

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 27, 1998. 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.

COUNTY CONSENT AGENDA**Action**

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

- deferred Fiscal and Human Resources Division Item 1 for discussion (see page 490 for discussion and subsequent approval as amended);
- deleted Fiscal and Human Resources Division Items 5 and 7; Item 10, Budget Amendments 98-20 through 98-24; Item 11, Budget Transfer 98-182; Item 12, CIP Amendments 10-98 and 11-98;
- deferred Fiscal and Human Resources Division Item 16, reappointment of Michael Iacona, for discussion (see page 482 for discussion and subsequent approval);
- deleted Planning and Development Division Item 2;
- deferred Public Works Division Item 1 (see page 487 for discussion and subsequent approval).

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

County Attorney

1. Authorization to cease paying the appellate filing fees for indigent defendants.

County Comptroller

1. Acknowledgment and filing of the Operational Audit of the Orlando/Orange County Expressway Authority for fiscal year ended June 30, 1996, and Selected Authority Actions Taken during the periods July 1, 1993, through June 30, 1995, and July 1, 1996, through September 12, 1997 (County Audit Department).
2. Acknowledgment and filing of the Orange County Library District Financial Report for fiscal year ended September 30, 1997 (Administrative/Fiscal Division).
3. Acknowledgment and filing of the Financial Statements for fiscal years ended September 30, 1997 and 1996, and Supplemental Schedule for the year ended September 30, 1997 - Economic Development Commission of Mid-Florida, Inc. (Administrative/Fiscal Division).
4. Acknowledgment and filing of the Orange County Industrial Development Authority Financial Report for fiscal years ended September 30, 1997 and 1996 (Administrative/Fiscal Division).
5. Approval to pay Clerk of the Circuit and County Courts' invoices in the total amount of \$298,785.84 for services rendered during the month of December 1997 (Administrative/ Fiscal Division).
6. Acknowledgment of the following "File for the Record" documents received in the Office of the Comptroller, Clerk of the Board of County Commissioners:
 - a. Zellwood Drainage and Water Control District Audit Report, fiscal year 1996-97; dated December 15, 1997.
 - b. City of Orlando notice of ordinance annexing to the corporate limits of the city, property located at 3600 Shader Road; Annexation Docket Number 30772; dated November 24, 1997.
 - c. Florida Public Service Commission amendatory order re: Resolutions and requests by Holmes, Gilchrist, Orange, Bradford, Putnam, Pasco, Volusia, and Palm Beach Counties for extended area service between various exchanges; dated January 5, 1998.

d. Florida Public Service Commission notice for hearing and prehearing conferences as follows; dated December 31, 1997:

-Petition by Metropolitan Fiber Systems of Florida, Inc., for arbitration with BellSouth Telecommunications, Inc., concerning interconnection rates, terms, and conditions pursuant to the Federal Telecommunications Act of 1996.

-Petition by AT&T Communications of the Southern States, Inc., for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc., concerning interconnection and resale under the Telecommunications Act of 1996.

-Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc., concerning interconnection and resale under the Telecommunications Act of 1996.

-Petition by MCI Metro Access Transmission Services, Inc., to set nonrecurring charges for combination of network elements with BellSouth Telecommunications, Inc.

(Comptroller Clerk of the Board of County Commissioners)

7. Approval of the minutes of the January 6, 1998, and January 13, 1998, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
8. Acknowledgment and filing of the Central Florida Regional Transportation Authority's Comprehensive Annual Financial Report for fiscal year ended September 30, 1997 (Administrative/Fiscal Division).
9. 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 January 8, 1998, to January 14, 1998; total of \$11,662,165.15.

- Period from January 15, 1998, to January 21, 1998; total of \$18,952,363.24.

(Finance and Accounting Department)

Administrative Support Division

1. Approval and execution by County Chairman of sublease agreement and authorization to record instruments: Woodstone, Utility Easements, Temporary Easement, Lift Station Easement, Access and Utility Easement, Sublease Agreement and Subordinations of Encumbrances: District 4 (Real Estate Management Department).

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

2. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate recording costs, and approval of any additional recording fees not to exceed \$50: Southwest Orange County Effluent Disposal Joint Facilities, Warranty Deed, Parcel 101, District 1 (Real Estate Management Department).
3. Approval and authorization to disburse warrants, record instrument, and pay appropriate recording fees: Somerset at Lakeville Oaks, Temporary Easement, District 2 (Real Estate Management Department).
4. Approval and execution by County Chairman of Lease Amendment One between Church Street Investment Properties, Inc., and Orange County, Florida: Magnolia Place, Lease Amendment One, District 3, (Real Estate Management Department).

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

5. Approval and execution by County Chairman of Lease Amendment Five, between Church Street Investment Properties, Inc., and Orange County, Florida: Magnolia Place, Lease Amendment Five, District 3 (Real Estate Management Department).

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

6. Approval of instruments in connection with landscaping of subdivision wall: Georgetown Estates, Temporary Construction Easements, Parcels 701.1/702.1/703.1/704.1/705.1/707.1/708.1/709.1/710.1/711.1/712.1/713.1, District 5 (Real Estate Management Department).
7. Confirmation of the reappointment of Marie Palmer as the Chairman's at large representative on the Citizen Review Board with a term expiring December 31, 1999 (General Services Department/Agenda Development).
8. Confirmation of the reappointment of Jose Carrazana as the District 3 representative on the Board of Zoning Adjustment with a term expiring December 31, 1998 (General Services Department/Agenda Development).

Fire Rescue Division

1. Approval and execution by the County Chairman of the fiscal year 1998 State and Local Assistance Agreement between the State of Florida Department of Community Affairs and Orange County for receipt of matching funds in the amount of \$69,085 for emergency management assistance under Rule 9G-19.001 (1), Florida Administrative Code (FAC) (Office of Emergency Management).

(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 Invitation for Bid Y8-102-JS to four responsive and responsible bidders, Interim Health Care, Nursefinders of Orlando, Registry Network, Inc., and Initial Health Care Staffing, for nursing services for the Corrections Division. The estimated annual cost is \$700,000 ([Corrections Medical Services Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred and subsequently approved as amended. See page 490.)

2. Approval to award Invitation for Bid Y8-714-PW to the low responsive and responsible bidder, F.E. Development Recycling

Inc., for Myrtle Street paving and drainage improvements. The total cost is \$343,026.07 ([Highway Construction Department] Purchasing and Contracts Department).

3. Approval to award Invitation for Bid Y8-715-PW to the low responsive and responsible bidder, Stage Door II, Inc., for Patch Road paving and drainage improvements. The total cost is \$251,221.20 ([Public Works Engineering Department] Purchasing and Contracts Department).
4. Approval of Amendment 4, Contract Y5-802 with HNTB Corporation for engineering services for Phase II of the Apopka-Vineland Road construction project (Conroy-Windermere Road to Old Winter Garden Road). Cost of the amendment is \$1,488,366.79. New contract total to date is \$2,326,868.36 ([Public Works Engineering Department] Purchasing and Contracts Department).
5. Approval to enter into Contract Y8-2067 with Orlando Regional Healthcare System (ORHS), for sexual abuse treatment. The total cost is \$135,430 ([Human Services Department] Purchasing and Contracts Department).

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

6. Approval of Amendment 3, Task Authorization 1, Contract Y3-905 with H.C. Yu and Associates, for reconfiguration and updating of construction documents for Corrections' Buildings D, E, and F. Cost of amendment is \$162,950. New contract total to date is \$823,083.60 ([Construction Administration Department] Purchasing and Contracts Department).
7. Approval to enter into a sole source contract with Miller, Sellen, Conner, and Walsh for consulting services for the preparation of the Comprehensive Policy Plan Evaluation and Appraisal Report (EAR), Phase II. The total cost is \$103,980 ([Planning Department] Purchasing and Contracts Department).

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

8. Approval for the Sheriff's Office to spend approximately \$1,000 from the Law Enforcement Trust Fund to make a contribution of \$1,000 to the Salvation Army Christmas Kettle Drive (Office of Management and Budget).

9. Approval of a resolution to authorize an annual interfund transfer of up to \$2,000,000 from the Water Utilities System Fund to the General Fund (Office of Management and Budget).

(Resolution 98-SW-01 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval of Budget Amendments 98-12, 98-14 through 98-18, and 98-20 through 98-24 (Office of Management and Budget).

(As stated in the above motion, Budget Amendments 98-20 through 98-24 were deleted from the agenda.)

(Budget Amendments 98-12 and 98-14 through 98-18 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Approval of Budget Transfers 97-850, 98-48, and 98-182 (Office of Management and Budget).

(As stated in the above motion, Budget Transfer 98-182 was deleted from the agenda.)

(Budget Transfers 97-850 and 98-48 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

12. Approval of CIP Amendments 115-97, 05-98, 10-98, and 11-98 (Office of Management and Budget).

(As stated in the above motion, CIP Amendments 10-98 and 11-98 were deleted from the agenda.)

(CIP Amendments 115-97 and 05-98 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

13. Approval of payment of Intergovernmental Claims for December 23, 1997, December 31, 1997, and January 8, 1998, totaling \$317,816.74 (Risk Management Department).

14. Receipt and filing of the minutes of the December 18, 1997, December 23, 1997, and December 31, 1997, meetings of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).

15. Review and approval of semiannual Public Officials' bonds per F.S.137.05 (Risk Management Department).
16. Confirmation of the County Chairman's staff reappointments for the month of January:
 - James E. Harrison, manager, Public Works Engineering Department
 - Peter D. Clarke, deputy director, Health and Community Services Division
 - Jane L. Myers, manager, Medical Clinic
 - Fitzhugh Long, manager, Business Development Department
 - Michael Iacona, director, Fire Rescue Division
 - John D. Terwilliger, director, Administrative Support Division
 - Sharon G. Laisure, director, Fiscal and Human Resources Division

(Human Resources Department)

(As stated in the above motion, the reappointment of Michael Iacona as Fire Rescue Division director was deferred for discussion and subsequently approved. See page 482.)

17. Approval of a supplemental resolution with respect to the Water Utilities System Refunding Revenue Bonds, Series 1998 (the "Series 1998 Bonds"). It is the opinion of the County's financial advisors that it is in the best interest of the County to fund the Reserve Account requirement by purchasing a surety bond. The supplemental resolution provides for the creation of a reserve account subaccount for the Series 1998 Bonds and accepts the commitment of Ambac Assurance Corporation to issue a surety bond for deposit into such subaccount (Division Office).

(Resolution 98-B-02 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

18. Approval and execution of resolution to ratify issuance of Orange County Housing Finance Authority multi-family housing revenue bonds in an aggregate principal amount not to exceed \$2,500,000 - Alhambra Trace Apartments (Orange County) (Orange County Housing Finance Authority).

(Resolution 98-B-03 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 nonemergency medical transport license renewal for DOR-SAR patient transport services. Term of the license is January 31, 1998, through January 31, 2000, all districts (Emergency Medical Services).
2. Approval and execution of nonemergency medical transport license renewal for Mid-Florida Patient, Inc. Term of the license is January 1, 1998, through January 1, 2000, all districts (Emergency Medical Services).

Planning and Development Division

1. Receipt and filing of the Lake Jessamine Water Advisory Board minutes of November 20, 1997, for the official County record, District 4 (Environmental Protection Department).
2. Approval of the extension of the Impact Fee Deferral Program to December 31, 1998; and further, to make a finding of consistency with the Comprehensive Policy Plan, all districts (Planning Department).

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

3. Approval and execution of the Development Agreement for the Orlando Jetport Center Planned Development/Development of Regional Impact between Orange County and Jetport Industrial Park of Orlando, Limited; and further, to make a finding of consistency with the Comprehensive Policy Plan, District 4 (Planning Department).

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

(Commissioner Edwards' memorandum of voting conflict was filed after the fact in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval to issue Change Order 2-PWF to Contract Y7-711 with

Trimble Enterprises, Inc., for Washington Park sewer improvements in the increased amount of \$44,909.36. New contract total is \$305,211.05, District 6 (Highway Construction Department).

(As stated in the above motion, this item was deferred for discussion and subsequently approved. See page 487.)

2. Approval of "Stop" sign installations at World Gateway, District 1 (Traffic Engineering Department).
3. Approval of "Stop" sign installation in the Clarcona Cove Subdivision, District 2 (Traffic Engineering Department).
4. Approval to establish a "No Parking" zone on the east side of Rose Avenue, beginning from the south right-of-way line of Edgewater Drive and extending south 880 feet, District 2 (Traffic Engineering Department).

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

16. Confirmation of the County Chairman's staff reappointment for the month of January:

- Michael Iacona, director, Fire Rescue Division

Commissioner's Report

Commissioner Staley stated that he is opposed to the reappointment of Fire Rescue Division Director Michael Iacona and discussed the reasons for his opposition.

Discussion

The Board discussed Fire Rescue Division management and morale problems, citizens' complaints and lawsuits resulting from Apopka-area fires, lack of diversity among personnel, and the need to review personnel deployment policies.

The Board also discussed supplying sufficient equipment and personnel for the division's function, requests from municipalities for first-response reimbursement, annexation of property by municipalities, underestimated Apopka fire protection costs, identification of additional revenue sources, and evaluation of the division's needs by Chief Iacona.

Action

A motion by Commissioner Staley, seconded by Commissioner Butler, with Commissioners Staley and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, and Edwards voting NO by voice vote; not to reappoint Michael Iacona Fire Rescue Division director failed.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, and Edwards voting AYE by voice vote; Commissioners Staley and Butler voting NO by voice vote; the Board reappointed Michael Iacona as Fire Rescue Division director.

COUNTY COMPTROLLER DISCUSSION AGENDA

1. Acknowledgment and filing of the Audit of the Orange County Courthouse Construction - Minority/Women Business Enterprise Issues.

County Comptroller's Report

County Comptroller Martha Haynie stated that the Board's primary goal of uniting all justice system elements in a spacious and convenient County Courthouse has been accomplished. She noted that the Board's secondary project goals were to benefit the local economy, to train minorities and women in construction trades, and to promote development of women- and minority-owned businesses.

Comptroller Haynie explained that the courthouse contract contained a variety of incentives for meeting specific economic objectives, including a \$416,000 bonus. She stated that her office audited a sample of the construction manager's monthly economic goal progress reports and found them inaccurate and incomplete. Comptroller Haynie pointed out that reliance on these reports resulted in the programs' success being misperceived and could have led to the County's payment of unearned bonuses.

Comptroller Haynie observed that while the construction manager may have met the County's women and minority workforce goals, the trade contractors used minority subcontractors'

letters of intent to win contracts but did not always hire those subcontractors, or hired them to perform less work than represented to the County. She stressed the need for a procedure to determine whether letters of intent actually result in work being awarded to and performed by women and minority subcontractors, and that the Business Development Department concurs with all of her recommendations for improvement.

Appearances

The following persons addressed the Board:

- Kristin Beck, Designers West, Orlando, Florida.
- William Rivera (no address given), for Rivera Painting.
- Sylvia Ramon, 505 Ramona Lane, Orlando, Florida.

Legal Counsel

In response to a question from County Chairman Chapin concerning whether the construction manager has submitted any claims, County Attorney Tom Wilkes stated that claims are pending, but have not yet been received.

Staff Report

Assistant County Attorney Joe Passiatore stated that the County Attorney's Office is not holding money back from subcontractors or material men involved in courthouse construction. He noted that the construction manager has only recently furnished staff a detailed accounting of each subcontract, but that the County cannot pay subcontractors until the construction manager signs a release.

Discussion

The Board discussed the monitoring of women and minority participation in courthouse construction, reliance on the construction manager to provide data, use of women- and minority-owned firms to construct the Convention Center, and the size of the sample audited by the Comptroller's Office.

The Board also discussed the need for additional Business Development Department personnel to monitor minority construction activity and the use of mediation to settle claims.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board acknowledged and accepted the Audit of the Orange County Courthouse Construction - Minority/Women Business Enterprise Issues for filing.

COMMISSIONER'S REPORT

1. Commissioner Edwards wishes to make a motion to rescind the Board action of January 6, 1998, denying approval for the purchase of property located at the corner of Dean Road and University Boulevard for use as a park site.

Commissioner's Report

Commissioner Edwards stated that the County's Master Plan provides for numerous parks and that money is available for parkland acquisition from interest earnings on the Environmental Lands Fund.

County Chairman's Report

County Chairman Chapin noted that the interest earned from the Environmental Lands Fund may provide an opportunity for potential park project review before next year's budget. She suggested asking each district commissioner and the Parks and Recreation Department to identify projects for review and recommendation by the Parks and Recreation Advisory Board. County Chairman Chapin explained that the Master Plan and CIP process have prioritized locations where parks are most needed.

Discussion

The Board discussed selecting Master Plan projects, lowering park site cost by utilizing donated or low-cost property, exchanging surplus property for park use, and identification of funds for parkland acquisition and development.

Action

The Board did not take any action.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates for entering into contract negotiations to provide engineering services for the Harrell Road bridge improvements project (Little

Econlockhatchee River), RFP Y8-800-MK, ([Public Works Engineering Department] Purchasing and Contracts Department).

and

- 2. Selection of one firm and two ranked alternates for entering into contract negotiations to provide engineering services for C.R. 532 (Nova Road) bridge improvements, RFP Y8-801-MK, ([Public Works Engineering Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Hoenstine stated that he was present at the December 15, 1997, Procurement Review Committee meeting and reviewed the committee's recommendations on the selection of one firm and two ranked alternates to provide engineering services for Harrell Road and C.R. 532 (Nova Road) bridge improvements from the following firms listed alphabetically:

- Avcon, Inc.
- Bowyer, Singleton, and Associates
- Moreland Altobelli Associates, Inc.

Action

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

- #1 Avcon, Inc.
- #2 Bowyer, Singleton, and Associates
- #3 Moreland Altobelli Associates, Inc.

further, authorized staff to enter into contract negotiations to provide engineering services for the Harrell Road Bridge improvements project (Little Econlockhatchee River), RFP Y8-800-MK;

further, approved the following short list ranked as follows:

- #1 Bowyer, Singleton, and Associates
- #2 Avcon, Inc.
- #3 Moreland Altobelli Associates, Inc.

and further, authorized staff to enter into contract

negotiations to provide engineering services for C.R. 532 (Nova Road) bridge improvements, RFP Y8-801-MK.

(Contracts Y8-800-MK and Y8-801-MK will be on file in the Purchasing and Contracts Department.)

- 3. Approval to award Invitation for Bid Y7-779-PW to the low responsive and responsible bidder, Bergeron Land Development, Inc., for Curry Ford Road extension (from Andover Lakes Drive to Alafaya Trail) and widening of Alafaya Road (from Mark Twain Boulevard to Lake Underhill Road). The total cost is \$11,569,549 ([Highway Construction Department] Purchasing and Contracts Department).

Staff Report

Deputy Public Works Division Director Bill Baxter stated that it is possible to defer a decision on this item until the February 10, 1998, meeting with no adverse consequences.

Discussion

The Board discussed obtaining information on the location of Bergeron's principal place of business and the scope of its operations in the County, local preference ordinance provisions, the status of local preference legislation, the collection of intangible taxes, and awarding of contracts based on low bid versus local preference.

Action

By consensus, the Board deferred this item.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Public Works Division

- 1. Approval to issue Change Order 2-PWF to Contract Y7-711 with Trimble Enterprises, Inc., for Washington Park sewer improvements in the increased amount of \$44,909.36. New contract total is \$305,211.05, District 6 (Highway Construction Department).

Commissioner's Report

Commissioner Staley stated that he is opposed to the cost and size of this change order adding sewer service to four units.

Staff Report

Deputy Public Works Division Director Bill Baxter explained

that part of the cost will provide sewer service to four additional residences, but that most of the amount is for de-watering necessitated by a water table higher than anticipated at residences added by both the first and second change orders.

Discussion

The Board discussed a Community Affairs Department partnership with the developer to build 64 new homes, receipt of \$4,500 in impact fees from this project for the County, design of the sewer system according to City of Orlando standards, furnishing sewer service to current residents, and annexation of this area into the City of Orlando.

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; the Board approved Change Order 2-PWF to Contract Y7-711 with Trimble Enterprises, Inc., for Washington Park sewer improvements in the increased amount of \$44,909.36, with a new contract total of \$305,211.05.

County Chairman Chapin left the meeting.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA

1. Communication towers update.

Staff Report

Zoning Department Manager Melvin Pittman stated that this report is to provide an update on tower permitting activity since the adoption of the amended Communication Tower Ordinance on June 17, 1997.

Development Coordinator Gail Tyree reviewed the location of towers and antennae approved by the County since June 17, 1997; tower-to-tower and tower-to-residence separation requirements; incentives for using existing building rooftops for towers; companies seeking County approval for towers; and colocation commitments.

Ms. Tyree explained that the County has approved a total of 28 communication facilities, and of eight new towers, four will

colocate services. She pointed out that 13 existing towers will also be retrofitted with colocation services. Ms. Tyree cited placement of seven antennae on rooftops, utility poles, and other structures of sufficient height. She noted that of 28 communication facility requests approved by the County, 21 percent are co-location endeavors and 72 percent use existing towers and structures.

Ms. Tyree reported that the number of cellular telephone service companies has decreased, and of those remaining, most have completed their coverage networks. She concluded by stating that GIS staff is mapping all towers located within the County.

Discussion

In response to a question from Commissioner Hoenstine concerning using and determining which County lands are suitable for communication towers, Real Estate Management Department Manager George Hart, Jr., stated that the County has had requests to place antennae at the landfill and on a Florida Power Corporation pole.

The Board discussed the status of lawsuits against the County by APT and PrimeCo, the costs of County legal defense in those suits, and the number of communication service providers per tower.

Action

The Board did not take any action.

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

The Board paused for an invocation by Charlene Ward, legal administrative assistant, followed by the Pledge of Allegiance to the Flag.

JANUARY 15, 1998, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of January 15, 1998; subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of January 15, 1998 were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y8-102-JS to four responsive and responsible bidders, Interim Health Care, Nursefinders of Orlando, Registry Network, Inc., and Initial Health Care Staffing, for nursing services for the Corrections Division. The estimated annual cost is \$700,000 ([Corrections Medical Services Department] Purchasing and Contracts Department).

Staff Report

Deputy County Administrator Byron Brooks stated that staff has supplied the information Commissioner Edwards requested. Mr. Brooks said that the highest bidder will be eliminated, the three remaining firms will be used in rotation, and that staff will continue to monitor the contract.

Discussion

The Board discussed using placement firms to fill permanent County nursing positions instead of employing temporary help and charging inmates for medical services they receive.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board awarded Invitation for Bid Y8-102-JS to three responsive and responsible bidders, Interim Health Care, Nursefinders of Orlando, and Registry Network, Inc., for nursing services for the Corrections Division at an estimated annual cost of \$700,000.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 30, PLANNING AND DEVELOPMENT (CONTINUED FROM JANUARY 13, 1998)

By consensus, the Board reopened the public hearing to consider a proposed ordinance providing for amending Orange County Code, Chapter 30, Planning and Development, continued from the January 13, 1998, Board meeting.

Staff Report

Planning Department Manager David Heath stated that this public hearing was continued from the January 13, 1998, Board meeting. Mr. Heath reviewed the proposed ordinance and outlined its amendments.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Chapter 30, Planning and Development; and further, made a finding of consistency with the Comprehensive Policy Plan.

(Ordinance 98-02 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 2, ARTICLE X, PERTAINING TO LOBBYIST REGISTRATION

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

AN ORDINANCE PERTAINING TO LOBBYING IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 2, ARTICLE X, ORANGE COUNTY CODE; AMENDING REGISTRATION REQUIREMENTS FOR LOBBYISTS; PROVIDING FOR RECORDING OF LOBBYING CONTACTS; PROHIBITING CERTAIN LOBBYING; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Joy Carmichael reviewed the proposed ordinance and outlined its amendments.

Legal Counsel

In response to a question from Commissioner Freeman about lobbyists being officially hired, County Attorney Tom Wilkes stated that the underlying theory of the ordinance is that the burden to publicly disclose clients is on the lobbyist.

Appearances

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

Discussion

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

Commissioner Edwards suggested that Section 2-353 of the proposed ordinance be revised to require anyone conducting business with commissioners or staff to sign a log.

County Attorney's Report

County Attorney Tom Wilkes outlined revisions to the proposed ordinance as follows:

- Line 42, after "lobbyists" add "and other persons"
- Line 43, after "lobbyist" add "or other person"
- Line 44, after "principal" add ", if any,"

Action

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

voice vote, the Board adopted the proposed ordinance amending Orange County Code, Chapter 2, Article X, pertaining to lobbyist registration, as amended below.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, and Edwards voting AYE by voice vote; Commissioners Hoenstine and Butler voting NO by voice vote; the Board amended the above motion to revise language in Section 2-353 as follows:

- Line 42, after "lobbyists" add "and other persons"
- Line 43, after "lobbyist" add "or other person"
- Line 44, after "principal" add ", if any,"

(Ordinance 98-03 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COMPREHENSIVE POLICY PLAN AMENDMENTS, CYCLE 1, TRANSMITTAL PUBLIC HEARING

Notice was given that the Board of County Commissioners would hold a public hearing regarding transmittal of proposed amendments to the 1990-2010 Comprehensive Policy Plan ("CPP"), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matters set forth below:

1. Amendments to the Future Land Use Element regarding adoption of new Goal 7, new Objective 7.1 and implementing policies related to development in east Orange County and protection of the Econlockhatchee River;
2. Amendments to the Future Land Use Element regarding adoption of new Goal 6, Objective 6.1 and Policies 6.1.1 and 6.1.2 pursuant to Stipulated Settlement Agreement (D.O.A.H. Case Number 96-3548GM) to address the amendment process;
3. New element: Urban Design Element;
4. New element: Neighborhood Element; and
5. Amendments to the Traffic Circulation Element regarding Map

II.D-4 and Tables III.B-9 and III.B-10: Amend map to show S.R. 423 (John Young Parkway) extension as a new six- (6) lane facility; S.R. 434 (Alafaya Trail) as a six- (6) lane facility; and S.R. 435 (Kirkman Road) extension as a new four- (4) lane facility.

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

(The parcels of property that are subject to possible land use changes identified by the general location descriptions, acres, and tax parcel identification numbers are on file in the office of the Comptroller Clerk of the Board of County Commissioners. Also, the currently adopted land uses and requested land use changes are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Planning Department Manager David Heath stated this is the transmittal public hearing for the first cycle of Comprehensive Policy Plan (CPP) Amendments for 1998. Mr. Heath added that the Local Planning Agency (LPA) considered all of the CPP amendments at its public hearing on November 20, 1997.

Mr. Heath explained how the advertising requirements for the CPP Amendment public hearings were met. In conclusion, he asked the Board to request an Objections, Recommendations, and Comments (ORC) Report from the Florida Department of Community Affairs (DCA) to be issued within 60 days on all amendments transmitted. Mr. Heath added that the final adoption public hearings are scheduled for June 16, 1998.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board authorized staff to request an Objections, Recommendations, and Comments (ORC) Report from the Florida Department of Community Affairs (DCA) to be issued within 60 days on all amendments transmitted.

Expedited Agenda

Future Land Use Map Amendments and Policy and Textual Amendments

Planning Department Manager David Heath further explained the

expedited agenda/public hearing format for the meeting. He said the items listed under the expedited agenda will be approved in one motion unless a Board member or someone in the audience requests that the item be placed on the public hearing agenda.

Chief Planner Carol Stricklin announced the expedited agenda, as follows:

Future Land Use Element - New Goal 6, Objective 6.1, and Policies related to the Comprehensive Plan amendment process

Traffic Circulation Element - Amend Map II.D-4, Tables III.B-9, and III.B.10 (Districts 2, 5, and 6)

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved transmitting the items on the expedited agenda to the Florida Department of Community Affairs.

Item Withdrawn:

- Future Land Use Element - Amend Policy 3.1.42, Four Corners Community Village Center (District 1)

Regular Agenda - Policies/Textual Amendment Public Hearings

Neighborhood Element

Staff Report

Chief Planner Bill Pable reviewed the proposed element. Mr. Pable explained that its objectives and policies are related to or address revitalization of neighborhoods. He noted that staff and the Local Planning Agency recommended approval of transmittal of the element.

Appearances

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

Discussion

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

Action

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 Neighborhood Element, including Policy 2.1.5, for transmittal to the Florida Department of Community Affairs.

Urban Design Element

Staff Report

Chief Planner Kendall Keith reviewed the proposed element. Mr. Keith explained that its objectives and policies are related to or address improving the aesthetic quality of the County's physical environment and creating a strong community identity. He noted that staff and the Local Planning Agency recommended approval of transmittal of the element.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the Urban Design Element for transmittal to the Florida Department of Community Affairs.

Future Land Use Element - New Goal 7, Objective 7.1 and Policies related to development in East Orange County and protection of the Econlockhatchee River (Districts 4 and 5)

Staff Report

Chief Planner Chris Testerman reviewed the proposed element. Mr. Testerman explained that its objectives and policies are related to or address protection of environmentally sensitive lands and location of urban development in appropriate areas. He noted that staff recommended approving transmittal and the Local Planning Agency recommended denying transmittal of the element.

Legal Counsel

County Attorney Tom Wilkes stated that after review of the proposed policies in connection with property owners' constitutional and statutory rights, it is the view of the County Attorney's Office that no property owners' rights are implicated, violated, or

affected at all. He further stated that if the policies are approved, the properties with vested rights are excluded and existing uses are not affected.

Appearances

The following persons addressed the Board in favor of the proposed element:

- Michael Rich, director; Coalition for Responsible Econlockhatchee Development; 10078 Custer Circle, Orlando, Florida.
- Kay Yewell, 1381 College Point, Winter Park, Florida.
- Ann Marie Gilvin, 2010 Willingham Road, Chuluota, Florida.
- Susan Eberle, 652 West Palm Valley Drive, Oviedo, Florida.
- Burt Eno, 2972 Tanner Road, Orlando, Florida.
- John Winfree, Post Office Box 941142, Maitland, Florida; for the Orange Audubon Society.
- Eugene Stoccardo, 715 Laurenton Road, Winter Park, Florida.
- Bruce Stephenson, director; Growth Management Studies, Rollins College; 1445 Mayfield Avenue, Winter Park, Florida.
- Aaron Kaufman, 346 Prairie Dune Way, Orlando, Florida.
- William L. Pons, 18501 15th Avenue, Orlando, Florida.
- Ken Bosserman, Econ Task Force member and former Development Advisory Board member (no address given).
- Jean Dell, 88 North West Christmas Road, Christmas, Florida.

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

- Tom Cloud, Esquire; Gray, Harris, and Robinson, P.A.; 201 East Pine Street, Orlando, Florida; for Eloise Rybold, Mary Lamar, and Steve Dill.
- R. Duke Woodson, Esquire; Foley and Lardner, P.A.; 111 North

Orange Avenue, Suite 1800, Orlando, Florida; for Maurie L. Carter and Associates.

- Irwin Baker, 1241 Hobson Street, Longwood, Florida.
- Ronald L. Stucki, 800 Avalon Road, Winter Garden, Florida.
- Cris Shaginaw, 21129 Reindeer Road, Christmas, Florida.
- Hugh Harling; Harling Locklin and Associates; 850 Courtland Street, Orlando, Florida; for Eloise Rybold, Frank Wheeler, and Bob Carrigan.
- Cheryl Taubensee, 544 Mayo Avenue, Maitland, Florida; for the Homebuilders Association of Mid-Florida.
- Travis Price, east Orange County resident.
- Eloise Rybold, 15851 Lake Pickett Road, Orlando, Florida.
- Paula Martin, 407 Flatwood Drive, Winter Springs, Florida.
- Cecil Tucker, Post Box 345, Christmas, Florida.
- Paul Linder, Esquire; 255 South Orange, Suite 1101, Orlando, Florida; for the Orange County Farm Bureau.
- Bob Carrigan, 18350 East Colonial Drive, Orlando, Florida.

The following persons addressed the Board with general comments:

- C.W. Sheffield, 4322 Anderson Road, Orlando, Florida.
- Dan Engel, 116 East Connecticut Avenue, Edgewater, Florida.

Discussion

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

Action

A motion by County Chairman Chapin, seconded by Commissioner Johnson, with County Chairman Chapin and Commissioners Johnson and Butler voting AYE by voice vote; Commissioners Freeman, Staley, Hoenstine, and Edwards voting NO by voice vote; to approve Future Land Use Element - New Goal 7, Objective 7.1 and Policies related to development in East Orange County and protection of the

Econlockhatchee River for transmittal to the Florida Department of Community Affairs failed.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with Commissioners Freeman, Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; County Chairman Chapin voting NO by voice vote; the Board approved the appointment of a task force to be comprised of property owners, environmentalists, and members of the community of East Orange County to examine urban development in the area and determine appropriate planning before development occurs.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5 p.m.