

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, September 30, 1997. The following were present:

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

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

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

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

Staff Report

Earle Denton, co-chairman of the Membership and Mission Review Board (MMRB), presented the MMRB's recommendations, and the Board took the following actions:

Affordable Housing Advisory Board

**Motion**

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board reappointed Pauline Orr to the Affordable Housing Advisory Board in the Advocate for Low and Very Low Income category for a term expiring June 30, 1999.

Animal Services Advisory Board

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present

and voting AYE by voice vote, the Board appointed Dr. Valerie Yucius to the Animal Services Advisory Board, replacing Dr. Mark E. Perreault in the Veterinarian category for a term expiring December 31, 1997; and further, appointed Mark R. Watkins to the Animal Services Advisory Board, replacing Carmen Shaw in the At-Large category for a term expiring December 31, 1998.

Development Advisory Board

**Motion**

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

- reappointed Dale Crosby, engineer, for a term expiring June 30, 1999;
- reappointed William Sullivan, builder, for a term expiring June 30, 1998;
- reappointed Roger Gatlin, developer, for a term expiring June 30, 1999;
- reappointed Richard Van Slyke, developer, for a term expiring June 30, 1998;
- reappointed Scott Henderson, planner, for a term expiring June 30, 1998;
- appointed Graciella Pierce, engineer, for a term expiring June 30, 1999;
- appointed Richard C. Batterson, environmental specialist, for a term expiring June 30, 1999;
- appointed Yassi Myers, engineer, for a term expiring June 30, 1999;

to the Development Advisory Board.

Enterprise Zone Development Agency

**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 appointed DeLois C. Hollinger to the Enterprise Zone Development Agency replacing Ann Brown-Harris in the Local Financial Insurance Institution category for a term expiring June 30, 2000.

Orange County Research and Development Authority

**Motion**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board reappointed Darwin Kelly, Jr., to the Orange County Research and Development Authority, for a term expiring August 24, 2001.

Road Construction Advisory Board

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board appointed Jim C. Huckeba to the Road Construction Advisory Board, replacing Donald Allen in the Home Builders Association category, for a term expiring June 30, 1998; and further, appointed Scott Davidson to the Board Construction Advisory Board, replacing Bryant Marshall in the Soils Engineer category, for a term expiring June 30, 1999.

COUNTY CONSENT AGENDA

**Motion**

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

- deleted Fiscal and Human Resources Division Item 15;
- deferred Planning and Development Division Items 1, 2, and 3 for discussion (see pages 141 and 142 for subsequent approval);

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

**County Comptroller**

1. Acknowledgment and filing of the follow-up audit of Facilities Management (Administrative/Fiscal Division).
2. Approval for the disposition of tangible personal property through sealed bids (Property Accounting Department).

3. Approval of the minutes of the September 16, 1997, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
4. Authorize the disbursements of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts:
  - Period from September 18, 1997, to September 24, 1997; total of \$10,592,737.
  - Period from September 25, 1997, to September 29, 1997; total of \$12,551,699.41.

(Finance and Accounting Department)

**County Tax Collector**

1. Approval of extension of tax roll before completion of the Property Value Adjustment Board hearings.

**Administrative Support Division**

1. Approval and authorization to issue impact fee credits, record instruments, pay appropriate recording fee: Woodbury Road (Lake Underhill Road to S.R. 50), Deed, District 3 (Real Estate Management Department).
2. Approval of final payment in the amount of \$667,069.30 to the City of Orlando for construction of the Administration Center parking garage/tag agency (Construction Administration Department).

**Corrections Division**

1. Approval of implementation agreement with Valencia Community College and Orange County Corrections Division for operation of criminal justice training for Corrections staff (Division Office).

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

**Fiscal and Human Resources Division**

1. Approval to award contracts for Citizens' Commission for Children Fiscal 1997-1998 grant awards. The total cost is \$5,442,143 ([Citizens' Commission for Children] Purchasing and Contracts Department).

(Contracts are on file in the Purchasing and Contracts Department.)

2. Approval to award contracts for various services to human services providers. The total cost is \$2,922,724 ([Health and Community Services Division] Purchasing and Contracts Department).

(Contracts are on file in the Purchasing and Contracts Department.)

3. Approval to award Invitation for Bid Y7-181-EW to the low responsive and responsible bidder, Motorola, for leased wireless data services. The lease period is 60 months. Projected total cost is \$1,977,264 ([Network and Systems Department] Purchasing and Contracts Department).

4. Approval to award Invitation for Bid Y7-638-SS to the low responsive and responsible bidder, Sterling Silver Scape & Sod, Inc., for the Alafaya Trail OrangeScape beautification project. The total cost is \$204,325.50 ([Planning Department] Purchasing and Contracts Department).

5. Approval to award Invitation for Bid Y7-639-SS to the low responsive and responsible bidder, C & L Landscape, Inc., for Goldenrod Road OrangeScape beautification project. The total cost is \$197,790.18 ([Planning Department] Purchasing and Contracts Department).

6. Approval to award Invitation for Bid Y7-762-BI to the low responsive and responsible bidder, Atlantic Painting & Sandblasting, for Oak Meadows/Riverside water storage tank painting. The total cost is \$218,000 ([Water Department] Purchasing and Contracts Department).

7. Approval to award Invitation for Bid Y7-781-PW to the low

responsive and responsible bidder, DeWitt Excavating, Inc., for Apopka-Vineland Road improvements project, Phase III (Lake Avenue to south of Darlene Road). The total cost is \$3,130,093.04 ([Highway Construction Department] Purchasing and Contracts Department).

8. Approval to award Invitation for Bid Y7-784-BI to the low responsive and responsible bidder, CDS Trucking Corporation, to construct four soccer fields at West Orange Park. The total cost is \$355,684.92 ([Parks and Recreation Department] Purchasing and Contracts Department) .
9. Approval to award Invitation for Bid Y7-786-CT to the low responsive and responsible bidder, Dial Communications, Inc., for Riverside Service Area/Meadowbrook water distribution system improvements, Phase II. The total cost is \$473,802 ([Utilities Engineering Department] Purchasing and Contracts Department).
10. Approval to award Invitation for Bid Y7-798-BI to the low responsive and responsible bidder, Sierra Construction Company, for Orange County Administration Center entry vestibule addition. The total cost is \$190,500 ([Facilities Management Department] Purchasing and Contracts Department).
11. Approval to award Invitation for Bid Y7-7012-BI to the low responsive and responsible bidder, Michael R. Cooper Construction Company, Inc., for Orange County medical examiner facility HVAC modifications. The total cost is \$260,777 ([Facilities Management Department] Purchasing and Contracts Department).
12. Approval to award Invitation for Bid Y7-7015-BI to the low responsive and responsible bidder, Planted Earth Contracting, Inc., for Orlo Vista Park, Phase I expansion. The total cost is \$628,195 ([Parks and Recreation Department] Purchasing and Contracts Department).
13. Approval to award contract Y8-2054 to Human Services Associates (HSA) for drug and alcohol screening, assessment, detoxification, and stabilization services rendered through the Juvenile Assessment Center Addictions Receiving Facility (ARF). The total cost is \$250,000 ([Health and Community Services Division] Purchasing and Contracts Department).

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

14. Approval to award Invitation for Bid Y7-7019-BI, CD95-70 to the low responsive and responsible bidder, J.M. Construction & Associates, Inc., for Maxey Community Center renovation. The total cost is \$639,870 ([Construction Administration Department] Purchasing and Contracts Department).
15. Approval to award Invitation for Bid Y7-774-PW to the low responsive and responsible bidder, Jr. Davis Construction Company, Inc., for Southchase Road four-lane construction (South Orange Blossom Trail to Landstar Road). The total cost is \$8,794,404.39 ([Highway Construction Department] Purchasing and Contracts Department).

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

16. Approval to award Invitation for Bid Y7-799-BI to the low responsive and responsible bidder, CEI Florida, Inc., for Whitcomb Warehouse roof replacement. The total cost is \$154,548 ([Facilities Management Department] Purchasing and Contracts Department).
17. Approval of Budget Transfers 97-746 through 97-748 (Office of Management and Budget).  
  
(Budget Transfers 97-746 through 97-748 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
18. Approval of Budget Amendment 97-93 (Office of Management and Budget).  
  
(Budget Amendment 97-93 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
19. Approval of CIP Amendments 102-97 through 104-97 (Office of Management and Budget).  
  
(CIP Amendments 102-97 through 104-97 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)



20. Approval of payment of Intergovernmental claims for September 11, 1997, totaling \$86,458.01 (Risk Management Department).
21. Receipt and filing of the minutes of the September 4, 1997, meeting of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).
22. Approval and execution of resolution authorizing the issuance of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Central Florida YMCA Project) Series 1997 in an amount not to exceed \$11,250,000 (Orange County Industrial Development Authority).

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

#### **Health and Community Services Division**

1. Approval and execution of the Callahan Neighborhood Community Center/Head Start lease agreement, Amendment 1, between the City of Orlando and Orange County, providing space for the Head Start Program. In paragraph 4, "Term," the City amended the term date to extend to September 11, 1998. The value of this agreement is \$64,800 and will be treated as an in-kind contribution. The total cost of utilities, janitorial, and maintenance will be \$7,464. There will be no additional cost to the County, District 6 (Community Affairs Department).

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

2. Approval and execution of lease agreement renewal between Macedonia Baptist Church and Orange County providing space for the Head Start program. Term of this agreement is October 1, 1997, through September 30, 1998. The value of this agreement is \$13,440 and will be treated as an in-kind contribution. The total cost of utilities and janitorial will be \$13,950. There will be no additional cost to the County, District 5 (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 lease agreement renewal between JRS

Equities and Orange County to continue providing space for the Head Start Program for low-income families residing at the Palms Apartments. Term of the agreement is October 1, 1997, through September 30, 1998. The value of this agreement is \$11,800 and will be treated as an in-kind contribution. The cost of utilities will be \$4,680. There will be no additional cost to the County, District 6 (Community Affairs Department).

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

4. Approval and execution of a Standard Work and Gain Economic Self-Sufficiency (W.A.G.E.S.) contract between the Central Florida Jobs and Education Partnership, Inc., (CFJEP) and Orange County in the amount of \$79,153 for the operation of a Welfare-to-Work program. This is a cost-reimbursement contract and would add three positions to the manning table. The term of the contract is from the date of full execution through June 30, 1998. There is no cost to the County, all districts (Department of Human Services).

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

#### **Planning and Development Division**

1. Alternative road impact fee agreement between Summerfield Suites Corporation (for Sierra Suites at Palm Parkway and Lake Avenue) and Orange County, District 1 (Building Department).

**(As stated in the above motion, this item was deferred for discussion. See pages 141 and 142 for subsequent approval.)**

2. Alternative road impact fee agreement between Sucil Ramsammy (Ramsammy's Auto Repair) and Orange County, District 4 (Building Department).

**(As stated in the above motion, this item was deferred for discussion. See pages 141 and 142 for subsequent approval.)**

3. Alternative road impact fee agreement between Summerfield Suites Corporation (for Sierra Suites at Republic Drive and Austrian Court) and Orange County, District 6 (Building Department).

**(As stated in the above motion, this item was deferred for discussion. See pages 141 and 142 for subsequent approval.)**

4. Approval and execution of agreements for project administration between Orange County and the following public service agencies: Seniors First, Community Coordinated Child Care (4C), Housing and Neighborhood Development Services (HANDS), Metropolitan Orlando Urban League, Quest, Homes in Partnership, Crisis Nursery, Welbourne Avenue Nursery and Kindergarten, and Coalition for the Homeless-ESG, (Department of Housing and Community Development).  
  
(Agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
5. Approval and execution of developer's agreement for discounts of impact fees, water capital charges and wastewater capital charges, and deferral of impact fees and wastewater capital charges for the Lake Pickett Manor Affordable Housing Development (Department of Housing and Community Development). (Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
6. Receipt and filing of the minutes of the Lake Conway Water and Navigational Control District Advisory Board meeting of August 12, 1997, for the official county record, District 4 (Environmental Protection Department).
7. Receipt and filing of the minutes of the Lake Killarney Advisory Board meetings of July 17, 1997, and August 21, 1997, for the official county record, District 5 (Environmental Protection Department).
8. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meeting of July 15, 1997, for the official County record, District 4 (Environmental Protection Department).
9. 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-97-097; LC-97-098; LC-97-080; LC-97-095; LC-97-099; LC-97-100; LC-97-101; LC-97-079; LC-97-083; LC-97-084;

LC-97-087; LC-97-098; LC-97-092; LC-97-093; LC-97-094; LC-97-096;  
LC-97-104, Districts 1, 2, 4, and 6 (Zoning Department).

(Resolutions 97-ZON-50 through 97-ZON-66 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

#### **Public Works Division**

1. Approval to establish a ten-ton weight limit on Tildenville School Road from the north right-of-way line of Oakland Avenue/Old S.R. 50, extending north for 935 feet to the south right-of-way line of Brick Road, District 1 (Traffic Engineering Department).
2. Approval to establish a "No Parking" zone on the north side of Oriente beginning from the west right-of-way line of Econlockhatchee Trail and extending 200 feet west, District 3 (Traffic Engineering Department).
3. Approval to establish a "No Parking" zone on the west side of Mission Road beginning from the north right-of-way line for Amelia Street and extending 250 feet north, District 6 (Traffic Engineering Department).
4. Approval to increase the speed limit from 35 to 45 miles per hour on Old Winter Garden Road from Kirkman Road to Ivey Lane, District 6 (Traffic Engineering Department).

#### **COMMISSIONER'S REPORT**

1. Commissioner Ted Edwards wishes to request that the Board waive the requirements of Section 112.313 (7)(a), Florida Statutes, as they pertain to the appointment of Sandra Hostetter to the Affordable Housing Authority Board; and further, that the Board appoint Ms. Hostetter to the Affordable Housing Authority Board as recommended by the Membership and Mission Review Board.

#### Commissioner's Report

Commissioner Edwards requested the appointment of Sandra Hostetter to the Affordable Housing Authority Board. He noted that although Ms. Hostetter is presently employed by the

Central Florida Community Reinvestment Corporation (CFCRC), which is involved in servicing affordable housing loans, that the Affordable Housing Authority Board does not recommend negotiations or approval of contracts between the CRCRC and Orange County; therefore, this would not pose a conflict of interest.

**Discussion**

The Board discussed the possibility of a conflict of interest and requested a letter of disclosure from Ms. Hostetter's employer. The Board also discussed the possibility of another candidate rather than Ms. Hostetter serving on this Board in view of her employment position. County Chairman Chapin advised she would research and report on any possible relationship between the CRCRC and the Affordable Housing Authority Board.

**Action**

**The Board did not take any action.**

**COUNTY COMPTROLLER DISCUSSION AGENDA**

1. Review of Cablevision Industries Franchise Fees Audit, performed for the two-year period from January 1, 1995, to December 31, 1996.

**Action**

**By consensus, the Board deleted this item from the agenda.**

**FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA**

1. Selection of one firm and one alternate to provide owner's representative services for the Historical Museum conversion, RFP Y7-827-MK, from the following firms ([Construction Administration Department] Purchasing and Contracts Department).

**Commissioner's Report**

Commissioner Freeman stated that he was not present at the September 15, 1997, Procurement Review Committee meeting to review the committee's recommendation on the selection of one firm and one ranked alternate to provide owner's representative services for the Historical Museum conversion

from the following firms listed alphabetically:

- CRSS Constructors, Inc.
- ZHA, Inc.

**Motion**

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all commissioners present and voting AYE by voice vote, the Board approved the following short list ranked as follows:

- #1 ZHA, Inc.
- #2 CRSS Constructors, Inc.

and further, authorized staff to enter into contract negotiations to provide owner's representative services for the Historical Museum conversion, RFP Y7-827-MK.

(Contract Y7-827-MK will be on file in the Purchasing and Contracts Department.)

**PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA**

1. Approval of Interlocal Agreement between the City of Orlando and Orange County for Lake Fairview water quality study, District 2 (Environmental Protection Department).

Staff Report

Environmental Protection Department Manager Anna Hacha-Long requested approval of the Lake Fairview water quality study. She reviewed the long-standing pollution problem and noted the study is being funded jointly by the City of Orlando and the County.

Discussion

The Board discussed funding for the project, pollution of the area, and the joint efforts of the City of Orlando and Orange County to reach a solution to this problem.

**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 approved the Interlocal Agreement between the City of Orlando and Orange County for the Lake Fairview water quality study.



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

2. Adoption of proposed Administrative Regulations in accordance with Section 38-5 of the Orange County Code (Zoning Department).

**Motion**

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted proposed Administrative Regulations in accordance with Section 38-5 of the Orange County Code.

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
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by Orange County Communications Director Ben Hardcastle followed by the Pledge of Allegiance to the Flag.

**SEPTEMBER 18, 1997, PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange Planning and Zoning Commission under date of September 18, 1997, with the exception of the Sign Ordinance, which will be heard by the Board; and Cases Z-97-056, Z-97-075, Z-97-077, and Z-97-080;

subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearings as follows:

- Case Z-97-056, in the name of June Engineering, Windermere Chase, October 28, 1997, at 2 p.m.;
- Case Z-97-075, in the name of Bryant Crotty, Crotty Unlimited, Inc., Novemer 4, 1997, at 2:45 p.m.;
- Case Z-97-077, in the name of Paul A. Curasi, D.V.M., University Animal Hospital, November 4, 1997, at 2:45 p.m.;
- Case Z-97-080, in the name of H. Douglas Miller, Godwin's Gatorland, Inc., November 4, 1997, at 2:45 p.m.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of September 18, 1997, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

**COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION**

**Planning and Development Division**

1. Alternative road impact fee agreement between Summerfield Suites Corporation (for Sierra Suites at Palm Parkway and Lake Avenue) and Orange County, District 1 (Building Department).
2. Alternative road impact fee agreement between Sucil Ramsammy (Ramsammy's Auto Repair) and Orange County, District 4 (Building Department).
3. Alternative road impact fee agreement between Summerfield Suites Corporation (for Sierra Suites at Republic Drive and Austrian Court) and Orange County, District 6 (Building Department).

Discussion

Commissioner Hoenstine stated that the Road Impact Fee Ordinance was approved in 1985 and that none of the current Board members was in office at that time. He further noted that the ordinance allows for alternative impact fee agreements and that a worksession is scheduled for December 2, 1997, to address its monitoring by staff. Commissioner Hoenstine pointed out that, until the worksession is concluded

and there is a better understanding of the issues, approval of impact fee agreements should be limited.

**Motion**

Upon a motion by Commissioner Hoenstine, 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 following:

- Alternative road impact fee agreement between Summerfield Suites Corporation (for Sierra Suites at Palm Parkway and Lake Avenue) and Orange County;
- Alternative road impact fee agreement between Sucil Ramsammy (Ramsammy's Auto Repair) and Orange County;
- Alternative road impact fee agreement between Summerfield Suites Corporation (for Sierra Suites at Republic Drive and Austrian Court) and Orange County;

and further, directed staff to stop processing alternative impact fee agreements until December 2, 1997, with the exception of those studies that are already in the system.

(September 29, 1997, memo from Patti Willson to Planning and Development Division Director Bruce McClendon regarding 16 studies in the system and agreements for Items 1 through 3 are on file in the office of the Comptroller Clerk of the Board is County Commissioners.)

**NOTE: THE FOLLOWING FOUR PUBLIC HEARINGS WERE CONSIDERED TOGETHER: (SEE PAGE 144 FOR APPEARANCES, DISCUSSION, AND MOTION.)**  
**MSTU/BU PUBLIC HEARING - ESTABLISH COMMERCE SQUARE PHASES 1 AND 2**  
**MSTU/BU, STREET LIGHTING, DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting at Commerce Square Phases 1 and 2; Section 02, Township 22, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$.16 per front foot for street lighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH SHOAL POINTE MSTU/BU, STREET LIGHTING, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting at Shoal Pointe; Section 36, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$124 per lot for street lighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH LAKE ROSE MSTU/BU, STREET LIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting and maintenance of retention pond(s) at Lake Rose; Section 36, Township 22, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$142 per lot for street lighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

**MSTU/BU PUBLIC HEARING - ESTABLISH LAKE STEER POINTE MSTU/BU,  
STREET LIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting and maintenance of retention pond(s) at Lake Steer Pointe; Section 34, Township 22, Range 28; Orange County, Florida.

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

**Staff Report**

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$91 per lot for street lighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

**Appearances**

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

**Discussion**

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

**Motion**

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board adopted resolutions establishing special purpose taxing districts as follows:

- Commerce Square Phases 1 and 2, annual cost of \$.16 per front foot for street lighting;
- Shoal Pointe, annual cost of \$124 per lot for street lighting;
- Lake Rose, annual cost of \$142 per lot for street lighting and \$54 per lot for maintenance of retention pond(s);
- Lake Steer Pointe, annual cost of \$91 per lot for street lighting and \$54 per lot for maintenance of retention pond(s).

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

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE PLANNED DEVELOPMENT, PHASE 1A, PARCELS 12, 14, 15; PRELIMINARY SUBDIVISION; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Southchase 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 the Florida Turnpike, north of the Greenway; District 1; Sections 26 and 27, 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**

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:

- Todd Rimmer, Professional Engineering Consultants, Inc.; 200 East Robinson Street, Orlando, Florida; for the applicant.

The following person addressed the Board with general comments:

- David Klahr, resident of Hunter's Creek (no address given).

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 Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the Southchase Planned Development Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Southchase Preliminary

Subdivision Plan, dated "Received August 27, 1997," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on September 30, 1998, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to the issuance of a Certificate of Occupancy, Balcombe Road shall be constructed as a three-lane roadway to the Southern Connector.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this planned development.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -  
APPLICANT: MARTIN KREIDT PLANNING AND DEVELOPMENT, INC.; BUENA  
VISTA PARK PLANNED DEVELOPMENT; Z-97-062, AUGUST 21, 1997; DISTRICT  
1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Martin Kreidt, Buena Vista Park Planned Development, to rezone Country Estate District (RCE) (1968) to Planned Development (PD), on property generally located on the north side of Lake Avenue approximately 900 feet west of Interstate 4; District 1; Section 15, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath outlined the request and identified the location of the subject property, the zoning classifications, and the Future Land Use Map designations in the area.

**For the record, Commissioner Edwards noted a conflict of interest and left the meeting.**

Appearances

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

- Martin Kreidt, the applicant (no address given).

The following person addressed the Board with general comments:

- Jim Hall, representing Ruby Lake Ranch (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 Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board approved the request by Martin Kreidt, Buena Vista Park Planned Development, to rezone Country Estate District (RCE) (1968) to Planned Development (PD), on the above-described property, subject to the following conditions:

1. Development shall conform to the Buena Vista Planned Development/Land Use Plan, dated "Received July 25, 1997," Board of County Commission (BCC) approvals, and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. Development shall be consistent with the Activity Center Turkey Lake Road Network Agreement approved by the Board of County Commissioners on September 24, 1996. Prior to the

issuance of any Certificate of Occupancy, the Turkey Lake Road Extension shall be constructed as a four-lane roadway from Lake Avenue to Central Florida Parkway in accordance with the agreement.

3. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:
  - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
  - b. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map.
  - c. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation, and location of parking lots.
  - d. The property owner shall be required to participate in a property owners' association upon its creation.
  - e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
  - f. The development plan shall provide for interconnection of adjacent development either by cross-access easement or public right-of-way.
  - g. Electrical distribution lines shall be underground.
  - h. Participation in shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

**4. Billboards and pole signs shall be prohibited;**

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

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

**Commissioner Edwards rejoined the meeting.**

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: RON SCHWARTZ, SPRING LAKE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ron Schwartz of Realty Marketing Associates, Spring Lake Planned Development (PD), to change the existing 15-acre elementary school site located on the northern part of the property to a 30-acre middle school site and relocate it to the southeastern part of the property, pursuant to Orange County Code, Section 38-1207; on property generally located south of Sunflower Trail, 1 1/2 miles south of East Colonial Drive; District 4; Section 31, Township 22, 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 Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

**Appearances**

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

- Ray Conway (no address given).
- Rob Rosen, Esquire; Broad and Cassel, P.A. (no address given).

No one appeared in opposition to the request.

Discussion

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

Motion

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Ron Schwartz of Realty Marketing Associates, Spring Lake Planned Development (PD), to change the existing 15-acre elementary school site located on the northern part of the property to a 30-acre middle school site and relocate it to the southeastern part of the property; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: KEVIN AZZOUZ, CHAINE DU LAC; PETITION TO VACATE 97-35, VACATE ROAD RIGHTS-OF-WAY TO CONVERT TO A "GATED COMMUNITY"; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Kevin Azzouz, Petition to Vacate 97-35, to vacate all of Chaine du Lac Boulevard and a portion of Park Avenue in order to create a gated community; on property generally located on the south side of Lake Butler Boulevard approximately 2800 feet east of Lake Butler Boulevard/McKinnon Road intersection; District 1; Section 12, Township 23 South, Range 27 East; 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, subject to approval of all necessary documents by the County Attorney's office.

Appearances

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

- John Howell, Esquire; Maguire, Voorhis & Wells, P.A.; 2 South Orange Avenue, Orlando, Florida; for the applicant.

- Doug Long, 12540 Park Avenue, Windermere, Florida.
- Jackie Van Fleet, 1224 Park Avenue, Windermere, Florida.
- Bob Kazaras, 12238 Park Avenue, Windermere, Florida.
- Rulon Munns, resident of Chaine du Lac (no address given).
- Jan Moriarity, resident of Chaine du Lac (no address given).
- Howard Smith, 3401 Linus Court, Orlando, Florida.

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

- Don Leach, resident of Chaine du Lac (no address given).
- Clyde Frazier, resident of Chaine du Lac (no address given).

#### Legal Counsel

County Attorney Tom Wilkes advised the Board that, if public streets are eliminated cutting off access, the County may be subject to an inverse condemnation proceeding. Mr. Wilkes pointed out that, since there is no statute or precedent to follow, there may be some residual risk to the County if a defect is found in the title. Additionally, he clarified that the fees may be more costly than previously noted by the applicant's attorney.

#### 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 County Chairman Chapin and Commissioners Freeman, Staley, Hoenstine, and Edwards voting AYE by voice vote; Commissioners Johnson and Butler voting NO by voice vote; the Board authorized the County Chairman to execute a resolution to vacate those public roads known as Chaine du Lac Boulevard and Park Avenue in Chaine du Lac Subdivision, as recorded in the Official Records of Orange County, Plat Book 27, Pages 60-63, within 60 days of this public hearing, contingent upon:**

- Receipt of a favorable recommendation by County staff as to

the sufficiency of all documents and transactions supporting the agreement for vacation for privatization of roads and drainage facilities entered into between the Chaine du Lac Association, Inc., (CDL) and the County. Such agreement shall include an obligation to the CDL to acquire title insurance insuring title to the CDL in said roads in the highest available amount;

- fully indemnify the County in the event of any claim by any party against the County resulting from the vacation of said roads;
- obligation of the CDL to dedicate and convey the said roads to the County, upon demand and without consideration, in the event of a final nonappealable judgment or order against the County arising from or resulting from the vacation of said roads;
- recordation by the CDL of this motion in the Official Records of Orange County, Florida, on or before October 2, 1997.

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

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: BRENTWOOD CLUB HOMEOWNERS' ASSOCIATION, INC.; PETITION TO VACATE 97-08, VACATE ROAD RIGHTS-OF-WAY TO CONVERT TO A "GATED COMMUNITY"; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Brentwood Club Homeowners' Association, Petition to Vacate 97-08, to vacate all of the right-of-way of Camberley Circle, Kenmure Cove, Beckingham Place, Lyndhurst Place, Castleford Point, and a portion of Portbury Drive for the purpose of converting The Brentwood Club Subdivision to a "Gated Community"; on property located on the west side of Apopka-Vineland Road approximately 1.8 miles south of the Apopka-Vineland Road/Sand Lake Road intersection; District 1; Section 3, 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.)

The following court reporters were present: Teri L. Grant and Stacey B. Walters, Barbara Perry and Company; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Staff Report

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted, subject to approval of all necessary support documents by the County Attorney's office.

Appearances

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

- Michael O'Quinn, Esquire; 28 West Central Boulevard, Orlando, Florida; for the applicant.
- Bill Burkett, engineer for the applicant (no address given).
- Kathy Griffith, 9629 Camberley Circle, Orlando, Florida.
- Sharon Joustra, 8739 Beckingham Place, Orlando, Florida.
- Anne Marie Jessup, 9821 Camberley Circle, Orlando, Florida.
- Donald and Robin Royal, 9500 Castleford Point, Orlando, Florida.
- Ronald Grubb, 8736 Kenmure Cove, Orlando, Florida.

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

- Catherine Thoma, 8701 Ellesmere Place, Orlando, Florida.
- Santo DiLeo, 9531 Portbury Drive, Orlando, Florida.
- Ken Cleighton, Cleighton & McCullough, representing Bristol Park (no address given).
- Sal Ulich, Bristol Park (no address given).

The following person addressed the Board with general comments:

- Ken Marino, president of Bristol Park Homeowners' Association, (no address given).

The County Chairman accepted the following exhibits from Santo DiLeo:



- Clerk's Exhibit 1, statement dated September 30, 1997;
- Clerk's Exhibit 2, photograph of Portbury Drive in Bristol Park and Brentwood Club.

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 Petition to Vacate 97-08, to vacate all of the right-of-way of Camberley Circle, Kenmure Cove, Beckingham Place, Lyndhurst Place, Castleford Point, and a portion of Portbury Drive for the purpose of converting The Brentwood Club Subdivision to a "Gated Community," until January 6, 1998, at 3:30 p.m.

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