

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 10, 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 Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board:

- deleted Administrative Support Division Item 13;

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

County Comptroller

1. Acknowledgment of the following "File for the Record" documents received in the Office of the Comptroller, Clerk of the Board of County Commissioners:
 - a. Florida Public Service Commission notice of hearing and prehearing re: Motions of AT&T Communications of the Southern States, Inc.; and MCI Telecommunications Corporation; and MCI Metro Access Telecommunications, Inc.; to comply with Order PSC-96-1579-FOF-TP and to set nonrecurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement; dated February 11, 1998.

- b. Florida Public Service Commission notice of staff workshop re: Resolutions, and requests by Holmes, Gilchrist, Orange, Bradford, Putnam, Pasco, Volusia, Palm Beach, and Taylor Counties and petition by Polo Park for extended area service between various exchanges; dated February 11, 1998.
- c. Copy of the Greater Orlando Aviation Authority's Comprehensive Annual Financial Report for the year ended September 30, 1997; dated February 19, 1998.

(Comptroller Clerk of the Board of County Commissioners)

- 2. Approval of the minutes of the February 17, 1998, and February 24, 1998, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
- 3. 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 February 19, 1998, to February 25, 1998; total of \$11,505,900.39.

(Finance and Accounting Department)

County Attorney

- 1. Approval of proposed agreement between Universal/Law/Meta, a Joint Venture, and Orange County (County Attorney).

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

Administrative Support Division

- 1. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$25: Apopka-Vineland Road (Conroy-Windermere Road to Old Winter Garden Road), Warranty Deed, District 1 (Real Estate Management Department).
- 2. Approval and execution by the County Chairman of resolutions, County deed and subordination of County utility interests

agreement with the Florida Department of Transportation (FDOT), and authorization to record instruments in connection with the acquisition of right-of-way by the FDOT in connection with S.R. 15 (Hoffner Road to Curry Ford Road), District 4 (Real Estate Management Department).

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

3. Approval and execution by the County Chairman of assignment and assumption of option agreement with the School Board of Orange County and Margaret Mulvey; exercise of option letter; and authorization and approval to conduct closing and record instruments and approval of additional recording fees not to exceed \$50 in connection with acquisition of additional road right-of-way: Apopka-Vineland Road (S.R. 50 to A.D. Mims Road), Warranty Deed, Districts 2 and 6 (Real Estate Management Department).

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

4. Approval and execution by County Chairman of subordinations of encumbrances to property rights to Orange County to show acceptance and authorization to record instruments: Forsyth Road (Colonial Drive to Aloma Avenue), Districts 3 and 5 (Real Estate Management Department).
5. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$30: Clear Lake Retrofit, Warranty Deed, District 6 (Real Estate Management Department).
6. Approval and authorization to record instrument and pay appropriate recording fees for the construction of subdivision wall: Clubhouse Estates Screen Wall Improvements, Screen Wall Access Easement, District 1 (Real Estate Management Department).
7. Approval and authorization to record instruments and pay appropriate recording fees: South Service Area Reuse System, Utility Easements, District 1 (Real Estate Management Department).

8. Approval and execution by County Chairman of resolution and County deed and authorization to record instrument in connection with the sale of surplus property: Lot 19, First Addition to Lake Mann Shores Subdivision, District 6 (Real Estate Management Department).

(Resolution 98-M-05 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
9. Approval and authorization to record instruments in connection with development: Fieldstream Phase I, Warranty Deed, Temporary Access and Utility Easement, and Pump Station Easement, District 4 (Real Estate Management Department).
10. Approval of purchase price above appraised value and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$30: Kelvington Drive Erosion Protection Project, Warranty Deed, District 2 (Real Estate Management Department).
11. Approval of emergency purchase over appraised value and authorization to conduct closing, disburse warrant, and record instruments, and pay appropriate closing costs and approval of any additional recording fees not to exceed \$15 for the acquisition of 2910 Pembroke Drive and request of County Comptroller to issue warrant: Little Wekiva River Embankment Repair, Warranty Deed, District 2 (Real Estate Management Department).
12. Confirmation of Commissioner Hoenstine's reappointment of Hutson McCorkle and Norwood Nutting to the Lake Conway Water and Navigation Control Board with terms expiring December 31, 1999 (General Services Department/Agenda Development).
13. Confirmation of Commissioner Hoenstine's reappointment of Louise McCoy and Barbara Bozeman to the Lake Jessamine Water Advisory Board with terms expiring December 31, 1998, and appointment of Neil Powell and April Duggins to the Lake Jessamine Water Advisory Board with terms expiring December 31, 1999 (General Services Department/Agenda Development).

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

County Sheriff

1. Approval and execution of the Problem-Solving Partnerships Grant in the amount of \$55,125. The grant funds will provide the necessary support to decrease the number of crack houses in Orange County Sheriff's Office Zone 42 or North Orange Blossom Trail. There are no matching funds required for this grant.

Fiscal and Human Resources Division

1. Approval of Amendment 2, Contract Y5-809, with Greiner, Inc., for engineering services for Old Winter Garden Road (Apopka-Vineland Road to Hiawasse Road). Cost of amendment is \$49,855.89. New contract total to date is \$808,466.34 ([Utilities Division Engineering Department] Purchasing and Contracts Department).
2. Approval of Task Authorization 4, Continuing Contract Y7-900D, with Transportation Consulting Group for eminent domain services for the Curry Ford Road construction project (Goldenrod Road to Eastern Beltway). Contract total is \$105,553.26 ([Public Works Engineering Department] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y8-117-RW to the low responsive and responsible bidder, Southern Coach, Inc., for seven fire rescue pumpers (including options and trade-ins). The total cost is \$1,305,672 ([Fire Rescue Division] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y8-120-BI to the low responsive and responsible bidder, Masters Group, Inc., for Countywide sandbar removal. The annual estimated cost is \$504,000 ([Roads and Drainage Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y8-153-JS to the low responsive and responsible bidder, Central Florida Pharmacy, for Advantage diabetes test strips. The total estimated annual cost is \$208,080 ([Medical Clinic] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y8-720-CT to the low responsive and responsible bidder, Wharton-Smith, Inc., for

Chickasaw Trail, North 3333/South 3304, pump station improvements. The total cost is \$422,000 ([Utilities Engineering Department] Purchasing and Contracts Department).

7. Approval to award Invitation for Bid Y8-726-CT to the low responsive and responsible bidder, Burnup and Sims Telcom of Florida, Inc., for Conway East pump station and force main improvements. The total cost is \$339,327 ([Wastewater Department] Purchasing and Contracts Department).
8. Approval to award Invitation for Bid Y8-729-PW, CD96-81, to the low responsive and responsible bidder, Stage Door II, Inc., for Winter Garden Ninth and Plant Streets sidewalk and drainage improvements. The total cost is \$469,934.30 ([Highway Construction Department] Purchasing and Contracts Department).
9. Approval to award Invitation for Bid Y8-732-BI to the low responsive and responsible bidder, A.D. Arnold Construction Company, for Orange County Work Release Center expansion and renovation, Phase I and Phase II. The total cost is \$5,237,000 ([Construction Administration Department] Purchasing and Contracts Department).

(See page * for subsequent reconsideration and deletion from the agenda.)

10. Approval to provide prior authority to award Invitation for Bid Y8-743-BI to the low responsive and responsible bidder, Juvenile Residential Treatment Center Phase I construction, for the construction of a facility designed to house 36 youths. The total budget is \$819,890 ([Community Corrections Department] Purchasing and Contracts Department).
11. Approval for the Sheriff's Office to spend approximately \$2,500 from the Law Enforcement Trust Fund to make a contribution to Florida Citrus Sports Foundation Summer Camp (Office of Management and Budget).
12. Approval of Budget Amendments 98-26, 98-27, 98-28, and 98-29 (Office of Management and Budget).

(Budget Amendments 98-26 through 98-29 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

13. Approval of payment of intergovernmental claims for February 12, 1998, and February 19, 1998, totaling \$174,488.30 (Risk Management Department).
14. Receipt and filing of the minutes of the February 5, 1998, and February 12, 1998, meetings of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).

Health and Community Services Division

1. Confirmation of the County Chairman's appointment of Dan Kirchner as manager of the Human Services Department (Division Office).

Planning and Development Division

1. Approval of Alternative Road Impact Fee Agreement between Miller Group Management Corporation, and Orange County for Lake Pickett Plaza, District 2 (Building Department).

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

2. Approval of Alternative Road Impact Fee Agreement between Omnicorp Resources, Inc., and Orange County for Westwood Suburban Lodge, District 4 (Building Department).

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

3. Approval of Alternative Road Impact Fee Agreement between Bill Brown Volkswagen, Inc., and Orange County for Bill Brown Mazda, District 4 (Building Department).

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

4. Approval of Alternative Road Impact Fee Agreement between Mida Resorts I, Inc., and Orange County for Homewood Suites, District 1 (Building Department).

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

5. Approval of Alternative Road Impact Fee Agreement between Mida Resorts II, Inc., and Orange County for Hampton Inn, District 1 (Building Department).

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
6. Approval to file Satisfactions of Special Assessment Lien by resolutions, against the following parcels:
 - a. 4210 Raleigh Street, Parcel Number 32-22-29-4604-00-670, District 6.
 - b. 2302 South Brown Street, Parcel Number 01-23-29-8052-03-020, District 1.
 - c. 321 Carpenter Road, Parcel Number 21-22-32-2337-00-950, District 4.
(Building Department)

(Resolutions 98-BUI-01 through 98-BUI-03 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
7. Receipt and filing of the minutes of the Lake Conway Water and Navigational Control District Advisory Board meeting of January 13, 1998, for the official County record, District 4 (Environmental Protection Department).
8. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meeting of January 21, 1998, for the official County record, District 4 (Environmental Protection Department).
9. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of January 15, 1998, for the official County record, District 4 (Environmental Protection Department).
10. Approval to close Moss Park to the general public on Saturday, May 2, 1998; waive Moss Park entry fees and camping-related electrical/water fees for County employees on Saturday, May 2, 1998 (first-come, first-served basis for camping); waive

permit fees in the amount of \$76 for two 20 x 40 tents to be erected for the picnic (Parks and Recreation Department).

11. Approval of Developer's Agreement between Orange County and the Greater Construction Corporation that allows the developer to build and donate a neighborhood park in the Crystal Glen subdivision at no cost to the County, District 1 (Parks and Recreation Department).

(Agreement is 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 Pepper Mill Plaza (Control No. VA 9806), District 4 (Development Engineering Department).

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

2. Approval to establish a "No Parking" zone on the south end of the median of Skan Court north of Texas Avenue, District 6 (Traffic Engineering Department).

Utilities Division

1. Approval and execution by the County Chairman of utility relocation agreement and County resolution utility relocation agreement between Orange County and Florida Department of Transportation for proposed improvements to S.R. 500 (South Orange Blossom Trail) from Taft-Vineland Road to Sand Lake Road, Districts 1, 4, and 6 (Division Office).

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

2. Approval and execution by the County Chairman of utility relocation agreement and County resolution utility relocation agreement between Orange County and Florida Department of Transportation for proposed improvements to S.R. 536, from I-4 to S.R. 535, District 1 (Division Office).

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

- 3. Approval and execution by the County Chairman of utility relocation agreement and County resolution utility relocation agreement between Orange County and Florida Department of Transportation for S.R. 15 (Conway Road) from Hoffner Road to Curry Ford Road, District 4 (Division Office).

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

ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA

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

Staff Report

Membership and Mission Review Board (MMRB) Vice-chairman Lee Chira presented the MMRB's recommendations, and the Board took the following actions:

Citizens' Review Panel for Human Services

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board appointed Lorraine Harris to the Citizens' Review Panel for Human Services to succeed Arsenio Mestre, for a term expiring December 31, 1998.

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 appointed the following to the Citizens' Review Panel for Human Services:

- Barry Daly, to succeed John Risper, for a term expiring December 31, 1999;
- Jan Tunnell, to succeed Weldon Ledbetter, for a term expiring December 31, 1999.

Fire and Life Safety Code Board of Adjustments and Appeals

Action

Upon a motion by Commissioner Johnson, seconded by

Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board appointed Jim Huckeba to the Fire and Life Safety Code Board of Adjustments and Appeals, to succeed Bruce Holmes, for a term expiring December 31, 1999.

Industrial Development Authority

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Staley, and carried with all members present and voting AYE by voice vote, the Board appointed Stuart Buchanan to the Industrial Development Authority, to succeed David A. Winters, for a term expiring December 31, 2001.

HEALTH AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA

1. Acceptance of the Disability Advisory Board Annual Report, approval for the Divisions of Health and Community Services and Planning and Development to provide up to \$26,000 in support of the Disability Awareness Conference which is planned for June 27, 1998, at the Expo Centre, all districts (Division Office).

Staff Report

Health and Community Services Division Deputy Director Ella Gilmore stated that the purpose of the Disability Advisory Board (DAB) is to address issues affecting the County's disabled citizens' daily lives. Ms. Gilmore noted that the Disability Awareness Conference planned for June 27, 1998, will be geared directly to adults with special needs. She pointed out that she has already received support for the conference from other local government officials, community service agencies, and businesses and will be seeking additional sponsorship.

Al Glidewell, vice-chairman of the Disability Advisory Board, addressed the Board and stated that the DAB provides input to the Board about disabled citizens' living conditions and public accommodations, recommends funding priorities, and increases awareness of the abilities and needs of the disabled. Mr. Glidewell noted that there currently are vacancies on the DAB for a representative from District 5 and an at-large member.

Marilyn Baldwin, chairman of the Disability Advisory Board, addressed the Board and stated that providing punctual, reliable transportation for the handicapped has been the DAB's first priority. Ms. Baldwin also cited DAB efforts to strengthen enforcement of the Florida White Cane Law, which states that a motorist must completely stop when a blind or visually impaired pedestrian is attempting to cross a public street. She previewed the conference tailored to the disabled community and the creation of a Disability Resource Directory listing information on obtaining services to assist the disabled in daily living.

Discussion

The Board discussed whether there are any other counties or organizations that have held such conferences and the conference as a model for other communities.

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 accepted the Disability Advisory Board Annual Report; and further, approved the Health and Community Services and Planning and Development Divisions to provide up to \$26,000 in support of the June 27, 1998, Disability Awareness Conference.

WORKSESSION - LIGHT RAIL

Staff Report

County Administrator Jean Bennett stated that the Board does not need to take a position on this item today.

Discussion

The Board discussed how many members planned to attend the Metroplan Orlando meeting to be held on March 11, 1998.

Action

The Board did not take any action.

FIRE RESCUE DIVISION DISCUSSION AGENDA

- 2. Presentation of Fire Rescue Division needs and resources assessment and approval of Deployment and Staffing Enhancement Plan.

Staff Report

Fire Rescue Division Director Mike Iacona stated that in order to provide time to review the highly technical information contained in the Deployment and Staffing Enhancement Plan, he would return within 30 days to request Board direction on its recommendations.

Mr. Iacona presented an assessment of service levels, emergency response time standards, support positions, and fire station unit assignments. He also outlined training, inspection, and prevention activities. Mr. Iacona identified the additional personnel and equipment necessary to accomplish the three-phase plan, which would be completely implemented by the end of fiscal year 2002, and is needed to deliver fire protection in the wake of the County's growth.

Office of Management and Budget Manager Eric Gassman reviewed the revenue and personal service figures on which the plan is based, the use of a five-year financial model, the impact on the budget of plan implementation, and the recommended funding stream. He noted that after the \$25,000 homestead exemption, an increase of .015 in millage would equal \$15 for a house valued at \$125,000.

Mr. Iacona emphasized that the results of joint response agreement negotiations currently in progress with the Cities of Apopka and Ocoee will substantially affect the plan. He stated that he would bring the matter before the Board again in 30 days.

Discussion

The Board discussed response times and whether the plan will improve fire and emergency medical service response time in the Apopka area, whether personnel currently funded through overtime and reallocation would be assigned to Apopka on a permanent basis, how long it would take to hire additional personnel, and possible immediate implementation of the plan's first phase.

The Board also discussed the amount of money to be kept in reserve, Fire Rescue Division staffing needs contained in the County's two-year budget, the abandonment of the "either/or" concept, the correlation between additional personnel requested and response times in rural areas, the analysis of the Fire Rescue Division by the Tridata consulting firm, an

increase in the MSTU in three years, an increase in millage for public safety, and the number of fire stations still operating on an "either/or" basis.

Action

The Board did not take any action.

1. Update on first response negotiations with the City of Apopka.

Staff Report

Deputy County Administrator Byron Brooks updated the Board on the status of first response agreement negotiations with the City of Apopka. Mr. Brooks stated that Apopka has presented proposals involving legal challenges to annexation and a return to the contract area in which the City would provide all fire and emergency medical services, policy matters upon which the Board has previously taken definitive positions.

Mr. Brooks noted that in November 1997 the Board asked the City to provide joint response assistance with supply of first response assistance the ultimate goal. He explained that while the County was addressing critical citizen safety issues, the City desired to advance its expansion; the County now faces an ultimatum from Apopka's City Council. Mr. Brooks outlined the County's cost-based offer of compensation for actual services rendered and compared it with Apopka's proposals that the County drop all pending annexation lawsuits or pay \$1,000 per call if there is no agreement.

Mr. Brooks concluded by presenting options available to the County as follows:

- Accept Apopka's proposal, including annexations and a return to the full contract area;
- Pay Apopka \$1,000 for all County calls;
- Greatly reduce Apopka's call volume in the area and offer a flat rate for a set amount of first response activity.

Fire Rescue Division Chief of Operations Jim Moody reviewed call volume, average response times, and whether County or municipal firefighters were first to respond in the Apopka and Ocoee areas.

Fire Rescue Division Director Iacona stated that offering Apopka a flat fee for 300 to 350 responses would ensure the highest level of protection in the area while keeping within budget. He noted that during the recent tornadoes, 31 of 65 units were assigned.

Legal Counsel

In response to a question from Commissioner Freeman concerning whether the County Chairman can take action if the Cities of Apopka or Ocoee suddenly stop responding to emergency calls, County Attorney Tom Wilkes stated that the Chairman has the power to do so.

Discussion

The Board discussed the courts' finding that Apopka's annexations are illegal, Apopka's wish to return to the former contract area, obtaining information about the fire protection situation in Winter Garden, public readiness to accept an increase in millage, and immediately implementing the first phase of the staffing plan.

The Board also discussed emergency authority for staff to act in the event that the Cities of Apopka or Ocoee suddenly discontinue service, reparation of relations between the County and Apopka, and adequate funding and staffing of the Fire Rescue Division.

The Board further discussed the County's fire response relationship with its other municipalities, the stalemated Apopka negotiations, conflicts with Apopka concerning the West Orange Trail and the Rock Springs agreement, the possibility of the Apopka business community's mediating the dispute, and the status of the fire protection agreement with the City of Winter Garden.

Action

By consensus, the Board directed staff to present Option 3, a reduction in the volume of calls to 500 and the offer of a flat rate capped at \$500,000 for first response activity to the Cities of Ocoee and Apopka.

NONAGENDA - JUVENILE ASSESSMENT CENTER LUNCHEON

County Chairman Chapin invited the Board to join her for lunch at the Juvenile Assessment Center where she, State Attorney Lawson

Lamar, and County Sheriff Kevin Beary are briefing the Lieutenant Governor on recent initiatives to fight juvenile crime and violence.

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

The Board paused for an invocation by Henry Swanson, former director of County Extension Services, 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:

- Stephen L. Pieper of the Corrections Division for 20 years of service.
- Tyrone G. Fichtel of the Utilities Division for 20 years of service.
- Victoria L. Pable of the County Attorney's Office for 25 years of service.

NONAGENDA - NATIONAL ASSOCIATION OF COUNTIES (NACO) AWARD

County Chairman Chapin presented a distinguished service award to Commissioner Butler from the National Association of Counties in recognition of her leadership, vision, and service to the County and the nation.

COUNTY CONSENT AGENDA ITEM - DISCUSSION

Fiscal and Human Resources Division

- 9. Approval to award Invitation for Bid Y8-732-BI to the low responsive and responsible bidder, A.D. Arnold Construction Company, for Orange County Work Release Center expansion and renovation, Phase I and Phase II. The total cost is \$5,237,000 ([Construction Administration Department] Purchasing and Contracts Department).

Staff Report

Deputy County Administrator Byron Brooks stated that this item's accounting line requires correction and that it will return on a future agenda.

Action

By consensus, the Board deleted this item from the Consent Agenda.

(NOTE: THE FOLLOWING SIX PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE * FOR APPEARANCES, DISCUSSION, AND MOTION.)

MSTU/BU PUBLIC HEARING - AMEND SUNSET VIEW MSTU/BU TO REIMBURSABLE MAINTAINED RETENTION POND(S), DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for reimbursable maintenance of retention pond(s) at Sunset View; District 2; Section 11, Township 21, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the homeowners' association has an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - AMEND TANGELO PARK MSTU/BU, STREETLIGHTING, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for

streetlighting at Tangelo Park; District 6; Section 30, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the property owners has an annual cost of \$29 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH OLYMPIA HEIGHTS AND OLYMPIA HEIGHTS ANNEX
MSTU/BU, STREETLIGHTING, DISTRICT 6**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Olympia Heights and Olympia Heights Annex; District 6; Section 11, Township 22, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the property owners has an annual cost of \$21 per lot for streetlighting.

and

**MSTU/BU PUBLIC HEARING - ESTABLISH SUNRISE COURT MSTU/BU, STREETLIGHTING, DISTRICT
4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Sunrise Court; District 4; Section 2, 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

MSTU Supervisor Elizabeth Godwin reported that this request from

the property owners has an annual cost of \$45 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - ESTABLISH FORREST PARK MSTU/BU, COMMON AREA MAINTENANCE, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for common area maintenance at Forrest Park; District 2; Sections 7 and 18, Township 22, Range 29; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the homeowners' association has an annual cost of \$55 per lot for common area maintenance.

and

MSTU/BU PUBLIC HEARING - ESTABLISH EAST DALE ACRES AND EAST DALE ACRES REPLAT MSTU/BU, SPEED HUMP INSTALLATION, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for speed hump installation at East Dale Acres and East Dale Acres Replat; District 3; Section 24, Township 22, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the property owners has a one time cost of \$90 per lot for speed hump installation.

Appearances

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

Discussion

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

Action

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

- amending Sunset View MSTU/BU, annual cost of \$54 per lot for reimbursable maintenance of retention pond(s);
- amending Tangelo Park MSTU/BU, annual cost of \$29 per lot for streetlighting;
- establishing Olympia Heights and Olympia Heights Annex MSTU/BU, annual cost of \$21 per lot for streetlighting;
- establishing Sunrise Court MSTU/BU, annual cost of \$45 per lot for streetlighting;
- establishing Forrest Park MSTU/BU, annual cost of \$55 for common area maintenance;
- establishing Dale Acres and East Dale Acres Replat MSTU/BU, one time cost of \$90 per lot for speed hump installation.

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

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CHARTER, CREATING THE DR. PHILLIPS URBAN PRESERVATION DISTRICT AND REQUIREMENTS FOR ANNEXATION; DISTRICT 1

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

AN ORDINANCE PERTAINING TO THE CHARTER FOR ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY CHARTER (A) TO CREATE THE DR. PHILLIPS URBAN PRESERVATION DISTRICT, AND (B) TO REQUIRE APPROVAL BY BOARD OF COUNTY COMMISSIONERS AND REGISTERED ELECTORS RESIDING WITHIN SUCH PRESERVATION DISTRICT REGARDING ANY PROPOSED VOLUNTARY ANNEXATION WITHIN SUCH PRESERVATION DISTRICT; PROVIDING FOR REFERENDUM ON THE CHARTER AMENDMENT; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON APPROVAL AT REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner's Report

Commissioner Freeman reviewed the impetus for the creation of an urban preservation district in the Dr. Phillips area. He requested that language be added to the proposed ordinance as follows:

- Section 505 C., "The annexation requirements in subsection B shall not apply to the Dr. Phillips Urban Preservation District if and to the extent their application would impair contractual rights under any agreement existing prior to the date the district was created."

Court Reporter

A court reporter, Debra Bennett Worley, Southern Court Reporters, Inc., was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Legal Counsel

In response to a question from Commissioner Staley concerning methods for amending the County Charter, County Attorney Tom Wilkes stated that the Charter can be amended by the Charter Review Commission, the Board's placing amendments on the ballot at any time, or citizens initiating the petition process.

In response to a query from County Chairman Chapin concerning whether the question would be on the ballot countywide and not just in the preservation district, Mr. Wilkes stated that all voters would vote on it, and if it is approved by a countywide ballot, any future annexation attempts must be approved only by preservation district residents.

In response to a question from County Chairman Chapin concerning a dual referendum, Mr. Wilkes stated that the Board could require a dual referendum if it wishes to do so.

Appearances

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

- Marty Sharpe, board member, Southwest Orange County Homeowners' Association (no address given).
- Jim Henson, president, Dr. Phillips Companies (no address given).

No one appeared in opposition to the proposed ordinance.

Staff Report

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

- add "(and only if such requirements do not impair pre-existing contractual rights)" after ". . . on the question"

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 Hoenstine, 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 adopted the proposed ordinance, amending the Orange County Charter, creating the Dr. Phillips Urban Preservation District and requirements for annexation, to include revisions as outlined by staff as follows:

- add Section 505 C., "The annexation requirements in subsection B shall not apply to the Dr. Phillips Urban Preservation District if and to the extent their application would impair contractual rights under any agreement existing prior to the date the district was created.";

and further, directed that the County Charter amendment ballot question regarding creation of the Dr. Phillips Urban Preservation District be revised to add the following language:

- add "(and only if such requirements do not impair pre-existing contractual rights)" after ". . . on the question"

(Ordinance 98-08 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - RYBOLT WEST PLANNED DEVELOPMENT/STONEMEADE PHASE V PRELIMINARY SUBDIVISION, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Rybolt West Planned Development/

Stonemeade Phase V Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Tanner Road, south of McCulloch Road; District 5; Section 1, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Heath recommended that a condition be added or revised as follows:

- A six-foot-high (6') masonry wall shall be provided along McCulloch Road.

Appearances

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

- Hugh Harling, the applicant, Harling, Locklin and Associates, (no address given).

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Rybolt West Planned Development/ Stonemeade Phase V Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Rybolt West Planned Development/Stonemeade Phase V Preliminary Subdivision/ Villages A and B Development Plan, dated "Received January 21, 1998," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and

regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on March 10, 1999, in accordance with Orange County Subdivision Regulations, as amended.

- 2. Prior to construction plan approval, the size, location, and points of connection for water and wastewater mains shall be determined.
- 3. Master water and wastewater plans including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
- 4. Recreation area improvements shall be completed prior to the issuance of a Certificate of Completion for each phase of subdivision improvements and residential permits.
- 5. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this planned development. Verification is also required to show that the existing outfall system has the capacity to accommodate the peak discharge from this site.
- 6. Three (3) speed bumps shall be provided along Lake Price Road prior to issuance of the Certificate of Completion.
- 7. A six-foot-high (6') masonry wall shall be provided along McCulloch Road.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - SOUTHCHASE PLANNED DEVELOPMENT/PARCEL 11A/SHOPPING CENTER PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Southchase Planned Development/ Parcel 11A/Shopping Center Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located at the southeast corner of the South Orange Blossom Trail and Deerfield Boulevard intersection; District 4;

Sections 22 and 27, Township 24, Range 29; Orange County, Florida.

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

Staff Report

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

Appearances

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

- Ron Henson, Design Service Group (no address given); for the applicant.

No one appeared in opposition to the plan.

Discussion

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

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 approved the Southchase Planned Development/ Parcel 11A/Shopping Center Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Southchase Planned Development, Board of County Commission approvals; the Parcel 11A/Shopping Center Preliminary Subdivision/Albertson's Development Plan, dated "Received February 6, 1998," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on March 10, 1999, in accordance with Orange County Subdivision Regulations, as amended.

- 2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this planned development.
- 3. Waiver of Section 38-1272(3) allowing zero side setbacks in lieu of ten feet is approved between Lots 1 and 2, and 2 and 3 to allow continuous development.

County Chairman Chapin left the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: SCOTT HENDERSON, WATERFORD COMMONS PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP AND DEVELOPMENT AGREEMENT; DISTRICT 1 (CONTINUED FROM FEBRUARY 17, 1998)

By consensus, the Board reopened the public hearing to consider a substantial change request by Scott Henderson, Waterford Commons Planned Development/Land Use Plan (PD/LUP), to:

- convert 547 Multi-family apartment units to time-share use and reduce the restaurant square footage from 10,000 to 8,500, 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; as amended from the first hearing;

continued from the February 17, 1998, Board meeting.

(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 (DRC) determination of substantial change. Mr. Heath stated the DRC recommended approval of the request, but that the development agreement is not a part of this public hearing.

Appearances

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

- Scott Henderson, the applicant; Henderson Planning Group, 112 South Lake Avenue, Orlando, Florida.

Commissioner Staley left the meeting.

No one appeared in opposition to the request.

Discussion

Vice-chairman Butler closed the hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Chapin and Commissioner Staley were absent; the Board approved the request by Scott Henderson for 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 1,245 hotel rooms; 547 time-share units; 100,000 square feet of museum; 8,500 square feet of restaurant; 72,500 square feet of office; and 289,000 square feet of commercial uses; which constitutes a substantial change to the development on the above-described property;

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

Commissioner Staley joined the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: WILLIAM KUYKENDALL; PETITION TO VACATE 97-20, APPROXIMATELY 443.0-FOOT PORTION OF A 60.0-FOOT-WIDE UNOPENED RIGHT-OF-WAY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by William Kuykendall, Petition to Vacate 97-20, to vacate an approximately 443.0-foot portion of a 60.0-foot-wide unopened and unnamed right-of-way; on property generally located on the south side of S.R. 50 approximately one-quarter mile east of the S.R. 50/S.R. 520 intersection and extending in a southerly direction; District 5; Section 36, Township 22, Range 32; Orange County, Florida.

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

Staff Report

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

Appearances

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

- William Kuykendall, the applicant; 20250 East Highway 50, Christmas Garden Subdivision, Christmas, Florida.
- Bonnie Kuykendall, 20250 East Highway 50, Christmas Garden Subdivision, Christmas, Florida.

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

- Burke L. Randa, Esquire; 2265 Lee Road, Suite 125, Winter Park, Florida; for Luis Reyes.

Discussion

Vice-chairman Butler closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board denied Petition to Vacate 97-20 vacating an approximately 443.0-foot portion of a 60-foot-wide unopened and unnamed right-of-way on the above-described property.

County Chairman Chapin joined the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: BRENTWOOD CLUB HOMEOWNERS' ASSOCIATION, INC.; PETITION TO VACATE 97-08, CONVERT TO GATED COMMUNITY; DISTRICT 1

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

Township 24, Range 28; Orange County, Florida.

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

A court reporter, Toni Murray, Broadway Reporting, Inc., was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

The following person addressed the Board with general comments:

- Michael O'Quinn, Esquire (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

By consensus, the Board accepted the applicant's withdrawal of Petition to Vacate 97-08; further, waived payment of the application fee when the petition is resubmitted; and further, directed the applicant to pay the cost of readvertising and renoticing the public hearing.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 3:35 p.m.