

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 28, 1998. The following were present:

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

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

COUNTY CONSENT AGENDA

Action

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

- deleted Fiscal and Human Resources Division Item 12;
- deferred Fiscal and Human Resources Division Item 19 for discussion (see page 114 for subsequent approval);
- deferred Public Works Division Item 11 for discussion (see page 116 for subsequent action);

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

County Comptroller

1. Approval to pay Clerk of the Circuit and County Courts for services rendered during the month of March 1998 in the total amount of \$353,627.92 (Administrative/Fiscal Division).
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. Oath of Office for Stuart P. Buchanan, member of the Orange County Industrial Development Authority; dated April 7, 1998.

- b. Copy of legal notices; Lake Apopka Natural Gas District; dated April 7, 1998.
- c. Audited Financial Statement for the Reedy Creek Improvement District for the fiscal year ending September 30, 1997; dated March 30, 1998.
- d. Public Official Bond for John E. Murphy, Jr.; member of the Board of Trustees, West Orange Healthcare District; dated March 26, 1998.
- e. City of Orlando notice of ordinance annexing property located at 1701 Mercy Drive to the corporate limits of the city; Annexation Docket Number 31025; dated March 2, 1998.

(Comptroller Clerk of the Board of County Commissioners)

- 3. Approval of the minutes of the March 31, 1998; April 7, 1998; and April 14, 1998; meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
- 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 April 9, 1998, to April 15, 1998; total of \$7,509,678.30.
 - Period from April 16, 1998, to April 22, 1998; total of \$21,565,690.65.

(Finance and Accounting Department)

Administrative Support Division

- 1. Approval and execution by County Chairman of a resolution and lease agreement with addendum between the Florida Department of Transportation and Orange County: Convention Center parking, District 6 (Real Estate Management Department).

(Resolution 98-M-12 and Lease Agreement with addendum are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval and authorization to disburse warrants, record instrument, and pay appropriate recording fees: Capehart Drive, Westgate Drive, and Yucca Street pump station improvements, Temporary Construction Easement, District 3 (Real Estate Management Department).
3. Approval and execution by County Chairman of County Deed and Resolution and authorization to record instrument in connection with a release of the County's interest in a parcel of land to Florida Department of Transportation (FDOT): FDOT borrow pit and haul road, District 4 (Real Estate Management Department).
4. Approval and execution by County Chairman of a modification, ratification, and extension of lease between the City of Orlando and Orange County: Municipal Justice Building Lease Extension, District 6 (Real Estate Management Department).

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

5. Approval and execution by County Chairman of Resolution and authorization to initiate condemnation proceedings: Lancaster Road (Orange Blossom Trail to Orange Avenue), District 4 (Real Estate Management Department).

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

6. Approval and authorization to record instrument in connection with utilities development: Orlando Chinese Church, Utility Easement, District 5 (Real Estate Management Department).

7. Approval and execution by County Chairman of transportation impact fee agreement with Nine/Fifteen (9/15) Development Corporation and authorization to record instruments in connection with development: Apopka-Vineland Road (Conroy-Windermere Road to Old Winter Garden Road), Deed, District 1 (Real Estate Management Department).

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

8. Approval and execution by County Chairman of modification, ratification, and extension of lease between the RHF East

Central Partnership I, Ltd., and Orange County: 205 East Central Boulevard, Lease, District 3 (Real Estate Management Department).

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

Fire Rescue Division

1. Approval of the first amendment to the interlocal agreements with the following entities:
 - City of Apopka
 - City of Maitland
 - City of Ocoee
 - City of Orlando (Police and Fire)
 - City of Winter Garden
 - City of Winter Park
 - Greater Orlando Aviation Authority
 - Orange County Fire Rescue
 - Orange County Sheriff
 - University of Central Florida

for the distribution of 9-1-1 emergency funds, which clarifies the accepted method of reimbursement of eligible expenditures (Emergency 911 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 purchase road stabilizing material from the only known source, Orlando Paving Company, for the Roads and Drainage Department. The estimated cost is \$165,000 ([Roads and Drainage Department] Purchasing and Contracts Department).
2. Ratification of Emergency Purchase Order M93088 to Hewitt Contracting Company, Inc., for construction of roadway and drainage structure repairs at Pembroke Drive. The total cost is \$1,200,000 ([Highway Construction Department] Purchasing and Contracts Department).
3. Approval to award five-year service contract to BellSouth Telecommunications, Inc., for Lightgate 1 Digital Phone

System. The total cost is \$848,652 ([Service and Support Department] Purchasing and Contracts Department).

4. Approval to award Invitation for Bid Y8-148-BI to the low responsive and responsible bidder, Cutler Repaving, Inc., for hot-in-place asphalt recycling. The annual estimated cost is \$1,087,800 ([Roads and Drainage Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y8-152-HF to the low responsive and responsible bidder, U.S. Filter Distribution Group, to furnish residential water meter boxes. The total annual estimated cost is \$445,181.50 ([Water Department] Purchasing and Contracts Department).
6. Approval to award Invitation for Bid Y8-169-BI to the low responsive and responsible bidder, J & W Industries, Inc., for installation of Class V retention pond underdrains. The total annual estimated cost is \$264,395 ([Roads and Drainage Department] Purchasing and Contracts Department).
7. Approval to award Invitation for Bid Y8-612 to the low responsive and responsible bidder, Steco, Division of Blue Tee Corporation, for the purchase of eight transfer trailers to handle refuse at the landfill. The total cost is \$307,888 ([Solid Waste Department] Purchasing and Contracts Department).
8. Approval to award Invitation for Bid Y8-722-CT to the low responsive and responsible bidder; Gibbs & Register, Inc.; for Conway Manor Pump Station improvements. The total cost is \$129,000 ([Utilities Engineering Department] Purchasing and Contracts Department).
9. Approval to award Invitation for Bid Y8-723-CT to the low responsive and responsible bidder; Gibbs & Register, Inc.; for Balboa Drive Pump Station improvements. The total cost is \$210,000 ([Utilities Engineering Department] Purchasing and Contracts Department).
10. Approval to award a sole-source contract to BellSouth Telecommunications, Inc., to upgrade frame and broadband exchange telephone lines for the Fire Rescue Telephone System. The total cost is \$568,589.88 ([Fire Rescue Emergency Communications Department] Purchasing and Contracts Department).

11. Confirmation of the County Chairman's staff reappointments for the month of April 1998:

- Sally J. Graham, Manager, Administrative Services Department, Corrections Division
- Alan B. Ispass, Director, Utilities Division
- Edward A. Royal, Jr.; Director of Operations; Corrections Division
- William R. Anderson, Deputy Chief Medical Examiner, Health and Community Services Division
- Mitchell L. Glasser, Manager, Housing and Community Development Department, Planning and Development Division

(Human Resources Department)

12. Approval of revision to the Personnel Policy Manual's Emergency Situations Policy (Administrative Regulation 7.01) and approval to include those employees involved in the February 23, 1998, emergency activation (Human Resources Department).

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

13. Approval for the Sheriff's Office to spend approximately \$5,000 from the Law Enforcement Trust Fund to make a contribution to the Central Florida Council of Boy Scouts of America (Office of Management and Budget).

14. Approval of Budget Amendments 98-31 and 98-33 (Office of Management and Budget).

(Budget Amendments 98-31 and 98-33 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

15. Approval of Budget Transfers 98-337, 98-349, 98-350, 98-351 and 98-352 (Office of Management and Budget).

(Budget Transfers 98-337 and 98-349 through 98-352 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

16. Approval of CIP Amendment 20-98 (Office of Management and Budget).

(CIP Amendment 20-98 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

17. Approval of payment of intergovernmental claims for April 2, 1998, and April 9, 1998, totaling \$258,812.39 (Risk Management Department).
18. Receipt and filing of the minutes of the March 19, 1998; March 26, 1998; and April 2, 1998; meetings of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).
19. Approval and execution by County Attorney of defense counsel engagement letters for B. C. Muszynski, as personal representative of the estate of Susan Jean Bennett vs. Orange County (U.S. District Court, Middle District of Florida, Case No. 98-328-CIV-ORL-22B) (Risk Management Department).

(As stated in the above motion, this item was deferred for discussion. See page 114 for subsequent approval.)

Health and Community Services Division

1. Approval and execution of the revised Head Start Policy Council Bylaws, all districts (Community Affairs Department).
2. Approval and execution of Amendment 2 to Contract G7032 between the State of Florida Department of Juvenile Justice and Orange County. The Amendment adds language including outcome measures and specific program objectives in the contract. Term of the contract is July 1, 1997, through June 30, 1998. The Amendment is effective once signed by both parties and creates no additional cost to the County, all districts (Department of Human Services).

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

Planning and Development Division

1. Approval and execution of a Road Impact Fee Agreement between Pastor Abner Adorno and Orange County regarding an alternative traffic study for Church Palabra Viva Assembleas, District 3 (Building Department).

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

2. Approval and execution of a Road Impact Fee Agreement between Earl W. Colvard and Orange County regarding an alternative traffic study for Boulevard Tire, District 4 (Building Department).

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

3. Approval and execution of a Developer's Agreement for Discounts of Impact Fees, Wastewater Capital Charges, and Deferrals of Impact Fees and Wastewater Capital Charges with Whitemark as Oak Park, Inc., for the Oak Park Affordable Housing Development, District 2 (Department of Housing and Community Development).

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

4. Approval and execution of a Developer's Agreement for Discounts of Impact Fees, Water Capital Charges and Wastewater Capital Charges and Deferrals of Impact Fees and Wastewater Capital Charges with Bob Harrell Properties, Inc., for the Bonneville Pines Phase III Affordable Housing Development, District 4 (Department of Housing and Community Development).

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

5. Approval and execution of a Developer's Agreement for Discounts of Impact Fees, Water Capital Charges and Wastewater Capital Charges with Falcon Trace Partners, Ltd., for the Falcon Trace Apartments Affordable Housing Development, District 5 (Department of Housing and Community Development).

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

6. Approval of the revised manning table to add an additional environmental engineer under the 1997-1998 Petroleum Cleanup Contract GC 536, all districts (Environmental Protection Department).

7. Approval and execution of the Developer's Agreement between Amprop Corners, Inc., and Orange County for The Shoppes at Windermere, District 1 (Planning Department).

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

8. Approval and execution of the termination of the Road Dedication Agreement between Structures Partnership and Orange County for Loci Park; and further, to make a finding of consistency with the Comprehensive Policy Plan, District 4 (Planning Department).

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

9. Approval to advertise Resolutions to Lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions to Lien: LC 98-048; LC 98-080; LC 98-066; LC 98-079; LC 98-067; LC 98-072; LC 98-077; LC 98-065; LC 98-071; LC 98-073; LC 98-075; LC 98-074; LC 98-045; LC 98-069; LC 98-076; LC 98-064; LC 98-081. Districts 1, 2, 3, 4, 5 and 6 (Zoning Department).

(Resolutions 98-ZON-19 through 98-ZON-35 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Division

1. Approval to adopt a resolution to vacate a portion of the plat of Sherwood Shores (Control No. VA 9809), District 1 (Development Engineering Department).

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

2. Approval to adopt a resolution to vacate a portion of the plat of West Orange Plaza (Control No. VA 9808), District 1 (Development Engineering Department).

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

3. Approval to adopt a resolution to vacate a portion of the plat of Willis R. Munger Subdivision (Control No. VA 9807), District 2 (Development Engineering Department).

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
4. Approval to adopt a resolution to vacate portions of the plats of Park Ridge Section 1 and Lakeview Heights (Control No. VA 9810), District 1 (Development Engineering Department).

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
5. Approval to adopt a resolution to vacate a portion of the plat of Los Terranos (Control No. VA 9702), District 4 (Development Engineering Department).

(Resolution is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
6. Approval to change the existing "Yield" sign to a "Stop" sign on Kenmore Circle at its east approach to Mary Jess Road, District 4 (Traffic Engineering Department).
7. Approval to install "Stop" and "Yield" signs in the Aventura Estates Subdivision, District 6 (Traffic Engineering Department).
8. Approval to establish a "No Parking" zone on the east side of Coral Hills Road beginning 150 feet from the west right-of-way line of Clarcona Road and extending 630 feet south, District 2 (Traffic Engineering Department).
9. Approval to establish a "No Parking" zone on both sides of Appomatox Drive beginning 150 feet from the north right-of-way line of Battles Boulevard and extending north 160 feet, District 4 (Traffic Engineering Department).
10. Approval to establish a "No Parking" zone on both sides of Dean Creek Lane beginning at its south terminus and extending north 100 feet, District 4 (Traffic Engineering Department).
11. Approval to install speed humps on Rouse Lake Road from East Colonial Drive to Eastwood Drive, District 5 (Traffic Engineering Department).

(As stated in the above motion, this item was deferred for discussion. See page 116 for further action.)

12. Approval and execution by the County Chairman of interlocal agreements between Apopka and Orange County:
 - a. Agreement pertaining to Rock Springs Road widening between Welch Road and Ponkan Road;
 - b. Agreement pertaining to Rock Springs Road widening north of Ponkan Road;

District 2 (Public Works Engineering Department).

(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 recommendations for appointments/reappointments to the following advisory boards (General Services Department/Agenda Development).

Staff Report

Earl Denton, chairman of the Membership and Mission Review Board (MMRB), presented the MMRB recommendations and the Board took the following actions:

- a. Agricultural Advisory Board

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:

- reappointed Mike Grandley in the Greenhouse Builder category for a term expiring December 31, 1999;
- appointed Gary Hatley to succeed Dr. Jack Reinhardt in the Lawn Spraymen/Pest Control category for a term expiring December 31, 1998;

- appointed Doug Jones to succeed Doyle Jones in the Flowering Trees and Woody Ornamentals category for a term expiring December 31, 1998;

to the Agriculture Advisory Board.

b. Children and Family Services Board

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board appointed Hal Billerbeck to succeed Wendy Ludlow for a term expiring December 31, 1999; and further, appointed Laura Mae Myers and Ed Soistman as honorary, nonvoting members for terms expiring December 31, 1998, to the Children and Family Services Board.

c. Civic Facilities Authority

Mr. Denton stated this appointment was deleted from the agenda.

d. Emergency Medical Services Council

Action

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

- Matthew Scott Zavadsky to succeed C. Nic Wildemann in the Ambulance Service Provider category;
- Stephen A. Chancey to succeed Booker T. Perry in the Municipal Fire Department category;

to the Emergency Medical Services Council for terms expiring December 31, 2000.

e. MetroPlan Orlando Citizens' Advisory Committee

Action

Upon a motion by Commissioner Edwards, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board appointed Julia Lemon to the

MetroPlan Orlando Citizens' Advisory Committee to succeed Sara Jean Siegel for a term expiring December 31, 2000.

f. Orange County Research and Development Authority

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 Jon D. Walls to the Orange County Research and Development Authority, to succeed Mel Pearlman, for a term expiring August 24, 1999.

g. Underground Utilities Pipeline Contractors Board of Examiners

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 reappointed Yahya Kiwan and Thomas Warlow to the Underground Pipeline Contractors Board of Examiners for terms expiring December 31, 1998; and further, reappointed Reinardo Malave for a term expiring December 31, 1999.

COUNTY ADMINISTRATOR - DISCUSSION AGENDA

1. Approval of contract for Campaign Information Services between Orange County and Floridians for Fairness in Court Funding (re: Article V, Florida Association of Counties)

Staff Report

Assistant to the County Administrator Bob Spivey stated that the purpose of the discussion is to explain a proposal by the State Constitutional Revision Commission (CRC) which would make a significant difference in the way the State courts are funded under Article V of the State Constitution and the Florida Association of Counties' (FAC) plan to educate the voters about the proposal. Mr. Spivey explained that Article V was designed to create a more efficient and effective State court system and reduce the burden on local property taxpayers. He stated that today, from a financial standpoint, the counties actually pay more to fund the State court system than the State does. Mr. Spivey compared what the State pays to maintain its court system versus what the counties pay and stated that

funding for State courts takes about 13 percent of the County's general fund.

Mr. Spivey announced that the CRC adopted a proposal in support of increased State funding for its court system which will appear on the ballot in November 1998. He explained which expenditures the State and County would be responsible for and which revenues the State and the County would receive.

Mr. Spivey listed organizations that provided input and support the proposed constitutional amendment. He added that, if passed, the phase-in date for the proposal is the year 2004.

John Manning, president, FAC, stated that the public education component of the proposed constitutional amendment is critical to its success because there will be at least ten constitutional issues on the November ballot. He pointed out that polls confirm voters are unaware of this issue, but when they are given information, they support it.

Mr. Manning stated that after extensive legal research, the political committee, Floridians for Fairness in Court Funding, was formed; a consultant, CS2, developed a campaign plan and budget, and a voluntary assessment schedule was prepared and provided to every county in the state. He noted that the assessment is 27 cents per capita based on the latest population projections.

Mr. Manning stated the campaign will cost \$3.2 million including \$2 million for direct mail and \$750,000 for radio advertisements. He added that Orange County's share is \$209,940 and that, to date, 42 counties have approved the special assessment.

Discussion

The Board discussed the components of the public information campaign and the timeframe for beginning it; the legality of spending public money to fund the public information campaign and an upcoming Attorney General Opinion (AGO) regarding this issue; and earlier opposition to the proposal by the Florida Association of Court Clerks (FACC).

County Attorney Tom Wilkes stated that the State Supreme Court has ruled that counties not only have the authority, but also

the obligation to make sure that citizens understand complex ballot issues.

In response to a question from Commissioner Johnson, County Comptroller Martha Haynie stated the FACC has reached a compromise with the FAC regarding the language of the ballot amendment and now supports the proposal. She added that there is a great deal of discomfort among the County Clerks/Comptrollers concerning making payment to a political action committee, which the County has not done in the past.

County Comptroller Haynie stated that she would wait until the AGO is issued before making payment. Further, she requested, and Mr. Wilkes recommended, that the Board make a legislative finding of public purpose for this expenditure.

Vivian Zaricki, executive director, FAC, explained the assurances that the FAC received from its general counsel, the attorney general, and the Florida County Attorneys' Association.

The Board discussed the importance of providing information to the public, providing airtime on Orange TV, and the importance of individual commissioners participating in the campaign. Further, the Board discussed the Florida League of Cities' stand on this issue.

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 made a legislative finding that the expenditure of funds to conduct a public education campaign via a contract with Floridians for Court Fairness serves a public purpose.

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 approved the contract with Floridians for Fairness in Court Funding.

(See page 116 for further discussion and clarification of action.)

PLANNING AND DEVELOPMENT DIVISION - DISCUSSION AGENDA

1. Approval of Lucent Technologies Development Agreements: (a) Lucent Technologies Qualified Target Industry Tax Refund Resolution; (b) Orange County/Lucent Technologies Bell Laboratories Economic Development Agreement (Division Office).

Staff Report

Economic Development Administrator John Lewis provided background information regarding the County's economic incentive program and how it has generated jobs and tax revenues for the County. Mr. Lewis explained the County would benefit from a similar partnership with Lucent Technologies Bell Laboratories. He compared the ten-year tax benefit to the County, the payout in incentives, the number of jobs created, and average salaries.

Peter Panousis, vice president of Lucent Technologies, addressed the Board and discussed how the County and Lucent Technologies have benefited from past economic incentive investments. Mr. Panousis explained how area schools will benefit by locating Bell Laboratories in the area.

Dan Holsenbeck, vice president of University Relations for the University of Central Florida, addressed the Board and explained how the University will benefit from the partnership with Lucent Technologies Bell Laboratories.

Discussion

The Board discussed whether compensation as noted in the agreement includes salaries and bonuses only, not fringe benefits, and the fact that tax incentive funds are not paid until tax funds have been received.

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 Lucent Technologies, Inc., Qualified Target Industry Tax Refund Program Application Resolution; and further, approved the Orange County/Lucent Technologies, Inc. (Bell Laboratories) Economic Development Grant Agreement.

(Resolution 98-M-13 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

WORKSESSION - FIRE RESCUE DIVISION EMERGENCY MANAGEMENT ISSUES

Staff Report

Executive Director of the Office of Emergency Management Robert Lemley stated the Federal Emergency Management Agency (FEMA) has funded a wind and water technical assistance study for the County and its municipalities. Mr. Lemley stated the study helped the County identify the area's vulnerabilities and the mitigation actions recommended to eliminate those vulnerabilities.

Chris Jones, Greenborne and O'Mara, Inc., the consultant that prepared the mitigation recommendations, reviewed the methodology used in preparing the recommendations and the scenarios for mitigation procedures in the event of tornado, wind, flood, and stormwater damage. Mr. Jones emphasized the importance of hazard mitigation and stated that the amount of funds available from FEMA in the event of an emergency will depend on the level of hazard mitigation planning that is in place.

Discussion

The Board discussed how hazard mitigation relates to the amount of funds available from FEMA, the role of the water management districts in hazard mitigation, updating the Comprehensive Policy Plan to include hazard mitigation, and funding the mitigation plan.

FISCAL AND HUMAN RESOURCES DIVISION - DISCUSSION AGENDA

1. Selection of one firm to provide Fall Arrest System for the Convention Center, RFP Y7-7021 ([Convention Center Construction Department] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Hoenstine reviewed the Procurement Review Committee's recommendation on the selection of one firm to provide a fall arrest system for the Convention Center from the following firms listed alphabetically:

- Ocean State Rigging
- Sinco, Inc.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Johnson, Hoenstine, and Edwards voting AYE by voice vote; Commissioner

Butler voting NO by voice vote; the Board approved the following short list ranked as follows:

- #1 Ocean State Rigging
- #2 Sinco, Inc.

and further, authorized staff to enter into contract negotiations to provide a fall arrest system for the Convention Center, RFP Y7-7021.

PLANNING AND DEVELOPMENT DIVISION/PUBLIC WORKS DIVISION - DISCUSSION AGENDA

1. Discussion concerning request for the Board's commitment of one million dollars for the Goldenrod Road extension and interchange project in partnership with the Orlando/Orange County Expressway Authority, the City of Orlando, and the Greater Orlando Aviation Authority, and approval of the term sheet, which serves as a letter of understanding for this project (Transportation Planning Department).

Staff Report

Chief Planner Renzo Nastasi stated the project was identified as a priority in the Southeast Orange Transportation Analysis (SOTA) Study which was conducted by the Florida Department of Transportation (FDOT) to identify issues related to transportation needs around the Orlando International Airport. Mr. Nastasi explained that no funding for the project currently exists within the FDOT work program; therefore, the Orlando-Orange County Expressway Authority (OOCEA) collaborated with the County, the City of Orlando, and the Greater Orlando Aviation Authority (GOAA) to investigate the possibility of accelerating this project.

Mr. Nastasi explained the project will consist of a four-lane divided highway with grass medians approximately two miles in length between Hoffner Road and Cargo Road. He added the road will also have an interchange with the Beeline Expressway and that a toll collection point is planned just north of the Beeline.

Mr. Nastasi discussed the cost of the project and how the costs are shared among the project's participants. He stated that OOCEA is responsible for right-of-way acquisition and that the County does not own any property along the corridor.

Mr. Nastasi requested Board approval of a term sheet which would serve as a letter of understanding for the project and stated that staff will present the negotiated agreement for Board approval.

David Brown, of the OOCEA, clarified that toll revenues would only be used to pay for the Goldenrod Road project and will cease when the project is paid for.

Discussion

The Board discussed how long the proposed toll would be in place, the cost of the project including the Beeline Expressway interchange, who would have responsibility for road maintenance, and how the project would impact the City of Orlando by opening up land for development.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Staley, and carried with all members present and voting AYE by voice vote, the Board approved the Term Sheet between the County and the Orlando/Orange County Expressway Authority for the Goldenrod Road Extension; and further, authorized entering into negotiations with the OOCEA for the development of a formal joint participation agreement.

COUNTY CHAIRMAN - DISCUSSION AGENDA

1. County Chairman Chapin wishes to make a motion to rescind the Board action taken on March 31, 1998, concerning approval of the selection of Atlantic Eastern Corporation, for Clarcona Horseman's Park Phase II, Construction of West Orange Trail at a cost of \$152,340.

County Chairman's Report

County Chairman Chapin stated that as a result of information received regarding performance problems other entities have experienced with Atlantic Eastern, she recommends rescinding the action the Board took on this item on March 31, 1998, and awarding the contract to MVB and Associates, Inc., the lowest responsive and responsible bidder.

County Chairman Chapin announced that procurement committee procedures have been changed by requesting, in all cases, disclosure of any pending litigation against a firm.

Discussion

The Board discussed the procurement committee's review procedures and the feasibility of changing the scoring criteria to note poor performance.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Staley, and carried with all members present and voting AYE by voice vote, the Board rescinded its action of March 31, 1998, concerning approval of the selection of Atlantic Eastern Corporation for Clarcona Horseman's Park Phase II construction of the West Orange Trail, at a cost of \$152,340; and further, awarded the contract to the low responsive and responsible bidder, MVB and Associates, Inc., at an increased contract amount of \$11,520.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Commissioner Freeman wishes to present the Board with information concerning the Orlando Utilities Commission.

Commissioner's Report

Commissioner Freeman discussed a bill which was introduced in the Legislature that would force the Orlando Utilities Commission (OUC) to return profits to its out-of-town customers. Commissioner Freeman noted that the OUC charges city residents and out-of-town residents different rates and questioned whether the OUC pays fair compensation for the use of County rights-of-way in unincorporated areas. Commissioner Freeman pointed out the disparity in amounts Florida Power Corporation and OUC pay the County for rights-of-way utilization.

Commissioner Freeman pointed out the lack of County representation on the OUC and requested information regarding a proposal for OUC and Orange County Utilities to combine and form one agency to provide water, electric, and sewer service. Commissioner Freeman noted the Florida Public Service Commission does not control the rates that OUC can charge.

In conclusion, Commissioner Freeman questioned if the private park and boat ramp on the Butler Chain of Lakes owned by OUC and slated for use by the employees of OUC only, should be accessible to rate payers or City of Orlando residents.

Tom Tart, of OUC, addressed the Board and agreed to a request from County Chairman Chapin to respond to Commissioner Freeman's comments in writing.

RISK MANAGEMENT DEPARTMENT/COUNTY ATTORNEY - DISCUSSION AGENDA - ADDENDUM 1

1. Consideration of the plaintiffs' settlement offer of \$3,000,000 in Muszynski vs. Orange County, et al.

County Attorney's Report

County Attorney Tom Wilkes stated the Settlement Agreement constitutes an irrevocable offer by the plaintiffs, and the plaintiffs have executed the agreement. Mr. Wilkes explained the plaintiffs agree to waive all claims against Orange County and all individual defendants who are County employees or County officials.

Mr. Wilkes noted that the deadline for payment is May 15, 1998.

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 accepted the settlement offer received from the plaintiffs in the case of B.C. Muszynski, as personal representative of the Estate of Susan Jean Bennett, et al., vs. Orange County, et al.; further, authorized and directed the County Attorney and the County Risk Management Counsel to execute the proposed settlement agreement and release; and further, authorized and directed the County Comptroller and County Administrator and staff to make the settlement payment from the Risk Management Fund.

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 Comptroller as Clerk Martha Haynie

- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend George R. Duckworth of the Antioch Missionary Baptist Church, Plymouth, Florida, followed by the Pledge of Allegiance to the Flag.

Presentation of Employee Service Awards

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

- Myra Louise Hood, 25 years, Administrative Support Division.
- Debra S. Kirby, 20 years, Corrections Division.
- Carol G. Forehand, 20 years, Utilities Laboratory.
- Marjorie V. Lovejoy, 25 years, Purchasing and Contracts Department, Fiscal and Human Resources Division.
- Terry Lewis, 20 years, Public Works Engineering Department, Public Works Division
- Richard James Creech, 20 years and Donald M. Alcorn, 25 years, Roads and Drainage Department, Public Works Division
- Jerome Walker, Jr., 20 years, Fire Rescue Division.

Presentation of Public Technology Incorporated (PTI) Awards

Assistant to the County Administrator Bob Spivey explained that Public Technology Incorporated (PTI) is the technical arm of the National Association of Counties. Mr. Spivey announced the recipients of the Public Technology Incorporated Awards as follows:

- George Massey, Corrections Division Distribution Center, Public Works, General Services and Parks and Recreation Technology Award.
- County Chairman Linda Chapin, Paul Snead, Bob Pickerill, and Frank Francisco, Health and Human Services Honorable Mention.
- George Welch, Trudy Larson, Harriet W. Fort, Dr. Thomas Lee, Community and Economic Development Honorable Mention.

Fire Reserves Recognition

Fire Chief Mike Iacona recognized the Firefighter Reserve Association whose volunteers support Fire Rescue Division employees on a day-to-day basis.

Bill Trotter, president of the Firefighter Reserve Association, stated that the association's volunteers donated a total of 22,500 hours to the County last year and listed some of the duties the volunteers perform. Mr. Trotter informed the Board of a new program, the Citizens' Assistance Program (CAP), which is designed to provide immediate help to County citizens after a major emergency. He noted that in the past 11 months the volunteers have answered 61 calls and assisted 89 families consisting of 256 members.

Mr. Trotter announced that reservist Scott Parsons donated the most time, 1,750 hours with an additional 450 hours of training, and that Larry McClosky, having donated 689 hours, was chosen as the reservist of the year.

Mr. Trotter presented two plaques for display in the lobby of the Fire Division Administrative Offices.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS OF APRIL 16, 1998

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 recommendations of the Orange County Planning and Zoning Commission under the date of April 16, 1998, with the exception of Case Numbers Z-98-003 and Z-98-028, subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling public hearings for Cases Z-98-003 in the name of Scott Boyd and Z-98-028 in the name of Jim Sellen, Black Amber Development, on June 16, 1998.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under the date of April 16, 1998, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: DENIS S. SOUDERS; NO. 98-08, 8.0-FOOT PORTION OF 10.0-FOOT UTILITY EASEMENT; DISTRICT

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Denis S. Souders, Petition to Vacate 98-08, to vacate an 8.0-foot portion of a 10.0-foot utility easement; on property located

at 5344 Dorrington Lane; the subdivision is located on the east side of Deer Creek Drive, approximately one-quarter mile south of the Deer Creek Drive/Orangewood Boulevard intersection; District 1; Section 18, 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

Public Works Engineering Department Manager Jim Harrison 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 98-08, vacating an 8.0-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.)

SETTLEMENT AGREEMENT PUBLIC HEARING - ORANGE COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, CASE NO. 96-3329GM

Notice was given that the Board of County Commissioners would hold a public hearing to consider a proposed Stipulated Settlement Agreement between the State of Florida Department of Community Affairs and Orange County, Florida, in the case styled, State of Florida Department of Community Affairs vs. Orange County, Florida, Department of Administrative Hearings Case No. 96-3329GM. If approved by the Board and subsequently approved by the Department of Community Affairs, the Stipulated Settlement Agreement would enable the Board to subsequently consider a remedial amendment to the Orange County Comprehensive Policy Plan which, if adopted, would resolve and settle the foregoing case.

Staff Report

Assistant County Attorney Joel Prinsell reviewed the Settlement Agreement and explained the facts of the case. Mr. Prinsell stated that as a requirement of the agreement, the Board will have 60 days to hold a public hearing to consider a remedial amendment to the Comprehensive Policy Plan. He noted that the case will be dismissed when the amendment is adopted.

Commissioner Hoenstine left the meeting.

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 County Chairman Chapin, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Hoenstine was absent; the Board approved the proposed Stipulated Settlement Agreement between the State of Florida Department of Community Affairs and Orange County, Florida, in the case styled, State of Florida Department of Community Affairs vs. Orange County, Florida, Department of Administrative Hearings Case No. 96-3329GM.

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JAMES E. KELLY, JR.; THE VININGS AT CYPRESS POINTE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by James E. Kelly, Jr.; The Vinings at Cypress Pointe Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the LUP height maximum from 60 feet to 75 feet on Lots 4 and 5 (existing Blue Tree Resort). The overall PD allowed for 1,150 hotel/time-share/multi-family units of which 948 units have been approved within the PD. This request will allow for the development of the remaining unallocated 202 units available within the overall PD, pursuant to Orange County Code, Chapter 30, Section

38-1207; on property generally located east of Apopka-Vineland Road, one-fourth of a mile north of S.R. 535; District 1; Section 22, 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 reviewed the change determination request and the Development Review Committee's recommendation for approval.

Commissioner Hoenstine joined the meeting.

Appearances

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

- James E. Kelly, applicant and owner's agent (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 Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by James E. Kelly, Jr.; The Vinings at Cypress Pointe Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the LUP height maximum from 60 feet to 75 feet on Lots 4 and 5 (existing Blue Tree Resort); 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.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JON WALLS, PARK AVENUE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND THE LUP, DISTRICT 1 (CONTINUED FROM MARCH 31, 1998)

The Board reopened the public hearing to consider a substantial change request by Jon Walls, Park Avenue Planned Development, to amend the LUP to reduce the acreage of the Planned Development/Land Use Plan (PD/LUP) due to the Southern Connector passing through the property and changing the uses from 50,000 square feet of commercial; 280 hotel rooms; and 150 multi-family units to a

maximum of 117,151 square feet of commercial or 473 hotel rooms or 229 multi-family units, including the ability to utilize an equivalency matrix to allow for the interchanging of uses, pursuant to Orange County Code, Section 38-1207; on property generally located south of the Southern Connector and east of S.R. 535; District 1; Section 35, Township 24, Range 28; Orange County, Florida, continued from the March 31, 1998, Board meeting.

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

A court reporter, Tina Hayes of Zacco and Associates, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Staff Report

Planning Department Manager David Heath reviewed the change determination request and the Development Review Committee's recommendation for approval.

Appearances

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

- Borron Owen, Esquire; Gray, Harris, and Robinson, P.A. (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 Edwards, and carried with all members present and voting AYE by voice vote, the Board denied the request by Jon Walls, Park Avenue Planned Development, to amend the LUP to reduce the acreage of the Planned Development/Land Use Plan (PD/LUP) due to the Southern Connector passing through the property and changing the uses from 50,000 square feet of commercial; 280 hotel rooms; and 150 multi-family units to a maximum of 117,151 square feet of commercial or 473 hotel rooms or 229 multi-family units, including the ability to utilize an equivalency matrix to allow for the interchanging of uses; which constitutes a substantial change to the development on the above-described property.

CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

19. Approval and execution by County Attorney of defense counsel engagement letters for B.C. Muszynski, as personal representative of the estate of Susan Jean Bennett vs. Orange County (U.S. District Court Middle District of Florida, Case No. 98-328-CIV-ORL-22B) (Risk Management Department).

Staff Report

Deputy County Administrator Byron Brooks stated this item was deferred from the morning session.

County Attorney Tom Wilkes clarified that approval of the engagement letters is with the understanding that the attorneys will not perform any more work. Mr. Wilkes stated that he spoke with the County's outside counsel, Bob Eubanks, and instructed him to notify the other eight law firms to stop work as of today. He further stated that the engagement letters will allow the County to pay the attorneys.

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 approved execution by the County Attorney of defense counsel engagement letters for B.C. Muszynski, as personal representative of the estate of Susan Jean Bennett vs. Orange County (U.S. District Court Middle District of Florida, Case No. 98-328-CIV-ORL-22B).

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

NONAGENDA - EXTENSION OF THE CITY OF OCOEE INTERLOCAL AGREEMENT FOR FIRE, RESCUE, AND COMMUNICATION SERVICES

Staff Report

Deputy County Administrator Byron Brooks stated that the Ocoee City Council agreed at its last meeting to extend the existing first-response agreement until May 31, 1998, with compensation tied to the extension. Mr. Brooks explained the agreement includes a provision that the extension would not trigger another 90-day notification period for termination of the agreement.

Discussion

Commissioner Freeman suggested that the Board look at zoning categories in County enclaves adjacent to communities in Apopka, Ocoee, and Orlando and encourage growth in those areas to provide a tax base to create income to provide fire/rescue services in those areas.

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 approved the agreement to extend the interlocal agreement for fire, rescue, and communication services with the City of Ocoee through May 31, 1998.

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

NONAGENDA - DEVELOPMENT ADVISORY BOARD REVIEW OF IMPACT FEE UPDATES

Commissioner's Report

Commissioner Edwards acknowledged the County Chairman's appointment of a task force to review impact fee updates which have historically been reviewed by the Development Advisory Board (DAB). Commissioner Edwards suggested that the DAB also review the impact fee updates.

County Chairman Chapin explained the purpose of appointing the task force is to obtain more varied views on the issue.

Cheryl Taubensee, representing the Homebuilders Association of Mid-Florida, addressed the Board and stated the DAB supports the task force citizens advisory committee and sees itself as the "next step" to providing information to the Board and weeding out the concerns and differences of opinion.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with Commissioners Freeman, Staley, Johnson, Hoenstine, and Edwards voting AYE by voice vote; County Chairman Chapin and Commissioner Butler voting NO by voice vote; the Board directed that impact fee updates be reviewed by the Development Advisory Board as well as the Impact Fee Update Task Force.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Public Works Division

- 11. Approval to install speed humps on Rouse Lake Road from East Colonial Drive to Eastwood Drive, District 5 (Traffic Engineering Department).

Staff Report

Deputy County Administrator Byron Brooks announced that this item is deleted from the agenda. Mr. Brooks stated that the Public Works Division will present the item at a future meeting as part of a worksession to establish policies on this issue.

COUNTY ADMINISTRATOR - DISCUSSION AGENDA (continued)

- 1. Approval of contract for Campaign Information Services between Orange County and Floridians for Fairness in Court Funding (re: Article V, Florida Association of Counties)

County Attorney's Report

County Attorney Tom Wilkes clarified for the County Chairman that her motion was for approval of the contract for the Floridians for Fairness in Court Funding, not the Florida Association of Counties (see page 99).

CABLE TELEVISION FRANCHISE TRANSFER/RESOLUTION PUBLIC HEARING - FROM CENTRAL FLORIDA SATELLITE CABLE, INC., TO CONSTEL COMMUNICATIONS, L.P.

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, APPROVING THE ASSIGNMENT AND TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE FROM CENTRAL FLORIDA SATELLITE CABLE, INC., TO CONSTEL COMMUNICATIONS, L.P.; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Joel Prinsell reviewed the resolution and outlined its provisions. Mr. Prinsell recommended that the Board approval be to the terms and conditions of the resolution; the amendment to the Cable Television Franchise Agreement which is required by the resolution; and an agreement with Constel

where under Constel agrees to abide by the terms and conditions of the resolution.

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 County Chairman Chapin, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed resolution approving the assignment and transfer of control of the Cable Television Franchise from Central Florida Satellite Cable, Inc., to Constel Communications, L.P., subject to the terms and conditions of the resolution; further, approved the amendment to the Cable Television Franchise Agreement which is required by the resolution whereby Constel will become a signatory to the franchise; and further, approved an agreement with Constel whereunder Constel agrees to abide by the terms and conditions of the resolution.

(Resolution 98-M-14 and agreements are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

CLASS III FILL PERMIT PUBLIC HEARING - APPLICANT: SANIFILL OF FLORIDA, INC.; RENEWAL OF PINE RIDGE LANDFILL; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider an application by Sanifill of Florida, Inc., Permit No. 89-F13-3400, for renewal of a Class III Fill Permit, on property generally located one-half mile south of Phil C. Peters Road between Rex Road on the east and the Lake County line on the west; District 1; Section 18, Township 23, Range 27; 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 reviewed the location of the site and the Class III fill permit request.

Ms. Hacha-Long explained the majority of the operating conditions for the permit renewal have been negotiated by staff and agreed to by the applicant; however, a completed stormwater management plan and a groundwater management plan have not been received as complete by staff. She stated because of the incomplete application package, staff requests that the Board either:

- deny the renewal effective today; or
- condition the approval of the renewal subject to the outstanding items pertaining to the groundwater monitoring plan and the stormwater monitoring plan being received, revised and accepted as complying with permitting criteria by staff on or before May 29, 1998; further, if the conditions are not met by that date, the conditional permit approval will expire.

In addition, Ms. Hacha-Long stated that permit condition 5, which addresses the odor control plan, has been amended by adding the following sentence at the end of the first paragraph:

"Odor control system must be maintained though the life of the operation, closure, and post closure of the facility."

Assistant County Attorney Paul Chipok informed the Board that the hearing today is not to determine compatibility of landfill use but renewal of the class III operating permit. Mr. Chipok explained the Board's options for approval or denial of the permit and reviewed the impacts of each option.

Appearances

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

- Charles Gray, Esquire; Gray, Harris, and Robinson, P.A.; for the applicant.
- Jim Swan, 2725 Doris Street, Kissimmee, Florida; for Sanifill of Florida.
- Sam Levin, P.E.; S2Li (no address given).
- J. A. Jurgens, Esquire (no address given).
- Stan Keeley, P.E., Glace and Radcliffe (no address given).

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

- Cheryl Canada, 17356 Cork Street, Winter Garden, Florida.
- Carol A. Johnson, 16605 Sandhill Road, Winter Garden, Florida.
- Paul Allen, 17000 Red Bird Road, Winter Garden, Florida.
- Cheryl Faller, 5124 Beta Road, Winter Garden, Florida.
- Sue Butler, 17710 Davenport Road, Winter Garden, Florida.
- Emory Zabor (no address given).

Discussion

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

County Chairman Chapin directed Environmental Protection Department Manager Anna Hacha-Long to make a monthly progress report concerning the applicant's compliance to County Administrator Jean Bennett.

Action

A motion by Commissioner Freeman to deny the application by Sanifill of Florida, Inc., Permit No. 89-F13-3400, for renewal of a Class III Fill Permit on the above-described property, died for the lack of a second.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with County Chairman Chapin and Commissioners Staley, Johnson, Hoenstine, Edwards and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board granted conditional approval of the application by Sanifill of Florida, Inc., Permit No. 89-F13-4300, for renewal of a Class III Fill Permit, on the above-described property, subject to the groundwater monitoring plan and stormwater management being revised and accepted by the Environmental Protection Department by May 29, 1998; further, subject to financial assurance updated per Orange County Environmental Protection Department calculations and formula to allow for adequate closure costs also received by May 29, 1998, and the following conditions:

1. Landfill operations shall conform to the Pine Ridge Recycling and Disposal Facility Class III Landfill Application for Permit Renewal dated

November 5, 1997, revised and dated March 11, 1998, prepared by S2Li of Maitland, Florida, and to the following conditions of approval. Landfill operations based on this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, County issued permit 89-F13-3400, and Florida Department of Environmental Protection (FDEP) issued permit S048-269789, which are all incorporated herein by reference, except to the extent that these laws, ordinances, and regulations are expressly modified by these conditions or by direct or approved action of the Board of County Commissioners.

2. Operations shall be conducted in accordance with the County Solid Waste Ordinance (92-19), the approved application prepared by Robert E. Mackey, P.E., of S2Li, dated November 5, 1997, revised and dated April 28, 1998, and all applicable FDEP regulations.
3. Financial assurance in the amount of \$6,839,000 will be provided for closure and long-term care by irrevocable standby letter of credit prior to permit issuance for the first year of the permit. The face amount of the financial assurance is to be updated annually to the County's satisfaction, based on the then-current cost estimated for closure and long-term care and on the then-present conditions of the landfill.
4. The disturbed and unclosed portion of the landfill shall not exceed the size used as a basis for cost estimates within the closure/post closure estimates for any corresponding year without first amending the closure/post closure instrument to include such additional acreage. Any on-site soils dedicated to be utilized in the closure construction shall be located within 1,500 feet of the area designated for closure in any corresponding year. This soil shall be made available to the County for closure purposes at no cost.
5. Odor control is a requirement of this permit. The odor control system presented in Odor Control Plan for Pine Ridge Recycling and Disposal Facility Class III Landfill, prepared by S2Li, as amended March 12, 1998, shall be constructed and functional within 180 days of the receipt of all applicable permits being issued. Odor shall be controlled from anywhere on site. If the proposed landfill gas collection system (which contemplates five acres of collection system) and flaring system fail to

control odors, the landfill gas collection system shall be modified and expanded to ten acres of collection system to provide the additional required control within 60 days of receipt of all required permits or modifications to the initial permits. Odor control system must be maintained through the life of the operations, closures, and post closures of the facility.

Odor control is defined as an eighty percent (80%) weekly average reduction in the current off-site concentration of hydrogen sulfide gas, as documented by data obtained from County-operated H₂S monitors in accordance with generally accepted engineering practices for a period of up to 90 days once County monitors are operable and without the flare system operating. The County reserves the right to conduct any independent samples it deems necessary and the applicant agrees to give the County ten (10) days notice of a sampling event for the purpose of allowing adequate time to conduct any split samples the County deems necessary.

In the event that either: (i) the odor control schedule set forth in this condition is not met by the applicant or (ii) at any time during the life of this permit, the odor control is not achieved or perpetually maintained, then upon receipt of written notice from the manager of the Orange County Environmental Protection Department of an alleged violation the applicant shall within 30 working days after receipt of the notice from the manager correct the violations in the notice before revocation of the permit takes effect in accordance with Orange County Code Section 32-217. The applicant may appeal any notice of revocation pursuant to this condition to the Board of County Commissioners in writing to the manager within ten (10) working days after the date of notice of permit revocation. The Board shall provide an appeal hearing during any regular session of the Board within 20 working days after receipt of written notice of appeal by the applicant.

6. The base elevation for placement of debris of any kind, other than clean soil, placed after August 29, 1997, is eight (8) feet above the elevation set forth on Exhibit 20 of the Geomatrix Consultants, Inc., report entitled Water Table Waste Table Elevation Study, dated April 29, 1997, incorporated herein by reference. This base elevation is subject to the maintenance of a five (5)-foot separation from the groundwater at all times. Landfilling

above the approved proposed final topographic survey is strictly prohibited.

7. The Groundwater Monitoring Plan shall be as described in the Hydrogeological Characteristics of the Pine Ridge C&D Landfill and Monitoring and Reporting Program for Pine Ridge Class III and C&D Landfill prepared by Geomatrix Consultants, Inc., dated October 6, 1997, revised and dated by May 19, 1998. All monitoring wells as described in the groundwater monitoring plan which are not presently in place or functional shall be installed or replaced within 90 days of FDEP and Orange County permit issuance. Abandoned monitoring wells shall be capped and closed in accordance with state standards within 90 days of permit issuance. A groundwater monitoring report, sealed by a Florida Registered Professional Engineer, is to be submitted with each sampling event to the Environmental Protection Department.
8. The Stormwater Management Plan for both the operation phase and post-closure phase shall be the plan described in Environmental Resources Permit Application for the Pine Ridge Recycling and Disposal Facility Master Stormwater Management Systems prepared by S2Li in conjunction with Applied Technology and Maintenance, Inc., dated September 30, 1997, revised and dated by May 29, 1998. The operation phase is to be in place before permit issuance; the post-closure phase shall be constructed progressively as the site is closed.
9. The Fire Control Plan/Emergency Preparedness Guidelines will be followed and updated annually. A current copy of the document will be kept on file at the Orange County Fire and Rescue Division and the Environmental Protection Department and kept on site at all times.
10. Only the paved portion of McKinney Road and Rex Road is to be used to access the site. No landfill traffic will be allowed on Phil C. Peters Road, Cork Street, Alps Street, Red Bird Road, Old Country Lane, or Beta Avenue.
11. Rex Road right-of-way shall be repaired by the applicant within one month of permit issuance and maintained to standards determined by Orange County Public Works Roads Division by the applicant during the life of the permit. Applicant will submit a plan within 30 days with applicable

implementation schedule (not to exceed 120 days from the issuance of this permit), to abate visual, noise, and dust nuisances caused by landfill traffic on Rex Road.

12. Perimeter fencing adjacent to private residences will be landscaped to provide a visual buffer to control visual, dust, and noise impacts. All landscaping in the buffers required by these conditions, shall be completed within four (4) months of permit issuance subject to site specific planting conditions.
13. A certified updated topographic survey of the disturbed area is to be submitted annually to the Environmental Protection Department.
14. An approved Random Load Inspection Test will be implemented if inspections show a record of unacceptable waste being landfilled.
15. Signage shall be posted at the entrance warning entering drivers that household and putrescible waste is not accepted.
16. The number of landfill personnel on site shall be as described in the Revised Operating Plan, dated May 1997.
17. "Notice of Prior Use as a Landfill" is to be executed and recorded prior to permit issuance.
18. Operating hours will be as follows: Monday through Friday, 7 a.m. until 6 p.m.; Saturday, 7 a.m. until 3:30 p.m.
19. A copy of the County Landfill Permit will be posted on site at all times and a copy of the Pine Ridge Recycling and Disposal Facility Class III Landfill Application for Permit Renewal will be kept on site and made available for reference by landfill and County personnel.
20. The haul route from Lake Ingram Road to Tilden Road shall be cleaned weekly of any debris falling from landfill-bound trucks using the haul route by the landfill operator.
21. As to the construction schedule for the initial five-acre installation of the flare system, the odor control system presented in Odor Control Plan for Pine Ridge Recycling and Disposal Facility Class III Landfill,

prepared by S2Li, as amended March 1998, shall be constructed and functional within 180 days of receipt of all applicable regulatory permits subject to documented equipment availability.

22. Direct visual observation of the flare will not be allowed from any residence within 2,000 feet of the flare location.
23. Equipment for installation of the odor control system will be ordered by Sanifill of Florida, Inc., within one (1) week of receipt of FDEP and Orange County Environmental Protection Department (OCEPD) approvals.
24. If the initial Odor Control Plan is not effective, Sanifill of Florida, Inc., will within 30 days prepare and file for FDEP and OCEPD approval revisions to the initial plan which may include expanding the collection system to ten (10) acres or other corrective measures in response to FDEP and OCEPD mandates to control odors. Implementation of corrective measures will be completed within 60 days of receipt of FDEP and OCEPD approvals subject to documented equipment availability. Any equipment needed for modification to the odor control system and implementation of corrective measures required by this paragraph will be ordered within one (1) week of FDEP and OCEPD approvals.
25. The working face of the Class III Landfill shall be limited under normal operating conditions to an average daily width of 300 feet.
26. Applicant shall include within the plan to control visual, noise, and dust nuisances caused by landfill traffic on Rex Road corrective measures to landscape the easterly right-of-way on Rex Road for a distance of 100 feet south of the centerline of the entrance drive for the Class III Landfill to a distance of 300 feet north of the same centerline. Landscape construction and maintenance is subject to legal access and indemnification in favor of applicant by Orange County and all private property owners which property may be used for landscape buffer purposes.

(See the minutes of May 19, 1998, for further action regarding this public hearing.)

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:30 p.m.