

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 5, 1998. The following were present:

- Vice-chairman Mable Butler
- Commissioners Bob Freeman, Tom Staley, and Clarence Hoenstine
- County Comptroller as Clerk Martha Haynie
- County Administrator Jean Bennett
- Deputy County Attorney Jeffrey Newton
- Deputy Clerk Rosilyn Stapleton

County Chairman Linda Chapin was absent. Commissioners Mary Johnson and Ted Edwards joined the meeting where indicated.

There being a quorum, the Vice-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; County Chairman Chapin and Commissioners Johnson and Edwards were absent; the Board:

- deleted Fiscal and Human Resources Division Item 4; CIP Amendment 21-98 only from Item 5; and Item 8;

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

County Chairman

1. Approval and execution of resolution designating United Arts of Central Florida, Inc., as the Local Arts Agency (LAA).

(Resolution 98-M-15 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

County Comptroller

1. 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 23, 1998, to April 29, 1998; total of \$29,486,373.90.

(Finance and Accounting Department)

Administrative Support Division

1. Authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs, and approval of any additional recording fees not to exceed \$25; Northwest Service Area Re-use System, Warranty Deed, District 1 (Real Estate Management Department).
2. Approval and authorization to record instrument and pay appropriate recording fees: Clubhouse Estates screen wall improvements, Screen Wall Access Easement for Construction of Entrance Wall, District 1 (Real Estate Management Department).

Fiscal and Human Resources Division

1. Approval to award Invitation for Bid Y8-167-HF to the low responsive and responsible bidder, Brown's Tractor Service, Inc., to furnish lot cleaning services. The total estimated annual cost is \$403,800 ([Zoning Department] Purchasing and Contracts Department).
2. Approval of Task Authorization 2, Contract Y6-805, with Post, Buckley, Schuh, and Jernigan for engineering services for the Northwest Service Area Reuse System. Contract total is \$507,662 ([Wastewater Department] Purchasing and Contracts Department).
3. Approval of Budget Amendments 98-32, 98-34, 98-35, 98-36, 98-37, 98-38, and 98-39 (Office of Management and Budget).

(Budget Amendments 98-32 and 98-34 through 98-39 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of Budget Transfer 98-357 (Office of Management and Budget).

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

5. Approval of CIP Amendments 21-98 and 22-98 (Office of Management and Budget).

(As stated in the above motion, CIP Amendment 21-98 was deleted from the agenda.)

(CIP Amendment 22-98 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of payment of intergovernmental claims for April 16, 1998, totaling \$73,042.88 (Risk Management Department).
7. Receipt and filing of the minutes of the April 9, 1998, meeting of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).
8. Approval and execution of a resolution to ratify issuance by the Orange County Housing Finance Authority of Variable Rate Demand Multi-Family Housing Revenue Refunding Bonds in the aggregate principal amount not to exceed \$7,770,000 for refinancing of the Heritage Place Apartments Housing Project (Orange County Housing Finance Authority).

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

Health and Community Services Division

1. Approval and execution of the Summer Food Services Program Application for Participation and Contract Agreement with the State of Florida Department of Education in the amount of \$646,585. This entitlement is an extension of the National School Lunch Program which provides meals to children up to 18 years of age. Currently 92 sites have been approved. The term of the agreement is June 1, 1998, through August 7, 1998. There will be no cost to the County, all districts (Community Affairs Department).

(Agreement 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 Alternative Road Impact Fee Agreement between Irene H. Rivera and Orange County for Auto Lab, District 2 (Building Department).

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

- 2. Receipt and filing of the minutes of the Lake Conway Water and Navigational Control District Advisory Board meeting of February 10, 1998, for the official County record, District 4 (Environmental Protection Department).

Public Works Division

- 1. Approval to change the existing "Yield" signs to "Stop" signs on Osprey Creek Lane at its north and south approaches to River Ridge Drive, District 3 (Traffic Engineering Department).
- 2. Approval to install "Stop" and "Yield" signs in the Hunter's Creek Tract 535 Subdivision, District 1 (Traffic Engineering Department).
- 3. Approval to install "Stop" and "Yield" signs in the Tilden Estates Subdivision, District 1 (Traffic Engineering Department).
- 4. Approval to establish a "No Parking" zone on both sides of Banyan Boulevard beginning from the east right-of-way line of Sugarbush Drive to the west right-of-way line of Dr. Phillips Boulevard, District 1 (Traffic Engineering Department).
- 5. Approval of Amendment 1 to Contract Y7-1003-JO in the amount of \$225,393.19 for the construction of improvements at the intersection of Landstreet Road and South Orange Blossom Trail, District 4 (Engineering Department).

Commissioners Johnson and Edwards joined the meeting.

FISCAL AND HUMAN RESOURCES DISCUSSION AGENDA

- 1. Selection of one firm and one ranked alternate for entering into contract negotiations to provide continuing general

consulting services and Capital Improvement Program management, RFP Y8-903-MK ([Utilities Division] Purchasing and Contracts Department).

Commissioner's Report

Commissioner Hoenstine stated that he was present at the April 20, 1998, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm and one ranked alternate for continuing general consulting services and Capital Improvement Program management from the following firms listed alphabetically:

- Montgomery Watson Americas, Inc.
- PBS&J/CH2M Hill - A Joint Venture

For the record, Commissioner Freeman stated that the Board is not going to hear oral presentations but that Bob Haven of the Orlando Utilities Commission (OUC) has said a study is being done.

Staff Report

Assistant County Administrator Warren Geltch stated that staff examined potential conflict issues with respect to the consulting firms' work with OUC. Mr. Geltch noted that both firms that have been submitted to the Board perform some work for OUC and are involved in OUC's Pine Hills water treatment plant project. He explained that OUC's previous studies have not been done by the firms proposed for Board ranking and that there are only a limited number of consultants specializing in utilities. Mr. Geltch pointed out that if staff sees a conflict of interest, it can choose another consultant to avoid any appearance of or actual conflict of interest.

Discussion

The Board discussed designating this item for an oral presentation, conflict issues with firms performing work for OUC's Pine Hills utility project, revenue from OUC funding the City of Orlando's budget, the bidding firms' awareness of the prohibition against conflicts of interests, and the validity of the Procurement Review Committee's scoring of the firms.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with Commissioners Staley, Johnson, Hoenstine, Edwards, and Butler voting AYE by voice

vote; Commissioner Freeman voting NO by voice vote; County Chairman Chapin was absent; the Board approved the following short list ranked as follows:

- #1 PBS&J/CH2M Hill - A Joint Venture
- #2 Montgomery Watson Americas, Inc.

and further, authorized staff to enter into contract negotiations to provide continuing general consulting services and Capital Improvement Program management, RFP Y8-903-MK.

PUBLIC WORKS DIVISION DISCUSSION AGENDA

1. Approval for funding of 50/50 cost sharing for construction of a screen wall at Bay Vista Estates (Apopka-Vineland Road south of Sand Lake Road) between the County and the subdivision residents, with the County's participation not to exceed \$210,000 and the Bay Vista property owners contributing \$210,000 through an MSTU/BU, District 1 (Division Office).

Staff Report

Construction Department Manager Alan Valenti stated that several projects are underway in connection with the widening of Apopka-Vineland Road. Mr. Valenti noted that during construction, meetings were held with Bay Vista Estates homeowners about the impact of the road's widening on the subdivision's existing screen wall and the need for a higher wall. He explained that the Bay Vista Estates situation parallels the cost-sharing arrangement the Board approved for Clubhouse Estates.

Mr. Valenti emphasized that the Bay Vista Estates homeowners understand their responsibility for the wall's maintenance and for the additional cost of brick rather than split-face concrete construction. He said ballots will be sent to residents, two-thirds of whom must approve an MSTU/BU.

Public Works Division Director Ajit Lalchandani stated that the County is confronting screen wall issues with increasing frequency as more roads are widened. Mr. Lalchandani noted that within the next three months, staff is planning to present a worksession outlining the facts, costs, and alternatives for Board action regarding screen wall construction and maintenance.

The following person addressed the Board:

- Manny Regateiro, president, Bay Vista Estates Homeowners' Association;
9540 Bay Vista Estates Boulevard, Orlando, Florida.

Discussion

The Board discussed wall heights along roads targeted for improvement, road construction damaging existing walls, whether the current Bay Vista Estates wall's height could be increased, and the consequences of the Board's setting precedent regarding construction funding for Clubhouse Estates' screen wall.

The Board also discussed wall heights in earlier subdivision regulations and Bay Vista Estates allowing expansion of its retention pond in lieu of the County's purchasing additional property for water retention.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board approved funding of 50/50 cost sharing for construction of a screen wall at Bay Vista Estates (Apopka-Vineland Road south of Sand Lake Road) between the County and the subdivision residents, with the County's participation not to exceed \$210,000 and the Bay Vista property owners contributing \$210,000 through an MSTU/BU.

Vice-chairman Butler adjourned the morning session.

MEETING RECONVENED

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

- Vice-chairman Mable Butler
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, and Ted Edwards
- Deputy County Administrator Byron Brooks
- Senior Assistant County Attorney Joel Prinsell
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

County Chairman Linda Chapin was absent.

The Board paused for an invocation by Senior Clerical Specialist Raymond Bernard Green of the County Administrator's Office, followed by the Pledge of Allegiance to the Flag.

NONAGENDA - WEST ORANGE TRAIL

Commissioner's Report

Commissioner Staley stated that his administrative assistant, Patsy McClure, had telephoned from Tallahassee to report that a state-appointed board of cabinet members, the Land Acquisition and Management Advisory Council, had unanimously approved the completion of the West Orange Trail, Phase 3 and 4 corridor, at a public hearing this morning. He noted that this action will enable extension of the trail north of Apopka to Kelly Park and reduce the County's costs for this project.

Action

The Board did not take any action.

NONAGENDA - ORLANDO UTILITIES COMMISSION LITIGATION

Commissioner's Report

Commissioner Freeman stated that Orlando Utilities Commission (OUC) had filed a lawsuit against the County two weeks ago regarding wastewater and that he planned to notify State Representative Feeney of this matter for evaluation by the Legislature.

Staff Report

Deputy County Administrator Byron Brooks stated that the issue concerns a long-standing agreement between the County and OUC. Mr. Brooks noted that OUC withdrew the suit within days of its filing, and that he will update the Board on the County's discussions with OUC regarding its acceptance of reclaimed water from the Eastern Regional Facility. He said that negotiations are in progress to review the mechanism for assessing the amount of water OUC should receive.

Discussion

The Board discussed whether there is evidence to show that the suit has been withdrawn and staff notifying the Board of litigation.

Action

The Board did not take any action.

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

MSTU/BU PUBLIC HEARING - HUNTER'S CREEK TRACT 535 SUBDIVISION, ESTABLISH FOR STREET LIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting at Hunter's Creek Tract 535 Subdivision; District 1; Section 31, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$106 per lot for street lighting.

and

MSTU/BU PUBLIC HEARING - NOB HILL - OLEANDER AREA, ESTABLISH FOR STREET LIGHTING, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting at Nob Hill - Oleander Area; District 6; Section 24, Township 22, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from area property owners has an annual cost of \$.50 per front foot for street lighting.

and

MSTU/BU PUBLIC HEARING - EBAN'S PRESERVE PHASE 1 SUBDIVISION, ESTABLISH FOR STREET LIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting and maintenance of retention pond(s) at Eban's Preserve Phase 1 Subdivision; District 3; Section 26, Township 22, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$39 per lot for street lighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING -LAKE PICKETT MANOR SUBDIVISION, ESTABLISH FOR STREET LIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting and maintenance of retention pond(s) at Lake Pickett Manor Subdivision; District 5; Sections 14 and 23, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$101 per lot for street lighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING -TILDEN ESTATES SUBDIVISION, ESTABLISH FOR STREET LIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 1

Notice was given that the Board of County Commissioners would hold

a public hearing to consider the establishment of an MSTU/BU for street lighting and maintenance of retention pond(s) at Tilden Estates Subdivision; District 1; Section 27, Township 22, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$41 per lot for street lighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - WATERFORD LAKES TRACT N23 SUBDIVISION, ESTABLISH FOR STREET LIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for street lighting at Waterford Lakes Tract N23 Subdivision; District 4; Section 26, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$138 per lot for street lighting.

Appearances

The following persons addressed the Board in favor of one of the requests:

- Gail Heaton (no address given).
- Joe Daugherty (no address given).
- Gwendolyn Parrish (no address given).
- Winfred E. Jones, 912 North Hart Boulevard, Orlando, Florida.

The following person appeared in opposition to one of the requests:

- Anita Heard (no address given).

Discussion

Vice-chairman Butler closed the public hearings 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; County Chairman Chapin was absent; the Board continued the public hearing to consider establishment of an MSTU/BU for street lighting at Nob Hill - Oleander Area until May 12, 1998, at 2 p.m.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board adopted resolutions:

- establishing Hunter's Creek Tract 535 Subdivision MSTU/BU, annual cost of \$106 per lot for street lighting;
- establishing Eban's Preserve Phase 1 Subdivision MSTU/BU, annual cost of \$39 per lot for street lighting and \$54 for retention pond(s) maintenance;
- establishing Lake Pickett Manor Subdivision MSTU/BU, annual cost of \$101 per lot for street lighting and \$27 for retention pond(s) maintenance;
- establishing Tilden Estates Subdivision MSTU/BU, annual cost of \$41 per lot for street lighting and \$54 for retention pond(s) maintenance;
- establishing Waterford Lakes Tract N23A MSTU/BU, annual cost of \$39 per lot for street lighting.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - PINE CREEK PRELIMINARY SUBDIVISION, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Pine Creek Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located north of Colonial Drive, west of Bonneville Road; District 5; Sections 14 and 23, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Heath stated that the applicant and staff are requesting a continuance.

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

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board continued the public hearing to consider the Pine Creek Preliminary Subdivision Plan until May 19, 1998, at 2:45 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANTS: RAYMOND AND MICHELLE KROGMAN; CASE Z-98-023, MARCH 19, 1998; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Raymond and Michelle Krogman to rezone Single-family Dwelling District (R-1A) (1957) to Residential District (R-2), on property generally located on the north side of Henderson Drive, approximately 285 feet west of Bumby Avenue; District 4; Section 6, Township 23, Range 30; Orange County, Florida.

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

Staff Report

Chief Planner John Smogor outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Michelle Krogman, the applicant (no address given).

No one appeared in opposition to the request.

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 Johnson, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the request by Raymond and Michelle Krogman to rezone Single-family Dwelling District (R-1A) (1957) to Residential District (R-2), on the above-described property; restricted to Single-family or duplex residences only; and further, made a finding of consistency with the Comprehensive Policy Plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: DENNIS PARKER; CASE Z-98-019, MARCH 19, 1998; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dennis Parker to rezone Retail Commercial District (C-1) (1971) to General Commercial District (C-2), on property generally located on the southeast corner of Old Winter Garden Road and Hastings Street or 5748 Old Winter Garden Road; District 1; Section 30, Township 22, Range 20; Orange County, Florida.

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

Staff Report

Chief Planner John Smogor outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Appearances

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

- Dennis Parker, the applicant; 302 South Kirkman Road, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

Vice-chairman Butler 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 present members voting AYE by voice vote; County Chairman Chapin was absent; the Board approved the request by Dennis Parker to rezone Retail Commercial District (C-1) (1971) to General Commercial District (C-2), on the above-described property; restricted to automobile sales without outside storage; and further, made a finding of consistency with the Comprehensive Policy Plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: MODULAR RESEARCH AND DEVELOPMENT CORPORATION; ISLAND REEF PLANNED DEVELOPMENT; CASE Z-98-005, MARCH 19, 1998; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Modular Research and Development Corporation, Island Reef Planned Development, to rezone Citrus Rural District (A-1) (1957) to Planned Development District (PD), on property generally located on the southeast corner of Hartzog Road and Avalon Road; District 1; Section 31, Township 24, 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

Planning Department Manager David Heath outlined the request and

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

Appearances

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

- John Adams, R.J. Whidden and Associates, land planners for the project (no address given); for the applicant.

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board continued the request by Modular Research and Development Corporation, Island Reef Planned Development, to rezone Citrus Rural District (A-1) (1957) to Planned Development District (PD), until May 19, 1998, at 3:30 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: ULAY THOMPSON, FLORIDA POWER CORPORATION; WILDERNESS CREEK 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 Ulay Thompson, Florida Power Corporation, for Wilderness Creek Planned Development/Land Use Plan (PD/LUP), to amend the LUP to allow for a 130-foot monopole communication tower to be located within the existing substation site, pursuant to Orange County Code, Section 38-1207; on property generally located 2,600 feet south of International Drive, beginning approximately one-half mile south of Westwood Boulevard; District 1; Section 24, 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 request

and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Ulay Thompson, the applicant; Florida Power Corporation, 2600 Lake Lucien Drive, Suite 400, Maitland, Florida.

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

- Jim Hall, Canin and Associates, 500 Delaney Avenue, Orlando, Florida.
- Bob Stanislaw, Dean Tanmore Corporation, Wilderness Creek (no address given), area property developer.
- Amy Curry, community manager, Mission Club Apartments, Eagle Realty Group (no address given).
- Westin Thomas, area property owner (no address given).

The following person addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; County Chairman Chapin was absent; the Board continued the public hearing to consider the request by Ulay Thompson, Florida Power Corporation, for Wilderness Creek Planned Development/Land Use Plan (PD/LUP), to amend the LUP to allow for a 130-foot monopole communication tower to be located within the existing substation site, until May 19, 1998, at 3:30 p.m.

DEVELOPMENT REVIEW COMMITTEE DECISION APPEAL - APPLICANT/ APPELLANT: WILLIAM SHALLCROSS, JR., CONTRAVEST; DETERMINATION TO ASSESS FIRE AND RESCUE IMPACT FEES; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by William Shallcross, Jr., ContraVest, regarding the Development Review Committee's (DRC) decision of denial of waiver of fire and rescue impact fees.

Staff Report

Planning Department Manager David Heath reviewed the request for wavier of fire and rescue impact fees and the DRC's decision of denial of the request. Mr. Heath reported that impact fees are assessed on a per building basis and after review it was determined, according to the ordinance, that the correct impact fee had been assessed for a freestanding garage; therefore, staff recommends denial of the request.

Appearances

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

- William Shallcross, the applicant; ContraVest Construction, Heathrow, Florida.
- Daniel O'Keefe, Esquire; Foley and Lardner (no address given); for the applicant.

No one appeared in opposition to the request.

Discussion

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

Commissioner Edwards left the meeting.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Chapin and Commissioner Edwards were absent; the Board upheld the decision of the Development Review Committee and denied the request by William Shallcross, Jr., ContraVest, for waiver of fire and rescue impact fees.

NONAGENDA - ORLANDO UTILITIES COMMISSION LITIGATION (CONTINUED)

Staff Report

In response to an issue discussed by the Board earlier in the meeting, Deputy County Administrator Byron Brooks distributed copies of the Notice of Voluntary Dismissal relating to the Orlando Utilities Commission lawsuit.

NONAGENDA - OLYMPIC GAMES

Commissioner Freeman requested that staff provide an update on the status of the City of Tampa's bid for the 2012 Summer Olympic Games.

Commissioner Edwards joined the meeting.

Commissioner Johnson left the meeting.

PLANNING AND ZONING COMMISSION APPEAL - APPELLANTS: IRBY G. PUGH AND TYE W. VAN BUREN, ESQUIRES; APPLICANT: NATURAL SYSTEMS ANALYST, INC.; ANGELO'S RECYCLED MATERIALS; CASE Z-98-024, MARCH 19, 1998; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Irby G. Pugh, and Tye W. Van Buren, Esquires, of the recommendation of the Planning and Zoning Commission, dated March 19, 1998, on a request by Natural Systems Analyst, Inc.; Angelo's Recycled Materials; to rezone from Industrial Park District (I-2) to General Industrial District (I-4), on property which is generally located south of Jetport Drive, approximately one-half mile east of Orange Avenue; District 4; Section 31, Township 23, Range 30; Orange County, Florida.

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

Staff Report

Chief Planner John Smogor outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Planning and Zoning Commission recommended denial of the request.

In response to a question from Vice-chairman Butler concerning continuing public hearings, Planning Department Manager David Heath stated that staff always informs applicants that only the Board may grant continuances.

A court reporter, Ada River, Miller Reporting, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Legal Counsel

In response to a question from Vice-chairman Butler regarding whether Commissioner Hoenstine would have to excuse himself from this public hearing, Senior Assistant County Attorney Joel Prinsell stated that the case of Mary Wilson, a party to a lawsuit involving Mr. Pugh and Commissioner Hoenstine, is unconnected to this issue.

In a response to an inquiry from Vice-chairman Butler concerning whether Mr. Pugh may question individuals appearing in opposition to the request, Mr. Prinsell stated that Mr. Pugh may question the speakers very informally but may not conduct a strict cross examination.

In response to question from Commissioner Freeman concerning whether applicants and their representatives will have the opportunity to question those appearing in opposition at all future public hearings, Mr. Prinsell stated that a rezoning case is a quasi-judicial case, and Mr. Pugh can ask questions of those opposed to his request.

Appearances

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

- Irby Pugh, Esquire; 218 Annie Street, Orlando, Florida; the applicant.

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

- Ted Bywater, area property owner; Bywater Company, 3201 Ardsley Drive, Orlando, Florida.
- Paul Kuch, Regal Marine Industries, Inc. (no address given).
- Pete Madison, 9800 Recycle Center Road, Orlando Florida.
- Jimmy Hyatt, 2200 Jetport Drive, Orlando, Florida.
- Ken Hanley, area property owner (no address given).

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 Staley, and carried with Vice-chairman Butler and Commissioners Freeman, Staley, and Hoenstine voting AYE by voice vote; Commissioner Edwards voting NO by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board denied the applicant's request to continue the public hearing to June 23, 1998.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; County Chairman Chapin and Commissioner Johnson were absent; the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Natural Systems Analyst, Inc.; Angelo's Recycled Materials; to rezone from Industrial Park District (I-2) to General Industrial District (I-4).

MEETING ADJOURNED

There being no further business, the Vice-chairman adjourned the meeting at 4:40 p.m.

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