

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 17, 1998. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Mable Butler
- County Administrator Jean Bennett
- Deputy Assistant County Attorney Jeff Newton
- Finance and Accounting Manager as Clerk Paul Wunderlich
- 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 Johnson, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board:

- deleted Administrative Support Division Item 2, Parcel 9 only;
- deleted Fiscal and Human Resources Division Item 3, Budget Amendment 98-19 only;
- deferred Public Utilities Division Item 1 for discussion (see pages 552-554 for discussion and subsequent approval);

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

County Attorney

1. Approval to make payment of defense costs in the case of State vs. Courtney Love-Cobain in the amount \$1900.11.

County Comptroller

1. Acknowledgment and filing of the Orange County Research and Development Authority financial statements, supplementary data, and compliance requirements for the years ended September 30, 1996, and September 30, 1997 (Administrative/ Fiscal Division).

Administrative Support Division

1. Approval and execution by County Chairman of option agreement for sale and purchase from Orange County to Board of Trustees of the Internal Improvement Trust Fund of the State of Florida: West Orange Trail, Option Agreement for Sale and Purchase, Parcels 114, 116, 117, 123A, 124, 177, 189, and 199, Districts 1 and 2 (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 advertise notice of auction, conduct public auction, sell surplus properties, and execution by County Chairman of resolution and County deeds and authorization to record instruments in connection with the sales of surplus properties: Sales of County-owned surplus properties, Resolutions, and County Deeds, Districts 1, 2, 3, 4, and 6 (Real Estate Management Department).

(As stated in the above motion, Parcel 9 was deleted from the agenda.)

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

3. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Winter Garden-Vineland Road (Apopka-Vineland Road to Buena Vista Drive and Buena Vista Drive to Chase Road), acquisition of right-of-way parcels, retention area, permanent drainage easements, and temporary construction easement in connection with paving and drainage improvements, District 1 (Real Estate Management Department).

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

4. Approval and execution by County Chairman of agreement granting the right to use the Orlando Utilities Commission Taft-Stanton corridor for the installation, maintenance, and transmission of water and wastewater services to the Campus Crusade development and authorization to disburse warrant: Eastern Regional Water and Wastewater Transmission System

Contract 3, agreement for easements and right-of-way in connection with water and wastewater transmission lines, Parcels 101/801, District 4 (Real Estate Management Department).

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

5. Approval and execution by the County Chairman to show acceptance and authorization to disburse warrant and record instrument: Eastern Regional Water and Wastewater Transmission System Contract 3, Water and Wastewater Utilities Pipeline Easement, Parcel 802, District 4 (Real Estate Management Department).
6. Approval and execution by the County Chairman to show acceptance and authorization to disburse warrant and record instrument: Eastern Regional Water and Wastewater Transmission System Contract 3, Water and Wastewater Utilities Pipeline Easement, Parcel 803, District 4 (Real Estate Management Department).

Division of Information Technologies

1. Approval and execution by the County Chairman of (a) agreement between Westbrook Hunter's Creek Communications, L.P., and Orange County, regarding the Nonexclusive Cable Television Franchise; and (b) Amendment to the Nonexclusive Cable Television Franchise Agreement dated June 23, 1986 (Network and Systems Department).

(Agreement and amendment are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Fiscal and Human Resources Division

1. Approval to award Contract Y7-2075 to Orlando Healthcare System for patient services and forensic physical examinations. The total cost for fiscal year 1996/1997 and fiscal year 1997/1998 is \$214,250 ([Medical Examiner/Emergency Medical Services Department] Purchasing and Contracts Department).
2. Approval to enter into Contract Y8-2067 with Orlando Regional Healthcare System for sexual abuse treatment. The total cost

is \$135,430 ([Human Services Department] Purchasing and Contracts Department).

3. Approval of Budget Amendments 98-19 and 98-25 (Office of Management and Budget).

(As stated in the above motion, Budget Amendment 98-19 was deleted from the agenda.)

(Budget Amendment 98-25 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of Budget Transfer 97-885 (Office of Management and Budget).

(Budget Transfer 97-885 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of CIP Amendments 14-98, 15-98, and 16-98 (Office of Management and Budget).

(CIP Amendments 14-98, 15-98, and 16-98 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of payment of intergovernmental claims for January 29, 1998, totaling \$190,948.47 (Risk Management Department).

7. Receipt and filing of the minutes of the January 22, 1998, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Department).

8. Approval of a resolution extending pledge of constitutional gas tax to the proposed Western Beltway Part A revenue bonds. (Division Office).

(Resolution 98-B-04 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 Amendment 01 to Contract YGJ4E between the Florida Department of Children and Families and Orange County. The amendment modifies the definition of the service unit; increases the per diem rate for

residential group care from \$32.04 to \$36; increases total amount of contract from \$4,621,863 to \$4,681,863; and contains language noting change of agency's name. The increase goes to personnel costs associated with the operations of Great Oaks Village (GOV). The amendment provides additional State funding for the operation of GOV and presents no additional financial liability to the County. The amendment will go into effect the date it has been signed by both parties, all districts (Human Services Department).

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

2. Approval and execution of nonemergency transport license renewal for Central Transit System. Term of the license is February 1, 1998, through February 1, 2000, all districts (Emergency Medical Services Department).
3. Approval and execution of Public Convenience and Necessity Certificate renewal for the Orange County Sheriff's Office to provide advanced life support air transport. Term of the certificate is May 31, 1998, through May 31, 2000, all districts (Emergency Medical Services Department).

Planning and Development Division

1. Support for Alternative 2/2A alignment of the Apopka bypass and the proposed northward extension of the Apopka bypass along a realigned Plymouth-Sorrento Road, District 2 (Planning Department).
2. Approval and execution of the road impact fee agreement regarding an alternative traffic study between Walgreen's (for the Walgreen's at Lake Underhill Road and Chickasaw Trail) and Orange County, District 3 (Planning Department).

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

3. 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 98-057; LC 98-047; LC 98-044; LC 98-060; LC 98-063; LC 98-055; LC 98-052; LC 98-049; LC 98-056; LC 98-054; LC 98-053; LC 97-138, Districts 1, 2, 3, 4, and 6 (Zoning Department).

(Resolutions 98-ZON-07 through 98-ZON-18 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval of a resolution vacating a portion of the plat of Overstreet Crate Company's Subdivision (Control No. VA 9803), District 1 (Development Engineering Department).

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

2. Approval of a resolution vacating a portion of the plat of Harlem Park (Control No. VA 9804), District 5 (Development Engineering Department).

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

3. Approval to install a "Stop" sign on West Crown Point Road at its northbound approach to East Plant Street, District 1 (Traffic Engineering Department).

4. Approval to replace the existing "Yield" sign with a "Stop" sign on Data Court at Corporate Boulevard, District 5 (Traffic Engineering Department).

5. Approval to replace the existing westbound "Yield" sign with a "Stop" sign on Gayle Ridge Drive at Adrienne Drive, District 2 (Traffic Engineering Department).

6. Approval and execution by the County Chairman of agreement for sale and purchase of real property between APU Cypress Springs, Inc., and Orange County for the construction of the Curry Ford Road extension (Eastern Beltway to Alafaya Trail); agreement for joint use, drainage pond and access easement between APU Cypress Springs, Inc., and the County; and authorization and approval to conduct closing, disburse warrant, record instruments, and approval of additional recording fees not to exceed \$100 in connection with acquisition of road right-of-way, retention and compensating storage areas, and drainage, District 4 (Public Works Engineering Department).

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

Utilities Division

1. Approval and execution by the County Chairman of the Wholesale Potable Water Letter Agreement and the Wholesale Wastewater Letter Agreement between Orange County and the Reedy Creek Improvement District, District 1 (Division Office).

(As stated in the above motion, this item was deferred for discussion and subsequently approved. See pages 552-554.)

WORKSESSION - GRAFFITI ORDINANCE/GANGS

and

ORDINANCE PUBLIC HEARING - ENACTMENT OF GRAFFITI ORDINANCE AND MEMORANDUM OF UNDERSTANDING BETWEEN ORANGE COUNTY AND THE ORANGE COUNTY SHERIFF'S OFFICE

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

A PROPOSED ORDINANCE PERTAINING TO GRAFFITI; PROHIBITING THE OFFENSE OF GRAFFITI; PROHIBITING THE POSSESSION OF CERTAIN ITEMS WITH THE INTENT TO COMMIT THE OFFENSE OF GRAFFITI OR TO ALLOW SAID ITEMS TO BE USED TO MAKE GRAFFITI; PROVIDING FOR GRAFFITI REMOVAL BY PROPERTY OWNERS; AND PENALTY PROVISION; AND PROVIDING AN EFFECTIVE DATE.

and

Approval of the Memorandum of Understanding between Orange County and Orange County Sheriff's Office relating to graffiti.

County Chairman's Report

County Chairman Chapin stated that she has been working with community leaders for the past several months to address youth violence and firearm deaths. She noted that members of law enforcement, the State Attorney's Office, the Public Defender, and the Judiciary Clerk's Office have worked together to produce an interim Youth Violence and Firearm Report. Chairman Chapin pointed out that County law enforcement officers are those most at risk from handgun violence.

Sheriff's Office Report

Corporal Eddie Appleby addressed the Board and related an incident during which an armed juvenile gang member shot and seriously wounded him. He noted that the offender showed no remorse, and that he daily encounters similarly defiant, disrespectful youths fearless of the consequences of their actions.

Undersheriff Rick Staly addressed the Board and pointed out that concern about increasing gang violence was the impetus for the graffiti ordinance. He explained that gangs use graffiti to spread destructive messages, citing the "broken window" theory that declining neighborhoods attract crime.

Lieutenant Frank G. Fabrizio of the Special Investigations Division addressed the Board and stated that the appearance of graffiti is the first indicator of gang activity in an area. He explained that graffiti is nonverbal communication allowing gang members to establish their identities and issue challenges to rival gangs. Lieutenant Fabrizio cited County Gang Unit statistics that over the past several years, graffiti damage to property cost taxpayers \$132,000, not including thousands of volunteer work hours to remove it. He said that the presence of graffiti discourages citizens from shopping or living in affected areas, and once-thriving neighborhoods quickly become dangerous.

Appearances

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

Discussion

The Board discussed how long it would take to see an improvement in the community if the ordinance is adopted, the Sheriff's Office furnishing educational programs concerning graffiti for school administrators, whether girls are involved in gang activity, and graffiti as a sign that no one cares about a community.

The Board also discussed closing businesses that act as gang meeting places and early intervention to prevent youngsters joining gangs.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed graffiti ordinance; and

further, approved a memorandum of understanding between Orange County and the Orange County Sheriff's Office.

(Ordinance 98-05 and memorandum of understanding are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - YOUTH VIOLENCE AND FIREARMS INTERIM REPORT

County Chairman's Report

County Chairman Chapin outlined her efforts to address youth violence by bringing together children's advocates, law enforcement, and human services representatives who have recommended initiatives to deal with this problem.

Staff Report

Chief of Staff George Rodon noted the magnitude of the national problem by citing statistics that every two hours a child dies from a gunshot wound and that handgun violence kills more children than the polio epidemic at its height. Mr. Rodon cited the City of Boston's success in combating the problem of youth violence as a model for the County's initiatives.

Assistant to the Health and Community Services Division Director Tom Weinberg stated that since 1985 the number of handgun deaths has increased dramatically, especially among young people. Mr. Weinberg explained that both the perpetrators and victims of handgun violence often have extensive criminal histories. He noted that teen pregnancy negatively impacts families by straining limited resources, and that criminal behavior is learned from family, neighborhood, and peer associations. Mr. Weinberg pointed out that some viable solutions to juvenile crime include mentoring, neighborhood interventions, gun control and searches, partnerships with community law enforcement, enforcement of truancy laws, and drug testing.

Rod Love, chief of operations, Florida Department of Juvenile Justice, stated that 169 juvenile offenders are awaiting placement in commitment programs. Mr. Love explained that these offenders are not receiving immediate punishment, that District 7 has the highest commitment waiting list in the State, and that more resources are needed to deal with this situation. He noted that the Department of Juvenile Justice is studying potential partnerships with other law enforcement agencies, the schools, and the County to work with young people.

Discussion

The Board discussed the lengths of jail sentences juveniles serve, whether Orange County facilities treat juvenile offenders from other counties, and Saturday boot camps for first-time offenders.

The Board also discussed involving the entire community in reducing handgun violence, using schools as community centers from the end of each school day to late evening, truancy program recommendations, providing alternative educational opportunities for high school dropouts, school sessions starting at different times, and the need for strong families.

Action

The Board did not take any action.

NONAGENDA - INTRODUCTION OF VISITORS

Commissioner Butler introduced Kim Evans and her fourth and fifth grade classes from St. Mark Preparatory School.

CONVENTION CENTER DISCUSSION AGENDA1. Convention Center World of Concrete report.

Staff Report

Convention Center Executive Director Tom Ackert stated that last month's World of Concrete conference set a new Florida convention attendance record. Mr. Ackert noted that it was the first event using the entire exhibition floor in combination with the JCK jewelry show. He reviewed the Board's December 14, 1992, issue of a \$1 million performance guarantee to the World of Concrete that the County would complete the Convention Center's expansion by 1998. He noted that the expansion was successfully completed as planned, rendering a performance guarantee payment unnecessary.

Action

The Board did not take any action.

2. Convention Center - completion and close-out of expansion projects.

Staff Report

Convention Center Executive Director Tom Ackert stated that

after the Board approved the Convention Center's expansion in 1991, the Marketing Department began making long-range commitments to host events involving thousands of people. Because of the World of Concrete's successful event, Mr. Ackert noted that it has already engaged the Convention Center for a future conference. He pointed out that 260 events were held last year, with spending from those events exceeding \$800 million, and that the Marketing Department has booked 208 new events representing \$1.8 billion in future spending.

Mike Kelsey, vice president, CRSS Kelsey Hardin, addressed the Board and presented a final report on the Convention Center's Phase 3 and 4 expansion, recognizing Building Department staff for their work on the project. He noted that expansion construction schedule deadlines, goals for Minority and Women Business Enterprise participation, and using local labor and materials were all successfully accomplished.

Discussion

The Board discussed the Building Department's key role in constructing the Convention Center's expansion.

Action

The Board did not take any action.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

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

Staff Report

County Administrator Jean Bennett stated that this item involves whether discretion to apply the reciprocal local preference ordinance should be a factor in awarding the contract.

County Chairman Chapin left the meeting.

Legal Counsel

Deputy Assistant County Attorney Jeff Newton stated that he is not sure of occupational licensing bid provisions and whether

a Broward County license would suffice for performance purposes, but that a license is one criterion for determining a principal place of business.

Discussion

In response to a question from Commissioner Freeman concerning whether bid documents require an occupational license, Acting Chief of Purchasing and Contracts Johnny Richardson stated that a license is not generally required for underground utility or highway construction.

The Board discussed whether the County's local preference ordinance should be amended, if staff has verified information regarding the firms' places of business, the high quality of Bergeron's Apopka-Vineland Road work, whether a storefront constitutes a principal place of business, and the need to provide jobs for unemployed muck farm workers.

County Chairman Chapin joined the meeting.

Action

A motion by Commissioner Hoenstine, seconded by Commissioner Staley, with Commissioners Staley, Hoenstine, and Butler voting AYE by voice vote, Commissioners Freeman, Johnson, and Edwards voting NO by voice vote; to award Invitation for Bid Y7-779PW to Southland Construction, Inc., for the Curry Ford Road extension project (Andover Lakes Drive to Alafaya Trail), at a cost of \$11,569,549 failed.

County Chairman Chapin asked that the matter be continued until the afternoon session to allow her time to review the the Board's discussion which occurred while she was outside of chambers. (See page 556.)

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Utilities Division

1. Approval and execution by the County Chairman of the Wholesale Potable Water Letter Agreement and the Wholesale Wastewater Letter Agreement between Orange County and the Reedy Creek Improvement District, District 1 (Division Office).

Staff Report

Planning Department Manager David Heath stated that

Commissioner Edwards has requested information on the affect of the utility agreements on aquifer recharge, the impact on Conserv II, oversizing of lines, reimbursement of the County by the developer, the number of residential units, the school age population; and the impact of the Black Amber project, the first development within Horizons West. Mr. Heath reviewed the preparation and implementation of the Horizons West project and land use plan, a high priority of the Planning Department since 1994.

In response to a question from Commissioner Edwards concerning whether the Reedy Creek project is included in the Capital Improvements Program, Utilities Division Director Alan Ispass stated that it is not, but that in lieu of a package plant, the County negotiated an agreement with Reedy Creek. Mr. Ispass noted that the agreement would have no impact on Conserv II properties and reviewed the Horizons West Specific Area Plan (SAP) line size and capacities. He explained that the developer is not reimbursing the County for the increased size of utility lines because they are part of the SAP backbone capacity.

Mr. Heath stated that Horizons West is a community-based plan formulated through meetings with property owners, and that developers initially viewed the plan as unfeasible. He reviewed the number of residences and school-age children projected and cited traffic reduction as an advantage of building homes near a major employer.

Discussion

The Board discussed whether the agreement ensures that capacity is reserved exclusively for Horizons West, the Urban Service Area's distance from Horizons West, the offer of Reedy Creek to extend its lines, tax incentives for preservation of recharge areas, the cost of land acquisition for Conserv II, the cost of new school construction in the area, and rates residents will pay for water.

Planning and Development Division Director Bruce McClendon suggested language ensuring that capacity planned for Horizons West's sole use be added as follows:

- Section 3, add: "or any outparcel of Horizons West previously approved by the Board of County Commissioners" after: "... located within two miles of the Horizons West Sector Plan."

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, and Butler voting AYE by voice vote; Commissioners Staley, Hoenstine, and Edwards voting NO by voice vote; the Board approved the Wholesale Potable Water Letter Agreement; and the Wholesale Wastewater Letter Agreement, between Orange County and the Reedy Creek Improvement District, revised as follows:

- Section 3, add: "or any outparcel of Horizons West previously approved by the Board of County Commissioners." after: "... located within two miles of the Horizons West Sector Plan."

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

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

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

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

The Board paused for an invocation by Chaplain Eldon Ruthie Williams of the Corrections Division, followed by the Pledge of Allegiance to the Flag.

Presentation of Service Awards

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

- Jacqueline S. Tooker of the Corrections Division for 25 years of service.

- Brady J. Pawson and Dennis J. White of the Corrections Division for 20 years of service.

-John W. Pierce of the Planning and Development Division Environmental Protection Department for 20 years of service.

Acknowledgment of the Purchasing and Contracts Department's receipt of the Achievement of Excellence in Procurement Award from the National Purchasing Institute, and acknowledgment of an award presented to the department by RESPECT of Florida.

County Chairman Chapin presented the National Purchasing Institute's Achievement of Excellence in Procurement award to Acting Chief of Purchasing and Contracts Johnny Richardson. Mr. Richardson also acknowledged and accepted an award presented to the Purchasing and Contracts Department by RESPECT of Florida.

Presentation of proclamations recognizing Ed Wallace and William Smith for contributions to the "Share Your Christmas" campaign.

County Chairman Chapin presented proclamations to Ed Wallace and William Smith of the Fleet Management Department recognizing their work in collecting and distributing food items for the "Share Your Christmas" campaign.

FEBRUARY 5, 1998, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of February 5, 1998, with the exception of Item 3; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 3 in the name of John Lory, on March 17, 1998.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of February 5, 1998, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

NONAGENDA - ADVISORY BOARD APPOINTMENT

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board confirmed Commissioner Johnson's appointment of Nancy Wren Maddox to the Membership and Mission Review Board.

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA ITEM - CONTINUED

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

County Chairman's Report

County Chairman Chapin stated that she had reviewed the Board's discussion of this item and that the Board may apply the local preference ordinance at its discretion.

In response to a question from Commissioner Freeman regarding whether a storefront constitutes a presence in the County, Acting Chief of Purchasing and Contracts Johnny Richardson stated that a storefront constitutes a presence, but is not a principal place of business as defined by the ordinance.

Discussion

The Board discussed previous applications of the local preference ordinance, occupational license requirements, Bergeron's employment of local workers and status as low bidder, and maintaining or abolishing the local preference ordinance.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, and Edwards voting AYE by voice vote; Commissioners Staley, Hoenstine, and Butler voting NO by voice vote; the Board awarded Invitation for Bid Y7-779PW to the low responsive and responsible bidder, Bergeron Land Development, Inc., for Curry Ford Road extension project (Andover Lakes Drive to Alafaya Trail), at a cost of \$11,569,549.

NONAGENDA - ADVISORY BOARD APPOINTMENT**Action**

Upon a motion by Commissioner Butler, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board confirmed Commissioner Butler's appointment of Darrell Bostick to the Membership and Mission Review Board.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: TADASHI HATTORI, TOMMY COMPANY, INC.; PETITION TO VACATE 97-42, 7.5-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Tadashi Hattori, Tommy Company, Inc., Petition to Vacate 97-42, to vacate a 7.5-foot utility easement; on property located at 6106 Cheshire Lane which is generally along the rear of Lot 54 of the Bay Hill Section Two subdivision located on the west side of Apopka-Vineland Road approximately three-fourths of a mile north of the Apopka-Vineland Road/Sand Lake Road intersection. Lot 54 is located on the west side of Cheshire Lane approximately 130 feet south of the Cheshire Lane/Bay Hill Boulevard intersection; District 1; Section 27, Township 23, Range 28; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

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 a resolution granting Petition to Vacate 97-42 vacating a 7.5-foot utility easement on the above-described property.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: THOMAS FRANKLIN; PETITION TO VACATE 97-43, TWO 10.0-FOOT UTILITY EASEMENTS; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Thomas Franklin, Petition to Vacate 97-43, to vacate two (2) 10.0-foot utility easements; on property located along the east line of Lots 67 and 68, Block 2, of the Stoneybrook Unit 1 Subdivision. This subdivision is located on the east side of Alafaya Trail approximately two miles south of the Alafaya Trail/Lake Underhill Road intersection. Lots 67 and 68, Block 2, are located within the subdivision at the southeast corner of the intersection of Brixham Avenue and Stone Cross Circle; District 4; Section 2, Township 23, Range 31; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 97-43 vacating two (2) 10.0-foot utility easements on the above-described property.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: SANDRA K. PORTER; PETITION TO VACATE 97-44; 7.0-FOOT PORTION OF A 10.0-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Sandra K. Porter, Petition to Vacate 97-44, to vacate a 7.0-foot portion of a 10.0-foot utility easement; on property located at 7271 Spring Villas Circle along the rear of Lot 43 of the Spring Lake Villas Subdivision which is located on the south side of Wallace Road approximately three-tenths of a mile west of the Wallace Road/Turkey Lake Road intersection; District 1; Section 26, Township 23, Range 28; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

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 a resolution granting Petition to Vacate 97-44 vacating a 7.0-foot portion of a 10.0-foot utility easement on the above-described property.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: CLARENCE HOENSTINE; PETITION TO VACATE 98-03, UNIMPROVED 25.0-FOOT-WIDE RIGHT-OF-WAY; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Clarence Hoenstine,

Petition to Vacate 98-03, to vacate approximately 245.0 feet of Lake Avenue right-of-way, an unimproved 25.0-foot-wide right-of-way; on property generally located on the east side of Hansel Avenue approximately 1,400 feet north of the Hansel Avenue/Oak Ridge Road intersection lying between Gem Street on the south and Trexler Avenue on the north; District 4; Section 24, Township 23, Range 29; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Edwards, and Butler voting AYE by voice vote; Commissioner Hoenstine abstained from voting; the Board adopted a resolution granting Petition to Vacate 98-03 vacating approximately 245.0 feet of Lake Avenue right-of-way, an unimproved 25.0-foot-wide right-of-way; on the above-described property.

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

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

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY SUBDIVISION REGULATIONS REGARDING ACCESS REQUIREMENTS FOR LANDLOCKED PARCELS AND SUBDIVISION INTERCONNECTION

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

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF ORANGE COUNTY, FLORIDA; PROVIDING FOR CLARIFICATION OF POLICY REGARDING ACCESS REQUIREMENTS TO AVOID LANDLOCKED PARCELS AND FOSTER INTERCONNECTION BETWEEN SUBDIVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath reviewed the history of and impetus for the proposed ordinance and outlined its provisions.

County Attorney Tom Wilkes stated that if a County ordinance were adopted taking land from one property owner and giving it to another, it would result in an inverse condemnation case which the County would lose. He noted that the only real, legitimate, and legal reason for this subdivision regulation is to address future traffic circulation.

Assistant County Attorney Paul Chipok stated that widths in the proposed ordinance are based on the reasonable use of property at the time the request is made. He further noted that in agricultural zoning, a 20-foot easement suffices for trucks to access the property; for developable property, a 50-foot right-of-way is the minimum required in County subdivision regulations.

Mr. Wilkes noted that the County can require developers to dedicate property for roads and connect them to future roadways as part of a subdivision plan without compensating them for that property. He pointed out that according to the proposed ordinance, regardless of zoning, a newly created subdivision must be designed so that there are no landlocked parcels wholly within the subdivision.

Mr. Chipok stated that nothing in the proposed ordinance prevents the owner of a landlocked parcel from negotiating with the adjoining property owner to buy additional right-of-way.

Appearances

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

- Hugh Harling (no address given).
- Randi Fitzgerald, Esquire, member of the work group (no address given).

- Mary Lamar (no address given).

The following person addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

Discussion

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

Action

A motion by Commissioner Freeman, seconded by Commissioner Staley, with Commissioners Freeman, Staley, and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson, Edwards, and Butler voting NO by voice vote; to change Section C., the agricultural easement, from 20 feet to 50 feet failed.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Subdivision Regulations regarding access requirements for landlocked parcels and subdivision interconnection.

(Ordinance 98-06 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTION 23-29, 23-56, AND 23-91; REGARDING IMPACT FEE DEFERRAL

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

AN ORDINANCE AMENDING SECTIONS 23-29, 23-56, AND 23-91 OF THE ORANGE COUNTY CODE BY PERMITTING THE LAW ENFORCEMENT IMPACT FEE, THE FIRE AND RESCUE SERVICE IMPACT FEE, AND THE ROAD IMPACT FEE TO BE PAID FOR CERTAIN TYPES OF PILOT PROJECTS PRIOR TO AUTHORIZATION OF PRE-POWER OR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY (INSTEAD OF PRIOR TO ISSUANCE OF A BUILDING PERMIT); AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath reviewed the development of the proposed ordinance and outlined its provisions.

Appearances

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

The following person addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

Discussion

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

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 adopted the proposed ordinance amending Orange County Code, Section 23-29, 23-56, and 23-91; regarding impact fee deferral; and further, made a finding of consistency with the Comprehensive Policy Plan.

(Ordinance 98-07 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - INTRODUCTION OF VISITORS

County Chairman Chapin introduced Renee and Kevin Rodon, the wife and son of Chief of Staff George Rodon.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ORANGE COUNTY PLANNING DEPARTMENT; Z-97-093, DECEMBER 18, 1997; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orange County Planning Department to rezone Single-family Dwelling District (R-1A) (1956) to Multiple-family Dwelling District (R-2), on property generally located on the east side of Bumby Avenue, just south of Curry Ford Road; District 4; Section 6, Township 23, 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

Chief Planner John Smogor outlined the request and identified the

location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

Discussion

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

Commissioner Hoenstine requested that a condition be added as follows:

- The living area shall be a minimum of 1,200 square feet.

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 request by Orange County Planning Department to rezone Single-family Dwelling District (R-1A) (1956) to Multiple-family Dwelling District (R-2), on the above-described property; subject to the following conditions:

1. Single-family residences only;
2. The living area shall be a minimum of 1,200 square feet;

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

Commissioner Edwards left the meeting.

DEVELOPMENT ORDER PUBLIC HEARING - APPLICANT: SCOTT HENDERSON, BELTWAY COMMERCE CENTER PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT, NOTICE OF PROPOSED CHANGE AND AMEND THE DEVELOPMENT ORDER; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Scott Henderson, Beltway Commerce Center Planned Development/Development of Regional Impact (PD/DRI) to consider a notice of proposed change and to request authorization for the execution of an amended development order to extend the first phase build out date to May 31, 2006, and to extend the development order to September 19, 2010. There are no

changes proposed for the approved land use plan; for property located primarily east of the Eastern Beltway and west of Young Pine Road; District 4; Sections 17 and 20, Township 23, 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

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

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

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board approved the notice of proposed change, an amended development order to extend the first phase build out date to May 31, 2006; further, to extend the development order to September 19, 2010; and further, made a finding of consistency with the Comprehensive Policy Plan.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: SCOTT HENDERSON, WATERFORD COMMONS PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP AND DEVELOPMENT AGREEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Scott Henderson, Waterford Commons Planned Development/Land Use Plan (PD/LUP), to:

- amend the LUP to convert 1,145 hotel rooms; 1,692 apartment units; 100,000 square feet of museum; 10,000 square feet of restaurant; 72,500 square feet of office; and 289,000 square feet of commercial uses to 1,190 hotel rooms; 547 time-share units; 37,435 square feet of museum; 8,500 square feet of restaurant; 72,500 square feet of office; and 276,000 square feet of commercial uses; and

- approval of the development agreement;

pursuant to Orange County Code, Section 38-1207; on property generally located east of Interstate 4, approximately one-half mile north of the Interstate 4/S.R. 535 interchange; District 1; Sections 22 and 23, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath stated that the applicant has requested a continuance.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board continued the public hearing to consider a request by Scott Henderson for Waterford Commons Planned Development/Land Use Plan (PD/LUP) to amend the LUP and development agreement, until March 10, 1998, at 2 p.m.

Commissioner Edwards joined the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ULAY THOMPSON, FLORIDA POWER CORPORATION; ORANGEWOOD/STATE SAVINGS PLANNED DEVELOPMENT/LAND USE PLAN; ALLOWABLE USES TO INCLUDE COMMUNICATION TOWER; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ulay Thompson, Florida Power Corporation, for Orangewood/State Savings Planned Development/Land Use Plan (PD/LUP), to amend the LUP to change the allowable uses within the Orangewood/State Savings LUP to include a 140-foot communication tower, specifically located within the Florida Power substation. Applicant also requests a variance from the tower-to-residential setback requirement, from 700 feet to 600 feet, and a variance from the tower-to-tower setback requirement, from 2,500 feet to 2,400 feet. The Development Review Committee (DRC) is not recommending approval for a 140-foot tower, but instead is recommending that approval be considered on a 120-foot tower in lieu of 140-foot due to the tower-to-residential setback variance involved; pursuant to Orange

County Code, Section 38-1207; on property generally located at the southeast corner of International Drive and the Beeline Expressway; District 1; Section 7, 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 change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended granting the tower-to-tower variance and that the height of the tower be reduced from 140 to 120 feet.

Appearances

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

- Ulay Thompson, Florida Power Corporation, the applicant; 2600 Lake Lucien Drive, Maitland, Florida.

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

- Richard Van Slyke, 6817 Westwood Boulevard, Orlando.
- Lester Colbert, area resident (no address given).

Discussion

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

Action

A motion by Commissioner Freeman, seconded by Commissioner Butler, and carried with Commissioners Freeman, Staley, Johnson, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Hoenstine and Edwards voting NO by voice vote; to deny the request by Ulay Thompson, Florida Power Corporation for Orangewood/State Savings Planned Development/Land Use Plan (PD/LUP), to amend the LUP to change the allowable uses within the Orangewood/State Savings LUP to:

- include a 140-foot communication tower;
- a variance from the tower-to-residential setback requirement,

from 700 feet to 600 feet, and a variance from the tower-to-tower setback requirement, from 2,500 feet to 2,400 feet;

was ruled by the County Chairman Chapin to need clarification (see the following five motions).

Action

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board approved the request by Ulay Thompson, Florida Power Corporation, for Orangewood/State Savings Planned Development/Land Use Plan (PD/LUP), to amend the LUP to change the allowable uses within the Orangewood/State Savings LUP to include a 140-foot communication tower; which constitutes a substantial change to the development on the above-described property.

Action

A motion by Commissioner Freeman, seconded by Commissioner Staley, with Commissioners Freeman and Staley voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson, Hoenstine, Edwards, and Butler voting NO; to deny the request by Ulay Thompson, Florida Power Corporation, for Orangewood/State Savings Planned Development/Land Use Plan, for a variance from the tower-to-tower setback requirement, from 2,500 feet to 2,400 feet, failed.

Action

A motion by Commissioner Freeman, seconded by Commissioner Staley, with Commissioners Freeman and Staley voting AYE by voice vote; County Chairman Chapin and Commissioners Johnson, Hoenstine, Edwards, and Butler voting NO; to deny the request by Ulay Thompson, Florida Power Corporation, for Orangewood/State Savings Planned Development/Land Use Plan, for a variance from the tower-to-residential setback requirement, from 700 feet to 600 feet, failed.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with County Chairman Chapin and Commissioners Johnson, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioners Freeman and Staley voting NO by voice vote; the Board approved the request by Ulay Thompson, Florida Power Corporation, for Orangewood/State Savings

Development/Land Use Plan (PD/LUP), to amend the LUP to change the allowable uses within the Orangewood/State Savings LUP to:

- include a 140-foot communication tower;
- further, approved a variance from the tower-to-residential setback requirement, from 700 feet to 600 feet; and a variance from the tower-to-tower setback requirement, from 2,500 feet to 2,400 feet; which constitutes a substantial change to the development on the above-described property;

as amended below; and further, made a finding of consistency with the Comprehensive Policy plan.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board amended the above motion to require colocation of the communication facilities within one year.

Commissioner Staley left the meeting.

CONSERVATION AREA IMPACT MITIGATION PUBLIC HEARING - APPLICANT: SCOTT HENDERSON, BONNET CREEK DEVELOPMENT OF REGIONAL IMPACT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Scott Henderson, Bonnet Creek Development of Regional Impact, for a variance to the Conservation Ordinance to allow impacts to Class I conservation areas, on property generally located at the southwest quadrant of S.R. 536 and Interstate 4; District 1; Section 32, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Environmental Protection Department Manager Anna Hacha-Long outlined the request; identified the subject property; and further, stated that staff recommended approval.

Appearances

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

- Michael Dennis; Breedlove, Dennis, and Associates (no address given); for the applicant.

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the request by Scott Henderson, Bonnet Creek Development of Regional Impact, for a variance to the Conservation Ordinance to allow impacts to Class I conservation areas, on the above described property.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:45 p.m.