

MEETING OPENED

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

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Mable Butler
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Assistant County Comptroller as Clerk Mark Fostier
- Senior Minutes Coordinator Jeanene Wells

Commissioner Ted Edwards was absent.

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

COUNTY CONSENT AGENDA

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board deleted Tangible Personal Property Item 903996 from County Comptroller Item 1; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval for the Disposition of Tangible Personal Property (Property Accounting Department).

(As stated in the above motion, Tangible Personal Property Item 903006 was deleted from the agenda.)

2. 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)

(This item is a duplicate item; see Board of County Commissioners' minutes of March 10, 1998, for prior approval.)

- 3. 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).

(This item is a duplicate item; see Board of County Commissioners' minutes of March 10, 1998, for prior approval.)

- 4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:

- Period from February 26, 1998, to March 4, 1998; total of \$29,148,148.53.
- Period from March 5, 1998, to March 11, 1998; total of \$7,442,849.87.

(Finance and Accounting Department)

County Attorney

1. Approval of resolution regarding International Drive (which authorizes the execution and delivery of the "Interlocal Agreement regarding International Drive" with Osceola County).
(Resolution 98-M-08 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Administrative Support Division

1. Approval and execution by County Chairman of a lease agreement and extension option between Joseph G. Lefkowitz, as trustee of Joseph G. Lefkowitz Revocable Trust, and Ernest W. Lefkowitz and Matilda C. Lefkowitz as trustees of the Ernest W. Lefkowitz Family Trust and Orange County, Florida; District 6 (Real Estate Management Department).

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

2. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$30 for the acquisition of a rapid infiltration basin site: Southwest Orange County Effluent Disposal Joint Facilities with the City of Orlando, Contract for Sale and Purchase; District 1 (Real Estate Management Department).
3. Approval and authorization to record instrument in connection with development: Don Pablo's Mexican Kitchen, Utility Easement; District 6 (Real Estate Management Department).
4. Confirmation of Commissioner Hoenstine's appointment of Neil Powell, April Duggins, and Joe Scarbrough to the Lake Jessamine Water Advisory Board with terms expiring December 31, 1999 (General Services Department/Agenda Development).

Division of Information Technologies

1. Approval of (a) Third Amendment to Radio Tower Lease Agreement between Reedy Creek Improvement District (RCID) and Orange County, (b) Indemnification Agreement, (c) Maintenance

Agreement between Orange County, BellSouth Mobility, Inc., (BMI) and RCID, and (d) Tower Maintenance Agreement between BMI and Orange County (Network and Systems Department).

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

Fiscal and Human Resources Division

1. Approval to enter into a sole source contract with Ellis K. Phelps and Company to purchase Flygt brand pumps and parts. The estimated total annual cost is \$458,353 ([Wastewater Department] Purchasing and Contracts Department).

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

2. Approval to award Invitation for Bid Y8-161-GJ to the low responsive and responsible bidder, Lehigh Safety Shoe Company, for a 36-month contract, to furnish steel-toed safety shoes. The estimated annual cost is \$140,000 ([Public Works and Utilities Divisions] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y8-730-PW to the low responsive and responsible bidder, CDS Trucking, Inc., for O'Berry Hoover Road paving and drainage improvements. The total cost is \$502,094.21 ([Highway Construction Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y8-733-BI to the low responsive and responsible bidder, Advanced Building Constructors, Inc., for Roads and Drainage Department Apopka Maintenance Unit construction. The total cost is \$1,027,500 ([Construction Administration Department] Purchasing and Contracts Department).
5. Approval of Budget Amendments 98-19 and 98-20 (Office of Management and Budget).

(Budget Amendments 98-19 and 98-20 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of CIP Amendments 10-98, 11-98, 17-98, and 18-98. (Office of Management and Budget).

(CIP Amendments 10-98, 11-98, 17-98, and 18-98 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval of Budget Transfer 98-283 (Office of Management and Budget).

(Budget Transfer 98-283 is on file in the office of the Comptroller Clerk of the Board of county Commissioners.)

8. Approval of payment of intergovernmental claims for February 26, 1998, totaling \$57,548.93 (Risk Management Department).

9. Receipt and filing of the minutes of the February 19, 1998, meeting of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).

10. Approval of proposed Orange County debt management policy that includes the "Continuing Disclosure Policy," and an administrative regulation entitled "Continuing Disclosure for Debt Issues," which implements the "Continuing Disclosure Policy" (Division Office).

Planning And Development Division

1. Approval and execution of Alternative Impact Fee Agreement between JHM Enterprises, Inc., and Orange County for Residence Inn and Fairfield Suites at Plaza International; District 4 (Building Department).

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

2. Approval and execution of Alternative Road Impact Fee Agreement between Sembler E.D.P. Partnership 5, Ltd., and Orange County for Eckerd Drug Store at Alafaya Trail and McCulloch Road; District 2 (Building Department).

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

- 3. Approval of AT&T Wireless Communications Tower (Board of Zoning Adjustment Recommendation 5, January 7, 1998) with five conditions of approval. Condition of Approval 1 has been modified by the Zoning manager's letter dated February 25, 1998, and the applicant's revised site plan dated January 27, 1998; District 1 (Zoning Department).

Public Works Division

- 1. Approval of "Stop" and "Yield" sign installations in the Eban's Preserve Phase 1 Subdivision; District 3 (Traffic Engineering Department).
- 2. Approval to establish a "No Parking" zone on the east side of Westmoreland Drive from the south right-of-way line of 29th Street to the north right-of-way line of 31st Street; District 4 (Traffic Engineering Department).

COUNTY CHAIRMAN'S REPORT - DISCUSSION AGENDA

- 1. Briefing on Community Identification Signage Program.

Staff Report

County Chairman Assistant Althea Plair reviewed the staff committee's efforts to create a Community Signage Program, noted benefits of the program to targeted communities, and stated that fifteen communities and locations have been identified by the committee for signage.

Ms. Plair also reviewed the Traffic Engineering Department's neighborhood/speed limit sign program and stated that additional communities have been identified that will benefit from its expansion.

Ms. Plair noted that the Urban Design Commission has reviewed the staff committee's report and recommended that the Board proceed with sign development and installation after contacting targeted communities.

Discussion

The Board discussed the possibility of installing "Children at Play" signs in family communities and arrangements for community consultation meetings regarding the installation of signage.

The Board further discussed the need for community identification, pride, and sense of belonging; the criteria for inclusion in the signage programs; and the possibility of targeting communities with landscaped areas for identification signs.

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 Community and Speed Limit Signage Programs.

NONAGENDA - PANHANDLING

The Board expressed its appreciation to the Traffic Engineering Department for the successful efforts of staff to eliminate unpermitted panhandling within the County.

COUNTY ATTORNEY'S REPORT - DISCUSSION AGENDA

1. Authorization to file an Offer of Judgment in Orange County vs. Fowler Groves, Parcels 1030/8030.

County Attorney's Report

Assistant County Attorney Bryant Applegate reviewed the pending lawsuit and stated that an Offer of Judgment can be filed before the trial date.

Mr. Applegate reported that mediation has occurred, but no progress was made. He explained that staff is recommending an Offer of Judgment be made in the amount of \$590,000 and noted that Board approval is required for any offer over \$500,000.

Discussion

The Board discussed the Western Beltway's crossing of the subject property, varying appraisal techniques, and the amount of the offer.

Action

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

voice vote; Commissioner Edwards was absent; the Board authorized filing an Offer of Judgment in Orange County vs. Fowler Groves; Case CI95-4705, Parcels 1030/8030; in the amount of \$590,000.

FIRE RESCUE DIVISION - DISCUSSION AGENDA

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

(This item was deleted from the agenda.)

PUBLIC WORKS DIVISION - DISCUSSION AGENDA

- 1. Discussion concerning rainfall/flooding.

Staff Report

Public Works Division Director Ajit Lalchandani stated that the purpose of the presentation is to inform and update the Board on rainfall and flooding. He reviewed national rainfall averages, monthly averages and distribution for the state, and Florida rainfall amounts between 1960 and 1997. Mr. Lalchandani noted the exceptional amount of rainfall received between December 1997 and February 1998.

Mr. Lalchandani presented an overview of the three major flood projects currently under construction and noted that all three projects may qualify for refunding from the Federal Emergency Management Agency (FEMA); applications are being processed. He also reviewed localized and nuisance flooding projects, estimated project costs, and stormwater retrofitting recently completed.

Mr. Lalchandani concluded the presentation with a summary of flood data for December 1997 through February 1998, current project prioritization guidelines, and the federal disaster declaration. He acknowledged that rainfall amounts for the remainder of 1998 are unknown and stated that additional emergency projects, reassessment of stormwater management needs, and evaluation of funding options may be necessary.

Discussion

The Board discussed drainwells, water quality, public policy conflicts, agricultural interests, funding sources, water management districts, localized and regional stormwater systems, and water management boards.

The Board further discussed sandbagging, lake outfalls, and the potential hazards of the high-water levels of recreational lakes.

Action

The Board did not take any action.

NONAGENDA - INTRODUCTION OF VISITORS

Commissioner Staley welcomed Pine Hills Boy Scout Troop 911. He stated that the scouts are in attendance to fulfill the requirements for their citizenship badges.

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, and Mable Butler
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Deputy Director of Finance as Clerk Barry Skinner
- Senior Minutes Coordinator Jeanene Wells

Commissioner Ted Edwards was absent.

The Board paused for an invocation by the Reverend Walter Monroe, Jr., pastor of Grace United Methodist Church and Taft United Methodist Church; followed by the Pledge of Allegiance to the Flag.

BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS OF MARCH 5, 1998

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board accepted the

recommendations of the Orange County Board of Zoning Adjustment under date of March 5, 1998; subject to the usual right of appeal by any aggrieved parties.

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

- None filed.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTION 20-212, PERTAINING TO THE CHILDREN AND FAMILY SERVICES BOARD

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 CHILDREN AND FAMILY SERVICES BOARD; AMENDING SECTION 20-212 OF THE ORANGE COUNTY CODE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Staff Report

Human Services Department Manager Dan Kirchner reviewed the proposed ordinance and outlined its provisions.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board adopted the proposed ordinance amending Orange County Code, Section 20-212, pertaining to the Children and Family Services Board.

(Ordinance 98-09 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: JOHN LORY;
ITEM 3, FEBRUARY 5, 1998; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by John Lory for variances in County Estate District (RCE) zone to erect a single-family residence as follows:

1. Thirty feet (30') from normal high water elevation of Lake Down on rear in lieu of 50 feet;
2. Twenty-five feet (25') from normal high water elevation of Lake Down on side in lieu of 50 feet.

(Note: Board of County Commissioners, on September 26, 1988, granted a variance to the rear and side setbacks to erect a residence thirty-five feet (35') from normal high-water elevation of Lake Down).

on property generally located at 9086 Ron Den Lane; District 1; Section 9, 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

Zoning Department Manager Melvin Pittman outlined the request and identified the location of the subject property and the surrounding zoning classifications.

Mr. Pittman noted the number and type of citizen comments received in response to the notice of public hearing.

Appearances

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

- John Lory, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board denied the request by John Lory for variances in County Estate District (RCE) zone to erect single-family residence as follows:

- 1. Thirty feet (30') from normal high water elevation of Lake Down on rear in lieu of 50 feet;
- 2. Twenty-five (25') from normal high water elevation of Lake Down on side in lieu of 50 feet.

(Note: Board of County Commissioners, on September 26, 1988, granted a variance to the rear and side setbacks to erect residence thirty-five feet (35') from normal high-water elevation of Lake Down. This variance is still in effect).

RESOLUTION PUBLIC HEARING - BLIGHT RESOLUTION AND RESOLUTION TO CREATE A COMMUNITY REDEVELOPMENT AGENCY, DISTRICT 6

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

RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE INTERNATIONAL DRIVE COMMUNITY REDEVELOPMENT AGENCY DECLARING THE BOARD OF COUNTY COMMISSIONERS TO BE A COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO SECTION 163.357(1)(A), FLORIDA STATUTES; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

and

RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING INTERNATIONAL DRIVE COMMUNITY REDEVELOPMENT AREA FINDING THE EXISTENCE OF ONE OR MORE SLUM AND BLIGHTED AREAS IN AN AREA OF THE CITY OF ORLANDO AND ORANGE COUNTY, FLORIDA; FINDING A NEED FOR REHABILITATION, CONSERVATION OR REDEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA; FINDING A NEED FOR A COMMUNITY REDEVELOPMENT AGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath reviewed the blight study and proposed resolutions and outlined their provisions.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; Commissioner Edwards was absent; the Board approved the "Finding of Necessity" blight study.

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; Commissioner Edwards was absent; the Board adopted the proposed blight resolution.

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

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; Commissioner Edwards was absent; the Board adopted the proposed resolution creating a Community Redevelopment Agency.

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

BOARD OF ZONING ADJUSTMENT APPEAL PUBLIC HEARING - APPELLANT/ APPLICANT: ALI MATTAR; ITEM 14, JANUARY 4, 1998; DISTRICT 4 (CONTINUED FROM FEBRUARY 24, 1998)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Ali Mattar of the recommendation of the Board of Zoning Adjustment, dated January 7, 1998, on a request by Ali Mattar for approval of a variance in Single-family Dwelling District (R-1AA) zone to allow a permanent room addition to a single-family residence to remain (currently in violation) 18 feet from the rear (west) property line in lieu of 35 feet, continued from the February 24, 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

Zoning Department Manager Melvin Pittman explained that the public hearing was continued to allow the applicant time to meet with members of the homeowners' association and reach a compromise. Mr. Pittman outlined the request, identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request.

Appearances

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

- Gary Chisolm, president, Windsor Place Homeowners' Association (no address given).

No one appeared in favor of 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 upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Ali Mattar for approval of a variance in Single-family Dwelling District (R-1AA) zone to allow a permanent

room addition to a single-family residence to remain (currently in violation) 18 feet from the rear (west) property line in lieu of 35 feet on the above-described property.

COMPREHENSIVE POLICY PLAN AMENDMENT TRANSMITTAL PUBLIC HEARING - APPLICANT: ORLANDO CENTRAL PARK, INC.; WOODLAND LAKES DEVELOPMENT OF REGIONAL IMPACT; AMENDMENT 98-1-D-4-1; DISTRICT 4

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

The proposed amendment submitted pursuant to section 163.3187(1)(b), Florida Statutes, is directly related to a proposed Development of Regional Impact and is not part of the regular Comprehensive Policy Plan amendment cycle and therefore not subject to the locally imposed deferral in accepting application to amend the CPP Future Land Use Map.

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

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

County Chairman Chapin left the meeting.

Staff Report

Planning Department Manager David Heath stated that this is the transmittal public hearing for the Woodland Lakes project.

Mr. Heath reviewed the request. He noted that staff and the Local Planning Agency recommended transmittal with a land use designation of Planned Development/Mixed Use.

Appearances

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

- Tom Ross, Esquire (no address given), for the applicant.

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

- Kathy Hunter, 140 Aunt Polly Court, Orlando, Florida.
- Kathy Massey, 13324 Fairway Pointe Drive, Orlando, Florida.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with Commissioners Staley, Johnson, Hoenstine, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; County Chairman Chapin and Commissioner Edwards were absent; the Board approved transmittal of Future Land Use Map Amendment 98-1-D-4-1 to the Florida Department of Community Affairs.

MEETING ADJOURNED

There being no further business, the Vice-chairman Butler adjourned the meeting at 4 p.m.