

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, September 22, 1998. The following were present:

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

Commissioner Bob Freeman joined the meeting where indicated. Commissioner Mary Johnson was absent.

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

**NONAGENDA - EMPLOYEE ACADEMY**

County Chairman Chapin welcomed students from the Employee Academy and reviewed the history and purpose of the training program. She noted that the program design won a NACo award and pointed out that this is the second class of the program.

Commissioner Freeman joined the meeting.

**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 Administrative Support Division Item 1 for discussion (see page 569 for discussion and subsequent approval);
- deferred Fiscal and Human Resources Item 2 for discussion (see pages 567 and 568 for discussion and subsequent approval);
- deferred Fiscal and Human Resources Item 9 for discussion (see pages 566 and 567 for discussion and subsequent approval);

and further, approved the balance of the County Consent Agenda items as follows, including Planning and Community Services Division Addendum 1:

**County Comptroller**

1. Acknowledgment of receipt of the following "file for the record" documents:
  - a. Florida Public Service Commission (FPSC) Notices of Hearing, re: Undocketed Special Project No. 980000A-SP, fair and reasonable residential basic local telecommunications rates, as follows: ITS Telecommunications Systems, Inc., dated August 11, 1998; BellSouth Telecommunications, Inc., dated August 12, 1998; Frontier Communications International, Inc.; Sprint-Florida, Inc.; ALLTEL Florida, Inc.; GTE Florida, Inc.; and GTC, Inc., dated August 27, 1998; and BellSouth Telecommunications, Inc., amended notice, dated August 27, 1998.
  - b. FPSC Notice of Hearing, re: Lockheed Martin IMS; BellSouth Telecommunications, Inc.; Sprint-Florida, Inc.; Vista-United Telecommunications; MCI Telecommunications Corporation; MCI Metro Access Transmission Services, Inc.; Office of the Public Counsel, re: request for review of proposed numbering plan relief for the 407 area code, dated August 27, 1998.
  - c. FPSC Notice of Motion Hearing, re: Determination of the cost of basic local telecommunications service, dated August 21, 1998; and cancellation notice of same, dated August 27, 1998.
  - d. FPSC Final Order Establishing Rate Base for Purposes of the Transfer, re: Application for transfer of Certificates Nos. 404-W and 341-W in Orange County from Econ Utilities Corporation to Wedgefield Utilities, Inc., and application for amendment of Certificates Nos. 404-W and 345-S in Orange County by Wedgefield Utilities, Inc.; dated August 12, 1998.

- e. FPSC notification of workshop, September 15, 1998, re: Implementation of one-way ECS on a 1+10 digit basis; dated August 27, 1998.
- f. Copy of Orange County Property Appraiser's final budget for fiscal year 1998-99, as submitted to the Florida Department of Revenue; dated August 14, 1998.

(Comptroller Clerk of the Board of County Commissioners)

- 2. Approval of the minutes of the August 25, 1998; September 1, 1998; September 9, 1998; and September 10, 1998, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
- 3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
  - Period from September 10, 1998, to September 16, 1998; total of \$16,108,942.52.

(Finance and Accounting Department)

**County Tax Collector**

- 1. Approval to extend the tax roll before completion of Value Adjustment Board hearings, which are scheduled until November 30, 1998.

**Administrative Support Division**

- 1. Approval and execution by County Chairman of a lease agreement with an option to renew between CNL Center II Joint Venture and Orange County: CNL Center II, District 3 (Real Estate Management Department).

**(As stated in the above motion, this item was deferred for discussion; see page 569 for discussion and subsequent approval.)**

**Fiscal and Human Resources Division**

1. Approval to award Invitation for Bid Y8-634-RW to the low responsive and responsible bidder, Transtat Equipment, Inc., for furnishing/installing ten (10) dump bodies on County-owned truck chassis. The total cost is \$130,330 ([Roads and Drainage Department] Purchasing and Contracts Department).
2. Approval to award Invitation for Bid Y8-738-MK/PW to the low responsive and responsible bidder, Schuller Contractors, Inc., for Somerset at Lakeville Oaks pond outfall retrofit project. The total cost is \$377,216 ([Highway Construction Department] Purchasing and Contracts Department).

**(As stated in the above motion, this item was deferred for discussion; see pages 567 and 568 for discussion and subsequent approval.)**

3. Approval to award Invitation for Bid Y8-791-DB/CT to the low responsive and responsible bidder, Royal Construction, Inc., for Irwin Street wastewater system improvements. The total cost is \$117,885 ([Utilities Engineering Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y8-7006-DB to the low responsive and responsible bidder, Pro-Spec, Inc., for construction of Bear Creek Recreation Complex and South Orange Youth Sports Complex maintenance facilities. The total cost is \$193,800 ([Parks and Recreation Department] Purchasing and Contracts Department).
5. Approval to award Invitation for Bid Y8-637-JS to the low responsive and responsible bidder, Atlantic Truck Center, for eight six-wheel, 14-foot flat bed dump trucks. The total cost is \$405,904 ([Roads and Drainage Department] Purchasing and Contracts Department).
6. Approval of Amendment 1 to Contract Y6-817, with Deleuw, Cather & Company, for Phase II final design for the Econlockhatchee Trail bridge and roadway realignment from S.R. 50 to Trevarthon Road. Cost of amendment is \$264,972. New contract total to date is \$688,836 ([Public Works Engineering Department] Purchasing and Contracts Department).

7. Approval of Task Authorization 5, Contract Y6-902A, environmental services and tank removal and replacement at the Orange County Landfill. In the amount of \$255,498 ([Solid Waste Department] Purchasing and Contracts Department).
8. Confirmation of the County Chairman's staff reappointments for the month of September 1998:
  - Tom Babington, director, Division of Information Technologies
  - Bruce W. McClendon, director, Planning and Community Services Division
  - Kathleen L. Cepregi, manager, Administrative Services Department, Corrections Division
  - M. Krishnamurthy, manager, Stormwater Management Department, Public Works Division
  - Robert L. Lemley, manager, Civil Emergency Management Department, Fire Rescue Division
  - Lee Ann Lowery, manager, Citizens' Commission for Children, Health and Family Services Division
  - Barry H. Luke, manager, Communications Department, Fire Rescue Division

(Human Resources Department).

9. Approval of revisions to the Personnel Policy Manual, Emergency Situations Policy, Administrative Regulation 7.01. It is requested this approval include those employees involved in the February 23, 1998, emergency activation and any since that date (Human Resources Department).

**(As stated in the above motion, this item was deferred for discussion; see pages 566 and 567 for discussion and subsequent approval.)**

10. Approval of Budget Amendment 98-84 (Office of Management and Budget).

(Budget Amendment 98-84 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

11. Approval of Budget Transfers 98-621 and 98-638 (Office of Management and Budget).

(Budget Transfers 98-621 and 98-638 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

12. Approval of CIP Amendments 56-98, 57-98, and 58-98 (Office of Management and Budget).

(CIP Amendment 56-98, 57-98, and 58-98 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

13. Approval of payment of intergovernmental claims for September 3, 1998, totaling \$191,419.47 (Risk Management Department).
14. Receipt and filing of the minutes of the August 27, 1998, meeting of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).
15. Approval of a three-year contract for the Fraternal Order of Police (FOP) (Division Office).

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

16. Confirmation of the County Chairman's appointment of Lisa Snead as manager of the Risk Management Department (Division Office).

#### **Planning and Community Services Division**

1. Approval to file Satisfaction of Special Assessment Lien by Resolution, against property located at 3603 W. Kelly Park Road, Parcel Number 12-20-27-0000-00-017 (Building Department).

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

2. Approval to file Claim of Special Assessment Lien by Resolution, against property located at 4606 Carter Street, \$2,694.50, District 6 (Building Department).

(Resolution 98-BUI-17 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval and execution of the Road Impact Fee Agreement regarding an Alternative Traffic Study between Benjamin Serrano and Orange County for Le Chateau Body Shop, District 4 (Building Department).

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

4. Approval and execution of the Weatherization/LEHRP Program Agreement between Florida Department of Community Affairs and Orange County, in the amount of \$177,614, which will be used to weatherize and/or repair 132 homes of low-income families. A 20 percent local match of \$35,523 is required which has been identified from budgeted general revenue and utility tax funds. Term of the agreement is October 1, 1998, through September 30, 1999 (Community Affairs Department).

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

5. Approval and execution of the Weatherization Assistance Program (WAP) Agreement between Florida Department of Community Affairs and Orange County, in the amount of \$55,976, which will be used to weatherize 20 homes for low-income families. A ten (10) percent local match in the amount of \$5,598 is required which has been identified from budgeted general revenue and utility tax funds. Term of the agreement is October 1, 1998, through September 30, 1999 (Community Affairs Department).

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

6. Approval and execution of the Weatherization/LIHEAP Program Agreement between Florida Department of Community Affairs and Orange County, in the amount of \$146,465, which will be used to weatherize and/or repair 80 homes of low-income families. There is no local match. Term of the agreement is September 30, 1998, through September 29, 1999. There will be no cost to the County (Community Affairs Department).

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

7. Approval and execution of the application between the State of Florida Department of Children and Families to license the Mitchell Head Start Center. The effective date of this license is October 10, 1998, through October 9, 1999. There will be no cost to the County (Community Affairs Department).
8. Approval and execution of agreements between Orange County and and public services agencies to provide funding for services addressing the social, housing, and homeless needs of low- and very low-income residents of Orange County as approved in the 1998 Consolidated Planning Document as follows:
  - Seniors First
  - Community Coordinated Child Care (4-C)
  - Housing and Neighborhood Development Services (HANDS)
  - Metropolitan Orlando Urban League
  - Quest
  - Homes in Partnership
  - Children's Home Society of Florida (Crisis Nursery)
  - Welbourne Avenue Nursery and Kindergarten, Inc.
  - Coalition for the Homeless
  - Anthony House
  - Spouse Abuse

(Department of Housing and Community Development).

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

#### **Planning and Community Services Division - Addendum 1**

9. Approval and execution of the Orange County/YMCA Family Center Lease and Operating Agreement and the Orange County/YMCA Family Center Design, Construction, and Funding Agreement (Parks and Recreation Department).

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

#### **Utilities Division**

1. Approval and execution by the County Chairman of resolutions repealing the automatic water, wastewater, revenue, and maintenance fee rate increase of three (3) percent for fiscal year 1999, all districts (Division Office).

(Resolutions 98-SW-04, 98-SW-05, and 98-SW-06 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**PLANNING AND COMMUNITY SERVICES DIVISION DISCUSSION AGENDA**

1. Update on the Winter Garden Community Redevelopment Agency, District 1 (Planning Department).

Staff Report

Planning Department Manager David Heath reported that the Winter Garden Community Redevelopment Agency (CRA) is the oldest CRA within the County and explained that its board has requested the opportunity to update the Board of County Commissioners on its achievements and plans.

Larry Cappleman, chairman of the Winter Garden CRA Advisory Board, reviewed the history and purpose of the CRA and reported on completed projects, implementation of future projects, and projects under study for recommendation to the CRA Board. Mr. Cappleman also discussed the role of the CRA Board in monitoring project development.

Hollis Holden, city manager of Winter Garden, reviewed fund accumulation, the increased revenue of the second CRA, and grants. Mr. Hollis reported on the project status for removal of the old railroad tracks; real property acquisitions through donation and purchase; and affordable housing for east Winter Garden. He also discussed the Western Beltway and its impact on the local community.

Discussion

The Board discussed enclaves within Winter Garden, the Maxey Recreation Center, the Western Beltway, the role of the St. Johns River Water Management District in the railroad track relocation project, and the redevelopment of Main Street.

**Action**

**The Board did not take any action.**

**COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION****Fiscal and Human Resources Division**

9. Approval of revisions to the Personnel Policy Manual, Emergency Situations Policy, Administrative Regulation 7.01. It is requested this approval include those employees involved in the February 23, 1998, emergency activation and any since that date (Human Resources Department).

## Discussion

Commissioner Edwards stated that he requested this item be deferred for discussion to get clarification from staff on the intent of the policy revision. He explained that exempt employees are required to work over 50 to 60 hours per week without overtime compensation under normal circumstances and pointed out that once a precedent has been set, it is difficult to change. Commissioner Edwards said that he could support the policy revision if exempt employees would be required to work a minimum of 60 hours in any one week before beginning to accumulate comp-time hours.

County Administrator Jean Bennett clarified that the intent of the proposed policy revision is to assure the County that qualified personnel will be available for as long as necessary in an emergency situation. Ms. Bennett pointed out that the current policy is not clearly written.

Human Resources Department Manager Ricardo Daye further detailed the proposed policy revision and offered that during emergency situations, exempt employees are often supplementing the work of nonexempt employees who are compensated with overtime pay.

The Board discussed how the community unites during emergency situations; the 240-hour annual cap for accumulated comp-time hours; the restriction that comp-time cannot be rolled over into a new year and is not payable upon separation; exemption of 900 Series employees from the policy; and fair compensation.

In response to a question from Commissioner Freeman regarding the proposed policy revision, County Comptroller Martha Haynie stated that the role of the Comptroller's Office has been

limited to interpretation and administration of the current policy and that the proposed revision is strictly a policy matter for the Board. She pointed out that the proposed policy revision will allow for 900 Series employees to participate in the comp-time program.

**Action**

Upon a motion by Commissioner Butler, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, and Butler voting AYE by voice vote; Commissioners Freeman and Edwards voting NO by voice vote; Commissioner Johnson was absent; the Board approved revisions to the Personnel Policy Manual, Emergency Situations Policy, Administrative Regulation 7.01, with the exception of 900 Series employees; and further, approved including those employees involved in the February 23, 1998, emergency activation and any since that date.

**COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION**

**Fiscal and Human Resources Division**

2. Approval to award Invitation for Bid Y8-738-MK/PW to the low responsive and responsible bidder, Schuller Contractors, Inc., for Somerset at Lakeville Oaks pond outfall retrofit project. The total cost is \$377,216 ([Highway Construction Department] Purchasing and Contracts Department).

**Discussion**

Commissioner Edwards stated that he requested this item be deferred to allow the Board time to discuss retrofitting inadequate drainage systems within subdivisions. He reported that the County is responsible for maintaining and upgrading these systems after the developer's one-year maintenance bond expires.

Public Works Division Director Ajit Lalchandani reviewed the proposed retrofit project and similar problems with other landlocked basins throughout the County. Mr. Lalchandani stated that the Public Works Division has been researching these issues and is planning a worksession to address the subject with the Board.

The Board discussed factors contributing to drainage problems in older communities, outdated drainage design standards, penalties for inadequately designed drainage systems, creating MSTU/BUS for flooding issues, and stormwater utility fees.

**Action**

By consensus, the Board directed the Public Works Division to schedule a worksession with the Board to discuss the County's drainage system retrofitting projects and landlocked basin developments as soon as possible.

**Action**

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board approved awarding Invitation for Bid Y8-738-MK/PW to the low responsive and responsible bidder, Schuller Contractors, Inc., for Somerset at Lakeville Oaks pond outfall retrofit project; the total cost is \$377,216.

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

Commissioner Bob Freeman joined the meeting where indicated. Commissioner Mary Johnson was absent.

The Board paused for an invocation by the Reverend Dr. Bill Bright, pastor of Campus Crusade for Christ, followed by the Pledge of Allegiance to the Flag.

Commissioner Freeman joined the meeting.

**COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION****Administrative Support Division**

1. Approval and execution by County Chairman of a lease agreement with an option to renew between CNL Center II Joint Venture and Orange County: CNL Center II, District 3 (Real Estate Management Department).

## Discussion

Commissioner Freeman stated that he requested this item be deferred so that he could obtain additional information from staff. He reviewed the County's current leases and their expiration dates.

Administrative Support Division Director John Terwilliger explained that the intent of the proposed lease is to lock in today's rates even though the lease site will not be immediately available. Mr. Terwilliger reported that the lessor has received another offer for the proposed site at \$1.50 more per square foot than the County has negotiated and that the lessor has requested that the Board decide on this matter today.

The Board discussed minimum standard space requirements and the importance of considering future space requirements.

## Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Edwards, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioner Johnson was absent; the Board approved a lease agreement with an option to renew between CNL Center II Joint Venture and Orange County: CNL Center II.

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

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: PAUL H. BUSS; NO. 98-25; 8.0-FOOT UTILITY EASEMENT ALONG COMMON LOT LINE; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Paul H. Buss, Petition to Vacate 98-25, to vacate an 8.0-foot utility easement located at 1508

Lockhart Place, lying along the common lot line between Lots 244 and 245 in the Lake Ridge Village, Williamsburg at Orangewood Subdivision, which is generally located on the northeast corner of the intersection of Central Florida Parkway and Orangewood Boulevard; District 1; Section 7, 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

Development Engineering Department Manager Roger Cain reviewed the request and the recommendation for approval of the petition to vacate as submitted.

#### Appearances

The following person appeared in support of the request:

- Paul Buss, the applicant (no address given).

No one appeared in opposition to the request.

#### Discussion

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

#### Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board adopted a resolution granting Petition to Vacate 98-25 vacating an 8.0-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.)

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: MARVIN GOLDMAN; NO. 98-28; PORTION OF 8.0-FOOT UTILITY EASEMENT ALONG COMMON LOT LINE; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Marvin Goldman, Petition to Vacate 98-28, to vacate a portion of an 8.0-foot utility easement along the common lot line between Lots 34 and 35 of Montpelier Village Phase 1, Williamsburg at Orangewood Subdivision,

which is generally located on the northeast corner of the intersection of Central Florida Parkway and Orangewood Boulevard; District 1; Section 7, 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

Development Engineering Department Manager Roger Cain 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 Butler, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board adopted a resolution granting Petition to Vacate 98-28 vacating a portion of an 8.0-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.)

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JOHN PERCY, WORLD GATEWAY PLANNED DEVELOPMENT/LAND USE PLAN/DEVELOPMENT OF REGIONAL IMPACT (PD/LUP/DRI); AMEND THE LUP; NONSUBSTANTIAL DEVIATION TO THE DRI; THIRD RESTATED DEVELOPMENT ORDER; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by John Percy, World Gateway Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI) (Greene Property), to amend the LUP, approve a nonsubstantial deviation to the DRI, and authorize the Chairman to execute the Third Restated Development Order incorporating the changes, pursuant to Orange County Code, Section 38-1207. The property is generally located east of I-4, west of S.R. 535, and north of the Orange-Osceola County Line; District 1; Sections 32, 33, 34, and 35, 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 persons addressed the Board in favor of the request:

- John Percy, the applicant; Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc. (no address given).
- Bill Beckett; Lowndes, Drosdick, Doster, Kantor & 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

A motion by Commissioner Freeman, seconded by Commissioner Hoenstine; with Commissioners Freeman and Hoenstine voting AYE by voice vote; County Chairman Chapin and Commissioners Staley, Edwards, and Butler voting NO by voice vote; Commissioner Johnson was absent; to continue the public hearing to consider a request by John Percy, World Gateway Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI) (Greene Property), to amend the PD/LUP, make a finding that the request is a nonsubstantial deviation of the approved DRI, and approve the execution of the Third Restated Development Order incorporating the changes failed.

#### Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with County Chairman Chapin and Commissioners Staley, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioner Johnson was absent; the Board approved the request by John Percy, World Gateway Planned Development/Land Use Plan/Development of Regional

Impact (PD/LUP/DRI) (Greene Property), to amend the PD/LUP, make a finding that the request is a nonsubstantial deviation of the approved DRI, and approve the execution of the Third Restated Development Order incorporating the changes; which constitutes a substantial change to the development on the the above-described property; subject to the following condition:

1. Development shall conform to the World Gateway Planned Development; Board of County Commissioners' approvals; and Land Use Plan Amendment and Notice of Proposed Change, dated "Received April 9, 1997"; and to the following conditions of approval. Development based upon 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.

(Development order is on file in the office of the Comptroller Clerk of the Board of County Comptrollers.)

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JOHN B. WEBB; THE COMMONS AT WEDGEFIELD UNITS 7 AND 7A PRELIMINARY SUBDIVISION; REDUCE SETBACKS; DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by John B. Webb; The Commons at Wedgefield Units 7 and 7A Preliminary Subdivision; to reduce the side setback from six (6) feet to five (5) feet in order to accommodate a larger building envelope; pursuant to Orange County Code, Section 34-27. The property is generally located north of S.R. 528 and west of S.R. 520; District 5; Section 11, Township 23, Range 32; Orange County, Florida.

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

Staff Report

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:

- John Webb, the applicant; for Southeast Community Development Corporation (no address given).

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

- Mike Battaglia (no address given).

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 Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the request by John B. Webb; The Commons at Wedgefield Units 7 and 7A Preliminary Subdivision; to reduce the side setback from six (6) feet to five (5) feet in order to accommodate a larger building envelope; which constitutes a substantial change to the development on the above-described property; subject to the following condition:

- all lots adjacent to lots that have been sold prior to September 22, 1999, shall maintain a six-foot (6') side yard setback.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WESTLAND TERRACE PLANNED DEVELOPMENT/WESTLAND TERRACE PRELIMINARY SUBDIVISION, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Westland Terrace Planned Development/Westland Terrace 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 S.R. 50 and west of Hiawassee 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 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:

- Scott Henderson; Henderson Planning Group, Inc. (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 Butler, seconded by Commissioner Staley, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the Westland Terrace Planned Development/Westland Terrace Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Westland Terrace Planned Development; Board of County Commissioners' approvals; the Westland Terrace Preliminary Subdivision Plan, dated "Received August 18, 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 September 22, 1999, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, a master stormwater management system for the planned development shall be submitted to the County engineer for review and approval.
3. Waiver of Section 38-1211(a)(3) to allow zero side setbacks between Commercial Lots 1 through 4 in lieu of ten (10) feet is granted in order to allow for continuous/concurrent development of the main retail center.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - LITTLE LAKE BRYAN PLANNED DEVELOPMENT, PHASE 1/PARCEL 1, LOTS 1-5, PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Little Lake Bryan Planned Development, Phase 1/Parcel 1, Lots 1-5, 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 west of Vineland Avenue and east of S.R. 535; District 1; Sections 22 and 27, 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 request and the Development Review Committee's recommendation of approval subject to conditions. Mr. Heath stated that the adjacent property owners have requested a 30-day continuance to allow time for the developer to address drainage concerns.

Public Works Division Director Ajit Lalchandani reviewed drainage issues for the subject site. Mr. Lalchandani stated that the Public Works Division is planning to present a proposal to the Board for an MSTU/BU to address drainage issues within the Lake Bryan drainage basin sometime in the next several weeks.

In response to a question from County Chairman Chapin regarding the timetable for instituting a new MSTU/BU, Chief Deputy Comptroller Jim Moyer stated that a Municipal Service Benefit Unit (MSBU) would need to be completed prior to May 1999 and a Municipal Service Taxing Unit (MSTU) would need to be completed prior to January 1999 for institution next year. Mr. Moyer noted that a drainage MSBU for Plaza International was completed during the late 1970s and offered that the Public Works Division review that process for implementation suggestions.

#### Appearances

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

- Joe Kolb; Bowyer-Singleton & Associates, Inc. (no address given); for Marriott and CNL.
- Rey Malave; Bowyer-Singleton & Associates, Inc. (no address given).

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

- Scott Gold (no address given), for BML Investments and PRN Investments.
- Tom Jacobs, ecological engineer; Aquatic Symbiotics, Inc. (no address given).
- Dave Benjamin (no address given).
- Bob Fairchild (no address given).

#### Discussion

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

#### Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Staley, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Butler voting NO by voice vote; Commissioner Johnson was absent; the Board continued the public hearing to consider the request for the Little Lake Bryan Planned Development, Phase 1/Parcel 1, Lots 1-5, Preliminary Subdivision Plan until November 3, 1998, at 3:30 p.m.

Commissioner Butler left the meeting.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: J. SCOTT HENDERSON; WESTLAKE RESORT PLANNED DEVELOPMENT; CASE Z-98-081, AUGUST 20, 1998; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by J. Scott Henderson, Westlake Resort Planned Development, to rezone from Citrus Rural District (A-1)(1957) to Planned Development District (PD); on property which is generally located north of Highway 192 +/-1,320 feet west of Orange Lake Boulevard; District 1; Section 32, 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:

- Scott Henderson, the applicant; Henderson Planning Group, Inc. (no address given).

No one appeared in opposition to the request.

**Discussion**

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

**Action**

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Butler were absent; the Board approved the request by J. Scott Henderson, Westlake Resort Planned Development, to rezone Citrus Rural District (A-1)(1957) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Westlake Resort Planned Development/Land Use Plan, dated "Received August 3, 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. Billboards and pole signs shall be prohibited;

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

BOARD OF ZONING ADJUSTMENT APPEAL - APPLICANT/APPELLANT: CHARLES W. CLAYTON, JR.;  
ITEM 12, AUGUST 6, 1998; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Charles W. Clayton, Jr., Lee Parkway Building, of the recommendation of the Board of Zoning Adjustment, dated August 6, 1998, on a request by Charles W. Clayton, Jr., Lee Parkway Building, for variances in Professional Office District (PO) zone to provide 55 paved parking spaces in lieu of 66 spaces and eliminate a 7.0-foot-wide landscape buffer along the side (east) property line on property which is generally located on the south side of Lee Road one-fourth of a mile east of Wymore Road; District 5; Section 2, Township 22, Range 29; Orange County, Florida.

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

Staff Report

Zoning Department Manager Melvin Pittman stated that the applicant has requested a continuance to allow time to obtain further information regarding drainage issues.

**Commissioner Butler joined the meeting.**

Appearances

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

- Charles Clayton, Jr., the applicant; 1190 Park Avenue, Winter Park, Florida.

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

- Lou Blanchard, 255 Blossom Lane, Orlando, Florida.
- Bruce Barker, 228 Blossom Lane, Orlando, Florida.
- Don Erickson, 240 Rippling Lane, Orlando, Florida.

#### 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 Freeman, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board continued the public hearing to consider an appeal by Charles W. Clayton, Jr., Lee Parkway Building, of the recommendation of the Board of Zoning Adjustment dated August 6, 1998, on a request by Charles W. Clayton, Jr., Lee Parkway Building, for variances in Professional Office District (PO) zone to provide 55 paved parking spaces in lieu of 66 spaces and eliminate a 7.0-foot-wide landscape buffer along the side (east) property line, until November 3, 1998, at 2:45 p.m.

#### PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WEKIVA CLUB PRELIMINARY SUBDIVISION, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Wekiva Club Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Piedmont Wekiva Springs Road and south of Votaw Road; District 2; Section 12, Township 21, Range 28; Orange County, Florida.

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

**Staff Report**

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:

- Kerry Godwin, Bowyer-Singleton & Associates, Inc. (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 Staley, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board approved the Wekiva Club Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Wekiva Club Preliminary Subdivision Plan, dated "Received July 22, 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 October 22, 1999, in accordance with Orange County Subdivision Regulations, as amended.

2. Neighborhood park (Tract G) shall be completed with infrastructure.

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, THE LAW ENFORCEMENT IMPACT FEE 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 LAW ENFORCEMENT IMPACT FEES IN ORANGE COUNTY, FLORIDA; PROVIDING FOR UPDATES AND AMENDMENTS TO ORANGE COUNTY CODE, CHAPTER 23, IMPACT FEES, ARTICLE II. LAW ENFORCEMENT IMPACT FEES; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Planning Department Manager David Heath overviewed the upcoming schedule for final approval of all impact fees, reviewed the proposed ordinance, and outlined its provisions.

The following impact fee review committee participants presented reports to the Board:

- Major John Pavlis, Sheriff's Office, for Sheriff Kevin Beary.
- James Duncan, Duncan Associates.
- Rich van Slyke, chairman of the Development Advisory Board.
- Dr. John Cheney, chairman of the Impact Fee Committee.
- Dick Spears, chairman of the Local Planning Agency.

Appearances

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

- Leecie Doyle, 5012 St. Denis Court, Orlando, Florida.

The following person addressed the Board in opposition to the proposed ordinance:

- Frankie Callen (no address given), for the Greater Orlando Association of Realtors and Central Florida Commercial Real Estate Society.

The following persons addressed the Board with general comments:

- Tom Shutts (no address given); member of the Impact Fee Committee.

- Rick McKee (no address given), for the Home Builders Association of Mid-Florida.

**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 County Chairman Chapin and Commissioners Freeman, Hoenstine, Edwards, and Butler voting AYE by voice vote; Commissioner Staley voting NO by voice vote; Commissioner Johnson was absent; the Board:

- approved the law enforcement impact fee update prepared by Duncan Associates dated June 1998;
- adopted the proposed ordinance amending Orange County Code, the Law Enforcement Impact Fee Ordinance, as recommended by the Local Planning Agency.

(Ordinance 98-21 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**Action**

A motion by Commissioner Edwards to amend the above motion to include the following language:

**Section 23-31(b):**

Limitations on expenditure of funds collected. A separate fund for the equipment portion ("equipment impact fees") and the building portion ("building impact fees") will be established and maintained based on an allocation of 56 percent and 44 percent, respectively, of the total amount of law enforcement impact fees collected. The use of building impact fees will be restricted to acquisition, expansion, and development of buildings; and the equipment impact fees will be used for equipment, both of which are to benefit new development within unincorporated Orange County. Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts or investments. All interest income derived from the investments will remain within each of the respective funds and be used for purposes permitted by this ordinance. To the extent funds are

not expended for buildings in the building impact fee fund at the end of the fifth fiscal year after collection, said funds may be transferred over to the equipment impact fee fund and expended in connection with provisions of this ordinance. Expenditures from the building impact fee fund will be based on a first-in first-out methodology. In recognition of the centralized ...

died for the lack of a second.

For the record, Commissioner Hoenstine stated that several of the communities in southeast Orange County have inquired about the possibility of establishing an MSTU/BU to address neighborhood planning of law enforcement needs and shortfalls.

County Chairman Chapin advised Commissioner Hoenstine that the issue should be scheduled as a discussion item on an upcoming agenda.

#### NONAGENDA - IMPACT FEE ORDINANCES

County Chairman Chapin stated that the Transportation Impact Fee Ordinance is scheduled for a public hearing before the Board on October 20, 1998, and noted that the Local Planning Agency (LPA) has already considered it. She further stated that the Orange County School Board has been addressing the School Impact Fee Ordinance. County Chairman Chapin explained that the County has not reviewed the Impact Fee Ordinance because the School Board hired attorneys, contracted with an independent consultant, and created its own Citizens Review Board.

Planning Department Manager David Heath reported that the School Board recalculated the study and that the revised study and proposed ordinance were distributed to all involved persons on Monday, September 21, 1998. Mr. Heath explained that the Citizens' Review Board appointed by the School Board will meet to consider the matter on Wednesday, September 23, 1998, and that the School Board has not considered the issue yet.

#### Appearances

The following persons addressed the Board:

- Teresa Jacobs (no address given).
- Tom Shutts (no address given), member of the Impact Fee Committee.

Discussion

The Board discussed the need to be updated on the School Impact Fee study and proposed ordinance and the importance of having the matter presented to the Board on or before November 10, 1998.

Action

A motion by Commissioner Edwards, seconded by Commissioner Staley; Commissioners Staley and Edwards voting AYE by voice vote; County Chairman Chapin and Commissioners Freeman, Hoenstine, and Butler voting NO by voice vote; Commissioner Johnson was absent; to refer the proposed School Impact Fee ordinance to the County's Development Advisory Board and the Citizen's Advisory Board for review failed.

County Chairman Chapin requested that the Development Advisory Board join with the School Board's advisory board to review the study and proposed School Impact Fee Ordinance concurrently for presentation to the Board no later than November 3, 1998.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:15 p.m.