata based on the formula used for disbursements under section 3.3" with "Projects Trust Account."

Commissioner Freeman left the meeting.

Motion

A motion by Commissioner Hoenstine, seconded by Commissioner Edwards, with Commissioners Hoenstine and Edwards voting AYE by voice vote; County Chairman Chapin and Commissioners Staley, Johnson, and Butler voting NO by voice vote; Commissioner Freeman was absent; to amend Subsection 4.5.3 of the proposed Interlocal Agreement as follows:

replace "and the remaining Eligible Municipalities (and, if applicable, the City) pro rata based on the formula used for disbursements under section 3.3" with "Projects Trust Account;"

failed.

Commissioner Freeman joined the meeting.

Motion

Upon a motion by Commissioner Edwards, seconded by County Chairman Chapin, and carried with County Chairman Chapin and Commissioners Freeman, Hoenstine, and Edwards voting AYE by voice vote; Commissioners Staley, Johnson, and Butler voting NO by voice vote; the Board amended Subsection 4.5.1 of the proposed Interlocal Agreement as follows:

- add "No Ad Valorem Tax Increases for Capital Projects" after "No Supplanting of Revenues"



- includ

The County acknowledges further that it should not increase its ad valorem tax millage for purposes of funding capital improvements until the sales tax expires or is repealed. Therefore, until such time as the sales tax expires or is repealed, the County shall levy its annual countywide ad valorem taxes at a millage rate such that the component attributable to funding for capital improvement projects does not exceed 0.25 mil.

If the Comptroller determines that during the term of this Interlocal Agreement that County has exceeded the millage limitation above, whether in the current or any previous fiscal year, the Comptroller shall reduce the amount of deposits to the County Projects Trust Account under Sections 3.3 and 3.4 of this Interlocal Agreement during the twelve months subsequent to the determination such that the aggregate reduction in deposits to the trust account equals, dollar for dollar, the amount of excess ad valorem tax revenues the County received or will receive during the fiscal year because of exceeding the capital improvements millage limitation above. The amount of Sales Tax proceeds not distributed to the County under this Subsection shall be reallocated as provided in Subsection 4.5.1;

and further, the Board amended Subsection 4.2.4 of the proposed Interlocal Agreement as follows:

- add "No Ad Valorem Tax Increases for Capital Projects" after "No Supplanting of Revenues"
- include the following two paragraphs at the end of the Subsection:

The School Board acknowledges further that it should not increase the capital component of its annual ad valorem tax millage until the sales Tax expires or is repealed. Therefore, if the legislature of the State of Florida increases the minimum millage which the School Board may levy under Subsection 236.25(2) of Florida Statutes (or any successor statute thereto), the School Board shall refrain from availing itself of the increased authorization. Instead, until such time as the sales tax expires or is

repealed, the School Board shall levy its annual ad valorem taxes at a millage rate such that the component attributable to funding the purposes described in Subsection 236.25(2) does not exceed 2.0 mils.

If the Comptroller determines that during the term of this Interlocal Agreement the School Board has exceeded the 2-mil limitation above, whether in the current or any previous fiscal year, the Comptroller shall reduce the amount of deposits into the School Projects Trust Account during the twelve months subsequent to the determination such that the aggregate reduction in deposits to the trust account equals, dollar for dollar, the amount of excess ad valorem tax revenue the School Board received or will receive during the fiscal year because of exceeding the 2-mil limitation above.

#### Motion

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board amended Subsection 4.1.4 of the proposed Interlocal Agreement to include the following paragraph at the end of the Subsection:

Notwithstanding anything to the contrary in Subsection 4.1.1, 4.1.2, 4.1.3, and this Subsection 4.1.4, upon payment (or providing for payment) of all costs of the projects to be funded under the Project Resolution and this Interlocal Agreement from any one or more of the County's subaccounts, some or all of the funds remaining in the affected subaccount or subaccounts may be transferred by the Board to any of the other subaccounts in the County Project's Trust Account, but only upon approval by the Oversight Board. Thereafter, the transferred monies shall be treated as if they were monies deposited in the subaccount by the Comptroller under Sections 3.3 and 3.4 and shall be subject to all requirements and restrictions of Florida law, the Sales Tax Ordinance, and this Interlocal Agreement.

#### Motion

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board amended Subsection 4.1.4 of the proposed Interlocal Agreement to include the following paragraph at the end of the subsection:

Notwithstanding anything to the contrary in the Sales Tax Ordinance, the Project Resolution, this Interlocal Agreement, or any Accountability Agreement, funds in the County's Transportation Subaccount shall be spent on a Project for light rail transportation only if the Board first makes a finding, based on competent and substantial evidence, that the light rail Project is financially feasible with regard to both its capital costs and its ongoing expenses of operation and maintenance. For purposes of the foregoing, the Board may consider not only the revenues to be generated by the operation of the light rail Project after its completion, but also the revenues, if any, to be received under agreements with other governmental agencies;

and further, amended Subsection 4.3.2 of the proposed interlocal agreement to include the following paragraph at the end of the subsection:

Notwithstanding anything to the contrary in the Sales Tax Ordinance, the Project Resolution, this Interlocal Agreement, or any Accountability Agreement, funds disbursed to the City shall be spent on a project for light rail transportation only if the following two conditions have been fulfilled:

- (a) The City must make a finding, based on competent and substantial evidence, that the light rail project is financially feasible with regard to both its capital costs and its ongoing expenses of operation and maintenance. For purposes of the foregoing, the City may consider not only the revenues to be generated by the operation of the light rail Project after its completion, but also the revenues, if any, to be received under agreements with other governmental agencies.
- (b) The City shall discuss entering into an agreement with the County setting forth a schedule for the termination of the County's obligation under Section 163.387 of Florida Statutes (or any successor statute) to appropriate and pay "increment revenues" or other funds to the City's "community redevelopment trust fund" for its downtown "community redevelopment area" and providing such other terms and conditions as the parties may negotiate.

**Motion**

Upon a motion by Commissioner Edwards, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board amended Subsection 5.2.4 of the proposed Interlocal Agreement to include the following paragraphs at the end of the Subsection:

Notwithstanding anything to the contrary in this Interlocal Agreement, funds may be disbursed by the County Comptroller to LYNX, under the pertinent Accountability Agreement for purposes of paying the costs of a light rail transit project only if the Board and the City have first made their respective findings under Subsection 4.1.1 and Subsection 4.3.2 that the light rail project is financially feasible. Further, funds may be disbursed by the Comptroller to LYNX under the pertinent Accountability Agreement for purposes of paying the costs of acquiring additional buses only if the Board first makes a finding, based on competent and substantial evidence, that an expanded LYNX fleet will be financially feasible with regard to its ongoing expenses of operation and maintenance. For such purposes, the Board may consider not only the revenues to be generated by the operation of the expanded fleet, but also the revenues, if any, to be received under agreements with other governmental agencies. The Accountability Agreement between the County and LYNX shall reflect the foregoing.

**Motion**

A motion by Commissioner Edwards, seconded by Commissioner Freeman, with Commissioners Edwards and Freeman voting AYE by voice vote; County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, and Butler voting NO by voice vote; to amend the Orange County Citizens' Oversight Board Ordinance to allow the Board of Realtors, the Home Builders Association, and the Tri-County League of Cities to replace the County, the City of Orlando, and the School Board as member-appointing bodies, failed.

**Motion**

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board revised the proposed Interlocal Agreement by reducing the County's proposed Sheriff/Jail disbursement from 30.9 percent to 25.9 percent; and further, increased the County's transportation disbursement from 36.5 percent to 41.5 percent.

In response to a question by County Chairman Chapin regarding the addition of projects to a project list at a future time, County Comptroller Martha Haynie stated that with the adoption of the proposed Orange County Citizens' Sales Tax Oversight Board Ordinance, there will be a process in place for changing projects. She explained that the process involves a stringent review by the Oversight Board and approval from that board by a two-thirds majority as well as approval from the City of Orlando, the School Board, and the Board of County Commissioners.

Comptroller Haynie stated that if excess funds remain after completion of all projects, those funds must be spent on capital projects within the four groupings established by the County. She noted that only the Citizens' Oversight Board must approve excess fund transfers.

Comptroller Haynie clarified that there can be no determination of excess funds in any account until all projects on a project list have been fully funded. She explained that if an account is determined to contain excess funds the proposed Interlocal Agreement provides a mechanism for determining where excess funds will be reallocated.

County Attorney Tom Wilkes added that the Interlocal Agreement pooling amendment adopted by the Board provides for the ability to shift excess funds between the capital accounts.

#### **Motion**

**Upon a motion by Commissioner Staley, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved revisions to the proposed project lists as outlined by staff as follows:**

#### **Exhibit A - Parks and Recreation Project List**

- add "New Neighborhood Park, District 5" below the "Additional Projects" line;
- move "Magnolia Park, Trimble Park, and Roosevelt Nichols Neighborhood Park" above the "Additional Projects" line;

#### **Exhibit A - Transportation Project List**

- add "Projects resulting from the" before "East Orange County Transportation Needs Study" and move the project above the "Additional Projects" line;

- add "and Neighborhood Infrastructure Improvements" to "Paving of Unpaved Roadways" for clarification;

Exhibit O - State of Florida Department of Transportation Project List

- move "State Road 520" above the "Additional Projects" line;
- reduce "Lynx Buses" funding above the "Additional Projects" line to \$2,100,000 and add "Lynx Buses" with funding in the amount of \$2,000,000 below the "Additional Projects" line;

and further, approved the following changes to the Criminal Justice Project List:

- revise the estimated cost of the Corrections/Work Release Facility to \$3,530,959;
- update the total of projects listed above the "Additional Projects" line to \$226,613,536;
- add the purchase of new vehicles and associated equipment for the Sheriff's Office in the estimated amount of \$10,000,000 below the "Additional Projects" line.

Motion

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Butler voting AYE by voice vote; Commissioners Freeman, Hoenstine, and Edwards voting NO by voice vote, the Board approved conducting the referendum concerning adoption of Local Government Infrastructure Surtax by mail ballot election.

Motion

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board adopted the proposed Orange County Sales Tax Ordinance as amended above.

(Ordinance 97-14 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Motion

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all members present and voting AYE by

voice vote, the Board adopted the proposed Orange County Citizens' Sales Tax Oversight Board Ordinance as amended above.

(Ordinance 97-15 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Motion**

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

- adopted the resolution approving the Sales Tax Project List as amended above;
- approved the Interlocal Agreement among the County, the City of Orlando, and the School Board regarding the Local Government Infrastructure Surtax as amended above, with an additional amendment to be presented to the Board on August 19, 1997;
- approved the agreement between the County and the Supervisor of Elections for Mail Ballot Election Services.

(Resolution 97-M-28 and agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 10:30 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator

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