

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, August 4, 1998. The following were present:

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

Commissioner Mary Johnson joined the meeting where indicated.

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 Butler, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board:

- deferred County Tax Collector Item 1 for discussion (see pages 408 and 409 for discussion and subsequent approval);
- deferred Administrative Support Division Item 3 for discussion (see page 408 and 409 for discussion and subsequent approval);
- deferred Fiscal and Human Resources Division Item 1 for discussion (see pages 400 and 401 for discussion and subsequent approval);
- deleted Fiscal and Human Resources Division Item 7, Budget Amendment 98-78 only; Item 9, CIP Amendment 48-98 only; and Item 10;

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

County Comptroller

1. Approval of the disposition of tangible personal property:
 - a. Dispose of an asset through public auction.

- b. Sell equipment located at 100 East Pine Street and One North Orange Avenue to a surplus furniture vendor after request of at least three bids.
- c. Trade in equipment for an allowance towards the rental of postage equipment.
- d. Scrap an asset.

(Property Accounting Department)

2. Acknowledgment of the following "File for the Record" documents received in the Office of the Comptroller, Clerk of the Board of County Commissioners:

- Falcon Trace Community Development District Proposed Budget and notice of budget adoption public hearing on August 19, 1998; dated June 18, 1998.
- City of Orlando notice of ordinance annexing to the corporate limits of the city, property located north of Par Street and west of Formosa Avenue near the Dubsdread Golf Course; Annexation Docket Number 31332; dated June 29, 1998.
- Copy of Report 13279 of the Florida Finance Program of the Orange County District School System for the fiscal year ended June 30, 1996; dated June 30, 1998.
- Copy of the tentative budget of the Orange County Property Appraiser for the period of October 1, 1998, through September 30, 1999, from the Florida Department of Revenue; dated July 10, 1998.
- Copy of corrected Governor's Executive Order 98-165; dated July 16, 1998.
- Florida Public Service Commission notices of prehearing and hearing as follows:
- BellSouth Telecommunications, Inc., MCI Metro Access Transmission Services, Inc., TCG South Florida re: Complaint of MCI Metro Access Transmission

Services, Inc., against BellSouth Telecommunications, Inc., for breach of approved Interconnection Agreement; dated July 7, 1998.

- All investor-owned electric and gas utilities re: Fuel and purchased power cost recovery clause and generating performance incentive factor and environmental cost recovery clause; dated July 14, 1998.
- ATC Long Distance, dba Transcall America, Inc., Telecommunications Services, Inc., re: Dade County Circuit Court referral of certain issues in Case No. 92-11754 that are within the Commission's jurisdiction; dated July 17, 1998.

(Comptroller Clerk of the Board of County Commissioners)

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

- Period from July 23, 1998, to July 29, 1998; total of \$25,413,158.69.

(Finance and Accounting Department)

County Tax Collector

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for 1997 (DR-502), and corresponding certification of Errors, Double Assessments, Discounts, and Insolvencies.

(As stated in the above motion, this item was deferred for discussion; see pages 408 and 409 for subsequent approval).

Administrative Support Division

1. Approval of settlement and authorization to advertise exchange, administrative petition to vacate, conduct public hearing and closings, execution of deed and resolution by County Chairman, disburse warrant, record instruments, pay title insurance and associated closing costs: Settlement of eminent domain Case No. CI98-1805 in connection with the road and drainage improvement project: Winter Garden - Vineland Road, District 1 (Real Estate Management Department).

(Resolution 98-M-29 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

2. Approval and execution by County Chairman of resolution and County deed and authorization to record instrument in connection with the sale of surplus property, District 2 (Real Estate Management Department).

(Resolution 98-M-28 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval and execution by County Chairman of a lease amendment between the EOP-SUN Center, LLP, and Orange County, Florida: SunTrust Expansion Tax Collector Office space, District 3 (Real Estate Management Department).

(As stated in the above motion, this item was deferred for discussion; see pages 408 and 409 for subsequent approval.)

Fiscal and Human Resources Division

1. Approval of Negotiated Contract Y8-100 with The Levy Restaurants for food and beverage services for the Convention Center for a period of five years ([Convention Center] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred for discussion; see pages 400 and 401 for subsequent approval.)

2. Approval to award Invitation for Bid Y8-1013-HF to the low responsive and responsible bidder, P and L Lawn Maintenance, Inc., for exterior landscape management services at the Convention Center. The annual cost is \$241,157 ([Convention Center] Purchasing and Contracts Department).
3. Approval to award Invitation for Bid Y8-1018-R2 to the low responsive and responsible bidder, CSI of Orlando, Inc., to furnish Wyse terminals and software for the Ninth Judicial Circuit Courts and other County departments. The estimated annual expenditure is \$156,720 ([Ninth Judicial Circuit of Florida] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y8-1019-GJ to the low responsive and responsible bidders, as listed below, to

furnish small engine OEM parts, accessories, blocks, and complete small engines. The annual estimated cost is \$145,000.

- Trail Saw and Mower Service, Inc.
- Curry Ford Mower Center, Inc., dba East Orlando Lawn Equipment
- South Orlando Mower, Inc.

(Purchasing and Contracts Department)

5. Confirmation of the County Chairman's staff reappointments for the month of August 1998:

- Jan S. Addison, manager, Business Office, Convention Center;
- Donnell E. Bjoring, manager, Community Corrections Department, Corrections Division;
- Scott P. Bradstreet, manager, Community Corrections Department and MJB, Corrections Division;
- David L. Freeman, manager, Emergency Medical Services Department, Health and Family Services Division;
- Linda A. Haller, manager, Animal Services Department, Planning and Community Services Division;
- David Heath, manager, Planning Department, Planning and Community Services Division.

(Human Resources Department)

6. Approval to disburse \$112,700 from nondepartmental expenditures to cover cost of mailing TRIM notices (Office of Management and Budget).
7. Approval of Budget Amendments 98-77 and 98-78 (Office of Management and Budget).

(As stated in the above motion, Budget Amendment 98-78 was deleted from the agenda.)

(Budget Amendment 98-77 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

8. Approval of Budget Transfers 98-506 and 98-540 (Office of Management and Budget).

(Budget Transfers 98-506 and 98-540 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

9. Approval of CIP Amendments 47-98 and 48-98 (Office of Management and Budget).

(As stated in the above motion, CIP Amendment 48-98 was deleted from the agenda.)

(CIP Amendment 47-98 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval to spend approximately \$3,200,000 from Law Enforcement Impact Fee Funds to purchase an integrated records management system (Office of Management and Budget).

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

11. Approval of payment of intergovernmental claims for July 16, 1998, totaling \$150,520.98 (Risk Management Department).

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

13. Approval and execution of a resolution ratifying the issuance by the Orange County Housing Finance Authority of its Multi-family Revenue Refunding Bonds 1998, Series J (Silverpointe Apartments, Phase I and Silverpointe Apartments, Phase II to be known as Highland Point Apartments), in the aggregate amount not to exceed \$8,200,000 (Orange County Housing Finance Authority).

(Resolution 98-B-12 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Planning and Community Services Division

1. Approval and execution of Alternative Road Impact Fee Agreement between Olympia Development Group, Inc. (for Walgreens at Whisper Lakes Boulevard), and Orange County, District 1 (Building Department).

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

2. Approval and execution of Alternative Road Impact Fee Agreement between TLG - Burson and Simpson Lodge Development, Inc. (for Crestwood Suites), and Orange County, District 6 (Building Department).

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

3. Approval to file Claim of Special Assessment Liens by resolutions, pursuant to Ordinance 96-23, against the following properties: (a) 3603 W. Kelly Park Road, \$3,342.02, District 2, (b) 130 12th Avenue, \$3,568.75, District 1, (c) 1321 19th Street, \$4,017, District 6, (d) 4545 Carter Street, \$3,732.47, District 6 (Building Department).

(Resolutions 98-BUI-10 through 98-BUI-13 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval and execution of the First Amendment to the Joint Planning Area Agreement and Joint Planning Area Land Use Map between Orange County and the City of Ocoee, Districts 1 and 2 (Planning Department).

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

Public Works Division

1. Approval and execution of a Public Road Jurisdiction Transfer Agreement to transfer back to the City of Winter Park jurisdiction of portions of Lakemont Avenue, Winter Park Road, Temple Drive, and Glenridge Way that lie within the City's municipal boundaries, District 5 (Public Works Engineering Department).

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

Commissioner Johnson joined the meeting.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

1. Approval of Negotiated Contract Y8-100 with The Levy Restaurants for food and beverage services for the Convention Center for a period of five years ([Convention Center] Purchasing and Contracts Department).

Discussion

Commissioner Butler addressed accusations made against her by attorney Michael O'Quinn concerning her vote in selecting a Convention Center food service vendor. Commissioner Butler said that she wished to assure the Board and citizens that nothing improper, unfair, unethical, or illegal occurred in the vote she cast regarding the contract.

Staff Report

In response to a question from County Chairman Chapin concerning minority participation in the contract, County Administrator Jean Bennett stated that there was an increase in minority participation in response to the Request for Proposal by The Levy Restaurants from 24 to 35 percent. Ms. Bennett stated that there was nothing improper in this action, and in many instances, this is regarded as an improvement.

Court Reporter

A court reporter, Teri L. Grant, was present; Deputy Clerk Rosilyn Stapleton read the Notice of Appeal into the record.

Appearances

The following persons addressed the Board:

- Richard Dobransky, vice-president of operations for The Levy Restaurants, representing Orange County Food Service Partners.
- Michael O'Quinn, Esquire, representing Aramark Corporation.

Legal Counsel

In response to a question from Commissioner Butler regarding Michael O'Quinn's request to keep his conversation with County Attorney Tom Wilkes confidential, Mr. Wilkes stated that Mr. O'Quinn did not have the right to ask Mr. Wilkes to refrain from communicating their conversation to the Board.

Discussion

The Board discussed whether any consultant's fees had been solicited, the change in minority participation in the Request for Proposal, and investigating the voting process (see page 409 for further discussion).

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, 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 approved Negotiated Contract Y8-100 with The Levy Restaurants for food and beverage services for the Convention Center for a period of five years.

(Contract Y8-100 is on file in the Purchasing and Contracts Department.)

WORKSESSION - FISCAL AND HUMAN RESOURCES DIVISION

1. Approval of Option One or Two for direction to draft ordinance and administrative procedural changes for the M/WBE graduation program. Ordinance revisions will be presented for Board approval during a public hearing scheduled for September 22, 1998 (Business Development Department).

Staff Report

Business Development Department Manager Fitzhugh Long stated that the purpose of this worksession is to discuss options for changes to the Minority and Women's Business Enterprise (M/WBE) program. Mr. Long explained that the Board directed staff to study a possible graduation program and the drafting of an ordinance. He reviewed staff's efforts to research the structure of state, federal, and local graduation programs; and to obtain feedback from business owners and area ethnic chambers of commerce.

Frank Mitchell, president of TMB Communications, Inc., the County's consultant; addressed the Board and reviewed Option One as follows:

- Leave current program provisions and goals in place;
- Reduce M/WBE goals for construction contracts under \$100,000;

- Give non-M/WBEs access to loan program subject to demonstrated need;
- Provide mediation assistance to all subcontractors, M/WBE and non-M/WBE alike;
- Provide payment protection to all subcontractors;
- Set participation goals by project; monitor and manage achievement of participation goals across all projects;
- Continue to require good faith documentation and enforce good faith provision;
- Establish a bid preference compliance dollar differential sliding scale.

Mr. Mitchell noted that under Option Two, firms would have to meet net worth, annual revenue, evidence of bidding, and contract amount criteria in order to graduate. He also summarized proposed ordinance changes affecting good faith compliance bid preference, graduation criteria, a certification economic test, and advisory board grievance procedure.

Discussion

The Board discussed benefits to geotechnical service firms from the M/WBE program, the amount of time needed for small companies to gain experience, the method for monitoring a company's revenue earned outside the County, and indexing contract size to the Consumer Price Index.

The Board also discussed dispute resolution, outreach career programs, and apprenticeship goals for minorities.

Action

By consensus, the Board approved Option Two; and further, directed staff to draft an ordinance and administrative procedural changes for the Minority and Women's Business Enterprise (M/WBE) graduation program.

HIGHWAY IMPROVEMENT PROJECT PUBLIC HEARING - APOPKA-VINELAND ROAD FROM S.R. 50 TO A.D. MIMS ROAD, DISTRICTS 2 AND 6 (CONTINUED FROM JUNE 30, 1998, FOR DECISION ONLY)

By consensus, the Board of County Commissioners reopened the public hearing to consider the extension and realignment of Apopka-Vineland Road between S.R. 50 (West Colonial Drive) and A.D. Mims Road, Districts 2 and 6; Sections 10, 11, 14, and 23; Township 22, Range 28; Orange County, Florida; continued from the June 30, 1998, Board meeting for decision only.

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

Staff Report

Public Works Division Director Ajit Lalchandani stated that the public hearing was continued from June 30, 1998, for decision only, because the Board's actions resulted in two tie votes.

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 Staley, and carried with County Chairman Chapin and Commissioners Staley, Johnson, and Butler voting AYE by voice vote; Commissioners Freeman, Hoenstine, and Edwards voting NO by voice vote; the Board approved proceeding with final design, right-of-way acquisition, and construction of Apopka-Vineland Road from S.R. 50 to A.D. Mims Road as a four-lane facility with Segment 3 located north of Lake Barlow.

PLANNING AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA

1. Approval to modify the existing contract with the Orlando Humane Society for the East Side Clinic in order to restrict wellness services consistent with staff's recommendation, all districts (Animal Services Department).

Staff Report

Animal Services Department Manager Linda Haller stated that the veterinary community has requested that the County modify its existing contract in order to restrict the Orlando Humane Society to offering only spay/neuter and limited emergency care services. She noted that staff recommends further restricting wellness services to pets already in the Clinic for spay/neuter surgery. Ms. Haller estimated that with these limitations an annual subsidy of an additional \$49,000 needs to be included in the County's fiscal year 1998-99 budget.

Appearances

The following persons addressed the Board:

- Dean Cannon, Esquire; Gray, Harris, and Robinson, P.A.;

representing the Central Florida Veterinary Medical Association.

- Barbara Wetzler, executive director of the Orlando Humane Society.
- Connie Graham, chairman of the Animal Services Advisory Board.

Discussion

The Board discussed the loss of fees from wellness services, the difficulty of verifying citizens' incomes to qualify for receiving low cost services, and government services competing with the private sector.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved modifying the existing contract with the Orlando Humane Society for the East Side Clinic to restrict wellness services as follows:

1. Health services for animals in spay/neuter surgery only:
 - a. Health services would include standard vaccines such as rabies, distemper, parvovirus, upper respiratory complex, feline leukemia and AIDS, feline peritonitis.
 - b. Laboratory tests would include fecal exams, heartworm tests, feline leukemia, and AIDS tests.
 - c. Treatment of minor wounds and abscesses would be allowed. Prescription medications for treatment would be allowed. However, no maintenance prescriptions for chronic ailments would be allowed.
 - d. No other surgery would be allowed.
2. No afternoon wellness for public or humane society membership would be done.
3. No emergency treatments would be done.

- a. Exception would be to stabilize a life-threatening injury. In the event the veterinarian felt euthanasia was the best option, euthanasia would be performed.

*(Contract/agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

FISCAL AND HUMAN RESOURCES DIVISION DISCUSSION AGENDA

1. Approval to award Invitation for Bid Y8-187-HF to the low responsive and responsible bidder, Sunshine Cleaning Systems, Inc., to furnish janitorial services for the Convention Center. The annual cost is \$963,948.96 ([Convention Center] Purchasing and Contracts Department).

Discussion

In response to questions from Commissioners Hoenstine and Freeman concerning reference checks of Golden Mark and Triangle, Acting Chief of Purchasing and Contracts Johnny Richardson stated that references provided by these bidders could not be confirmed.

In response to a question by Commissioner Freeman concerning the posting of a surety bond for nonperformance, Convention Center General Manager Jessie Allen explained the problems in replacing a nonperforming company.

The Board discussed the bidding companies' experience in cleaning facilities exceeding 500,000 square feet, a surety bond to cover nonperformance, and the time frame for replacing a nonperforming company.

The Board also discussed the possible submission of "low ball" bids, whether a Sunshine Cleaning Systems executive has left the company, and the resort tax as the source of funds for Convention Center maintenance.

Action

Upon a motion by Commissioner Butler, seconded by County Chairman Chapin, 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 awarded Invitation for Bid Y8-187-HF to the low responsive and responsible bidder, Sunshine Cleaning Systems, Inc., to furnish janitorial services for the Convention Center at an annual cost of \$963,948.96.

2. Adoption by the Board of County Commissioners of (a) the Resolution regarding Codification of Special Act for the Orange County Library District; (b) Approval of Interlocal Agreement regarding Loan to Finance Branch Libraries.

Staff Report

Orange County Library System Director Dorothy Field stated that the Legislature has mandated that special districts with two or more amendments to their original documents must codify them into one all-encompassing document. Ms. Field pointed out that obsolete language has been deleted, but there are no changes to the millage cap, the board of trustees' authority, or the library's administration. She stated while agenda backup documents refer to "recodification," the correct term is "codification."

Ms. Field also explained that the Board previously approved in concept a \$5 million loan to finance branch library construction, and she requested the Board adopt the resolutions and approve the interlocal agreement for this purpose.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution regarding the Library District's special act and approved an interlocal agreement regarding the financing of branch libraries.

By consensus, the Board adjourned as the Board of County Commissioners and convened as the Orange County Library District Governing Board.

and

Adoption of the (a) Resolution regarding Codification of Special Act for the Orange County Library District; (b) approval of Interlocal Agreement regarding Loan to Finance Branch Libraries; (c) adoption of resolution regarding Loan to Finance Branch Libraries; (d) adoption of the Resolution regarding reimbursements for Note or Bond Proceeds.

Action

Upon a motion by County Chairman Chapin, seconded by

Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution regarding the Library District's special act; further, adopted a resolution regarding the financing of branch libraries; further, adopted a resolution regarding reimbursements for note of bond proceeds; and further, approved the interlocal agreement regarding financing of branch libraries.

(Resolutions 98-M-25A, 98-M-25B, 98-M-26, and 98-M-27, and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

By consensus, the Board adjourned as the Orange County Library District Governing Board and reconvened as the Board of County Commissioners.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

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

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

The Board paused for an invocation by the Reverend Phil Schlaefer, pastor of Christ Church Unity, followed by the Pledge of Allegiance to the Flag.

Presentation of Resolution in Appreciation of Emergency Medical Services Department and Fire Rescue Division Personnel during Wildfires

County Chairman Chapin lauded Emergency Medical Services Department and Fire Rescue Division staff, as well as citizens, for their efforts in battling the recent wildfires.

Chief James Moody reviewed the serious situation County forces faced in fighting 250 fires. He noted that firefighters'

successful battle against a significant fire in the Wedgefield area was accomplished without injury and resulted in only minor damage. Chief Moody stressed the importance of the County's emergency preparedness and assistance from neighboring communities, businesses, and citizens.

Emergency Medical Services Department Manager Dave Freeman outlined the formation of a disaster medical assistance team (DMAT), the agencies participating in the Central Florida DMAT 6, and the role EMS personnel played in the wildfire emergency.

County Chairman Chapin presented a resolution to Chief Moody expressing appreciation for all the firefighters, state and federal agencies, and citizens have done during the wildfire emergency.

NONAGENDA - INTRODUCTION OF VISITORS

Commissioner Edwards introduced his sons Jesse, age 11, and Buzz, age 12.

COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

County Tax Collector

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for 1997 (DR-502), and corresponding certification of Errors, Double Assessments, Discounts, and Insolvencies.

and

Administrative Support Division

3. Approval and execution by County Chairman of a lease amendment between the EOP-SUN Center, LLP, and Orange County, Florida: SunTrust Expansion Tax Collector Office space, District 3 (Real Estate Management Department).

Discussion

Commissioner Freeman inquired whether a tax bill may be prorated for Iglesia El Calvario, a church that had purchased property and missed the deadline for filing an exemption.

Legal Counsel

County Attorney Tom Wilkes stated that he is not aware of the County's ever having prorated a tax assessment and that Steven

Bechtel, Tax Collector Earl K. Wood's legal counsel, has always held that the government does not have the ability to forgive ad valorem taxes.

County Tax Collector's Report

In response to a question from County Chairman Chapin about prorating taxes, County Tax Collector Wood noted that County Attorney Tom Wilkes is correct in stating that tax bills are not split and added that they are determined on a calendar year basis.

Discussion

Commissioner Edwards questioned the extension of a lease agreement expanding the amount of office space in the SunTrust Tower. He recommended that the Board direct staff to find a long-term solution to the use of such costly facilities.

Action

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

- accepted the Tax Collector's Recapitulation of the Tax Roll for 1997 (DR-502), and corresponding certification of Errors, Double Assessments, Discounts, and Insolvencies;
- and further, approved execution by the County Chairman of a lease amendment between the EOP-SUN Center, LLP, and Orange County, Florida: SunTrust Expansion Tax Collector Office space.

NONAGENDA - AWARD OF CONVENTION CENTER FOOD SERVICE CONTRACT

County Chairman Chapin reminded the Board that during a discussion earlier in the day concerning the award of the Convention Center food service contract, attorney Michael O'Quinn stated that he was representing Aramark Corporation. She said she asked County Attorney Tom Wilkes to contact Aramark, and that Martin Spector, Aramark's general counsel, confirmed that Mr. O'Quinn was not representing the Aramark Corporation. (See page 400.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTIONS 11-31, 11-32, 11-34, AND 11-35, THE CODE ENFORCEMENT BOARD ORDINANCE

Notice was given that the Board of County Commissioners would hold

a public hearing to consider the following proposed ordinance:

AN ORDINANCE PERTAINING TO ENFORCEMENT OF CODES IN ORANGE COUNTY, FLORIDA; AMENDING SECTIONS 11-31, 11-32, 11-34, AND 11-35, ORANGE COUNTY CODE, TO PROVIDE GENDER NEUTRAL LANGUAGE; AMENDING SECTION 11-35, ORANGE COUNTY CODE, AUTHORIZING THE COUNTY TO INCLUDE COSTS INCURRED IN PROSECUTING CASES BEFORE THE CODE ENFORCEMENT BOARD IN THE LIEN AUTHORIZED TO BE FILED AGAINST THE VIOLATOR'S PROPERTY BY SECTION 11-37(c), ORANGE COUNTY CODE, ALONG WITH THE FINE IMPOSED ON THE VIOLATOR; AMENDING SECTION 11-37, ORANGE COUNTY CODE, TO PROVIDE THAT THE CODE ENFORCEMENT BOARD MAY ORDER THE VIOLATOR TO PAY A SPECIFIC FINE AMOUNT NOT TO EXCEED A TOTAL OF \$5,000 PER VIOLATION AS OPPOSED TO AN AMOUNT PER DAY, IF IT FINDS THAT A PAST VIOLATION IS IRREPARABLE OR IRREVERSIBLE; PROVIDING FOR CONTINUED EFFECT OF CHAPTER 11, ORANGE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report

Code Enforcement Supervisor Joanne McMurray reviewed the proposed ordinance and outlined its provisions.

Appearances

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

The following person addressed the Board with general comments:

- R.P. Mohnacky (no address given).

Discussion

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

Action

Upon a motion by Commissioner Butler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Sections 11-31, 11-32, 11-34, and 11-35, of the Code Enforcement Board Ordinance.

(Ordinance 98-16 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: RONALD P. MANLEY, QUADRANGLE PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT (PD/LUP/DRI), AMEND THE LUP; NONSUBSTANTIAL DEVIATION TO THE DRI; AMEND THE DEVELOPMENT ORDER; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Ronald P. Manley for Quadrangle Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI), to amend the LUP to add 85 hotel rooms while reducing commercial space by 20,000 square feet; approval of a nonsubstantial deviation to the DRI; and to authorize the County Chairman to execute the Amended Development Order incorporating the changes; pursuant to Orange County Code, Section 38-1207; on property generally located on the northwest corner of Alafaya Trail and University Boulevard; District 5; Section 4, 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 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:

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

No one appeared in opposition to the request.

Discussion

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

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 approved the request by Ronald P. Manley for Quadrangle Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI), to amend the LUP to add 85 hotel rooms while reducing commercial space by 20,000 square feet;

approval of a nonsubstantial deviation to the DRI; and to authorize the County Chairman to execute the Amended Development Order incorporating the changes; which constitutes a substantial change to the development on the above-described property; subject to the following condition:

1. Development shall conform to the Quadrangle Planned Development; Board of County Commissioners' approvals; and Tract 17 Amended Land Use Plan, dated "Received April 15, 1998"; and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners;

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: DICK DAVIS, CENTENNIAL AMERICAN PROPERTIES (FKA GOOD HOMES ROAD) PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Dick Davis, Centennial American Properties (fka Good Homes Road) Planned Development/Land Use Plan (PD/LUP), to amend the LUP to change the land use from new and used automobile dealership to 85,000 square feet of retail commercial, pursuant to Orange County Code, Section 38-1207; on property generally located on the northeast corner of S.R. 50 and Good Homes Road; District 6; Section 22, 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

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. Mr. Heath recommended that conditions be added as follows:

- Additional C-1 uses not permitted are: 1) drive-through restaurants; 2) convenience stores.
- No 24-hour facilities shall be allowed.
- All buildings within the Planned Development shall have a unified architectural theme.

Appearances

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

- Alison Yurko, Esquire (no address given); for the applicant.

The following person addressed the Board with general comments:

- Marianne Bartlett (no address given), area property owner.

No one appeared in opposition to the request.

Discussion

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

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 approved the request by Dick Davis, Centennial American Properties (fka Good Homes Road) Planned Development/Land Use Plan (PD/LUP), to amend the LUP to change the land use from new and used automobile dealership to 85,000 square feet of retail commercial; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Centennial American Properties Planned Development, Board of County Commissioners' approvals, the Land Use Plan Amendment, dated "Received May 11, 1998"; and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange

County Board of County Commissioners, or by action of the Board of County Commissioners.

2. A 7.5-foot sidewalk easement in lieu of a 5-foot right-of-way is acceptable and a waiver from Chapter 34-180 of the Orange County Code is approved.
3. Billboards shall be prohibited. A master sign plan shall be submitted with the Development Plan.
4. Waiver of Section 38-1476 to provide 4.5 parking spaces per 1,000 square feet in lieu of five parking spaces per 1,000 square feet is approved.
5. A detailed lighting plan shall be submitted with the Development Plan.
6. Additional C-1 uses not permitted are: 1) drive-through restaurants; 2) convenience stores.
7. No 24-hour facilities shall be allowed.
8. All buildings within the Planned Development shall have a unified architectural theme;

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - UNIVERSITY BOULEVARD AND DEAN ROAD
PLANNED DEVELOPMENT/UNIVERSITY CENTER PRELIMINARY SUBDIVISION, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the University Boulevard and Dean Road Planned Development/University Center Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of University Boulevard, west of Dean Road; District 5; Sections 7 and 8, 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.

Appearances

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

- Ron DiIorio, Zev Cohen and Associates, the applicant (no address given).

The following person addressed the Board with general comments:

- Richard Jefferson, president, Hunter's Trace Homeowners' Association (no address given).

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved the University Boulevard and Dean Road Planned Development/University Center Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the University Boulevard and Dean Road Planned Development; Board of County Commissioners' approvals; the University Center Preliminary Subdivision/Development Plan, dated "Received June 9, 1998"; and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.

This Preliminary Subdivision Plan approval automatically expires on August 4, 1999, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, points of connection for water service shall be determined.
3. Prior to platting, the developer shall provide all access and appropriate easements to water and wastewater systems.
4. Prior to construction plan approval, a conservation area impact permit shall be submitted to and approved by the Environmental Protection Department.
5. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that the existing outfall system has the capacity to accommodate this project.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: ANCOR LIMITED LIABILITY; VAN TONDER DAY SPA; CASE Z-98-063, JUNE 18, 1998; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Ankor Limited Liability Company, Van Tonder Day Spa, to rezone from Country Estate District (RCE) (1968) to Planned Development District (PD), on property located at 7677 Conroy-Windermere Road, 570 feet west of Hiawasse Road on Conroy-Windermere Road; District 1; Section 11, Township 23, Range 28; Orange County, Florida.

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

Staff Report

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:

- Steve Helle, civil engineer (no address given); for the applicant.

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

- Don Ruston, 7641 Conroy-Windermere Road, Orlando, Florida.
- John Hime, 7681 Conroy-Windermere Road, Orlando, Florida

Discussion

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

A motion by Commissioner Freeman, seconded by Commissioner Johnson, with County Chairman Chapin and Commissioners Freeman and Johnson voting AYE by voice vote; Commissioners Staley, Hoenstine, Edwards, and Butler voting NO by voice vote; to deny the request by Ancor Limited Liability Company, Van Tonder Day Spa, to rezone from Country Estate District (RCE) (1968) to Planned Development District (PD), on the above-described property, failed.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with Commissioners Staley, Hoenstine, Edwards, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman and Johnson voting NO by voice vote; the Board approved the request by Ancor Limited Liability Company, Van Tonder Day Spa, to rezone from Country Estate District (RCE) (1968) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Van Tonder Day Spa Planned Development/Land Use Plan, dated "Received May 20, 1998," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. The Stormwater Management System shall be designed to retain the 100-year/24-hour storm event on site since a positive outfall is not available.
3. Septic tanks shall meet all applicable State and County regulations.

4. No additions may be made to the existing structure.

5. Building shall not exceed 2,400 square feet;

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

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: JIM SELLEN; LAKE REAMS NEIGHBORHOOD PLANNED DEVELOPMENT; CASE Z-98-028, APRIL 16, 1998; DISTRICT 1 (CONTINUED FROM JUNE 16 AND JULY 14, 1998)

By consensus, the Board reopened the public hearing to consider a request by Jim Sellen, Black Amber Development, Lake Reams Neighborhood Planned Development, for a rezoning from Citrus Rural District (A-1) (1957), Rural Country Estate (RCE) (1967) and Multiple Family District (R-3) (1967) to Village Planned Development District (Village PD), on property generally located at the southwest corner of Wisconsin 14, 1998, Board meetings.

(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 explained that the public hearing had been continued to allow resolution of school site valuation and right-of-way issues. Mr. Heath stated the applicant submitted a proposal this afternoon, and he requested that the public hearing be continued to allow staff to time to obtain School Board concurrence with the impact fee credit amount, to modify the developer's agreement, and to furnish the Board with appraisals dated prior to the adoption of Horizons West.

Appearances

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

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A. (no address given); for the applicant.

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote, the Board continued the public hearing to consider the request by Jim Sellen, Black Amber Development, Lake Reams Neighborhood Planned Development, for a rezoning from Citrus Rural District (A-1) (1957), Rural Country Estate (RCE) (1967) and Multiple Family District (R-3) (1967) to Village Planned Development District (Village PD); on the above-described property; until August 25, 1998, at 3:30 p.m.

Commissioners Freeman, Edwards, and Butler left the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: RICHARD D. MERKEL; SKY LAKE SOUTH 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 Richard D. Merkel, Sky Lake South Planned Development, to amend the Land Use Plan to allow for overnight parking of tour buses and shuttle vans within the Waterbridge Downs Shopping Center (approximately eight buses/vans will be stored behind the center while approximately five buses/vans will be stored in the main parking lot); pursuant to Orange County Code, Section 38-1207; on property generally located at the southwest corner of South Orange Blossom Trail and Waterbridge Boulevard; District 1; Section 15, Township 24, Range 29; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- Robert Peck (no address given), for the applicant.

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioners Freeman, Edwards, and Butler were absent; the Board approved the request by Richard D. Merkel, Sky Lake South Planned Development, to amend the Land Use Plan to allow for overnight parking of tour buses and shuttle vans within the Waterbridge Downs Shopping Center (approximately eight buses/vans will be stored behind the center while approximately five buses/vans will be stored in the main parking lot); 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.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: ROBERT CHEN; ITEM 10, JUNE 4, 1998; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Robert Chen of the recommendation of the Board of Zoning Adjustment, dated June 4, 1998, on a request by Robert Chen for a variance in Planned Development (PD) zone to construct a swimming pool, deck, and screen enclosure two and one-half (2.5) feet from the rear (west) property line in lieu of five (5) feet, on property located at 12618 Earnest Avenue; District 4; Section 21, 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

Zoning Department Manager Melvin Pittman outlined the request; identified the subject property; and further, noted that the Board of Zoning Adjustment recommended denial of the request.

Commissioner Freeman joined the meeting.

Commissioner Butler joined the meeting.

Appearances

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

- Robert Chen, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Chapin, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by Robert Chen for a variance in Planned Development (PD) zone to construct a swimming pool, deck, and screen enclosure two and one-half (2.5) feet from the rear (west) property line in lieu of five (5) feet.

HIGHWAY IMPROVEMENT PROJECT PUBLIC HEARING - LANDSTREET ROAD FROM ORANGE BLOSSOM TRAIL TO ORANGE AVENUE; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider improvements to Landstreet Road from Orange Blossom Trail to Orange Avenue; District 4; Sections, 1, 2, and 3; 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

Chief Engineer Joe Kunkel presented the findings of the Landstreet Road study, the need for the project, its costs, and staff's recommendations.

Appearances

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

- Steve Kreidt (no address given).
- Pete Madison (no address given).

No one appeared in opposition to the improvements.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Edwards was absent; the Board approved proceeding with the final design, right-of-way acquisition, and construction of Landstreet Road from Orange Blossom Trail to Orange Avenue.

MEETING ADJOURNED

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