

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, November 3, 1998. The following were present:

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

Commissioner Tom Staley joined the meeting where indicated.

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

NONAGENDA - ANNA LOVELL

Commissioner Butler reviewed accomplishments of Anna Lovell, the County's first woman department head, who recently passed away at the age of 86. She noted that Ms. Lovell was director of the Orange County Welfare Department which subsequently became the Orange County Department of Social Services.

COUNTY CONSENT AGENDA**Action**

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

- deleted Fiscal and Human Resources Division Item 10;
- deleted Public Works Division Item 2;

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

County Comptroller

1. Approval to pay the Property Appraiser's first quarter billing

in the amount of \$1,342,552.27 (Administrative/Fiscal Division).

2. Acknowledgment of the following "file for the record" documents:
 - a. Resolution of the West Orange Healthcare District setting the 1998 millage rate; dated September 29, 1998.
 - b. Copy of the Tax Collector's final budget for fiscal year 1998-99; dated September 30, 1998.
 - c. Copy of the minutes of the August 19, 1998, Falcon Trace Community Development District meeting; dated October 7, 1998.

(Comptroller Clerk of the Board of County Commissioners).

3. Approval of the minutes of the October 20, 1998, meeting of the Board of County Commissioners (Comptroller Clerk's Office).
4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
 - Period from October 8, 1998, to October 16 1998; total of \$23,045,520.75.
 - Period from October 17, 1998, to October 21, 1998; total of \$1,162,259.48.
 - Period from October 22, 1998, to October 28, 1998; total of \$30,078,659.37.

(Finance and Accounting Department)

County Sheriff

1. Approval of the Florida Department of Transportation grant for the Orange County Traffic Safety Program in the amount of \$65,000. Local match totals \$18,445 (Grants Department).
2. Approval and execution of the United States Department of Justice Office of Community Oriented Policy Services COPS MORE 98 Award in the amount of \$2,075,500. No matching funds are required (Grants Department).

County Attorney

1. Approval of Stipulated Settlement Agreement in the case styled, Keith Johnson and N.2.U., Inc., dba "Original Bookstore" vs. Orange County, Florida, Case No. 97-889-CIV-ORL-19A.

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

Administrative Support Division

1. Approval and execution by County Chairman of a lease amendment between Koger Equity, Inc.; and Orange County, Florida: Family Service Program, District 3 (Real Estate Management Department).

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

2. Approval and authorization to record instrument in connection with development: Logan's Roadhouse (West Colonial), Utility Easement, District 1 (Real Estate Management Department).
3. Approval and authorization to record instruments in connection with development: Sam's Club - West Orange, Utility Easement and Access Easement, District 1 (Real Estate Management Department).
4. Approval and authorization to record instrument, disburse warrant, and pay appropriate recording fees: Lake Holden Terrace, Deed and Subordination of Encumbrance, District 4 (Real Estate Management Department).
5. Approval and execution by County Chairman of utility easement and right-of-way, and authorization to record instrument in connection with development: EDS at the Summit, Utility Easement and Right-of-Way, District 2 (Real Estate Management Department).

Fire Rescue Division

1. Approval and execution of the Health Science Training Agreement between the Fire Rescue Division and the Orange

County School Board which provides for EMS vocational/technical training for health science students from the School Board's vocational technical training programs (Division Office).

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

Fiscal and Human Resources Division

1. Approval of renewal of Software Licensing and Support Agreement with Landmark Systems Corporation to support MVS, DB2, CICS, and Navigraph software. The total estimated cost is \$123,829 for a five-year term ([Network and Systems Department] Purchasing and Contracts Department).
2. Approval to issue a purchase order for a proprietary purchase from VFL Technology Corporation for ash, lime, and slurry mixture for the Orange County Landfill. The total estimated annual cost is \$125,000 ([Solid Waste Department] Purchasing and Contracts Department).
3. Approval of blanket purchase orders to Keene Road Landfill (\$100,000), South Alafaya Recycling-Redditt (\$100,000), and Pine Ridge Recycling (\$10,000) for hauling trash/debris from various County projects. The estimated annual cost is \$210,000 for fiscal year 1998-99 ([Roads and Drainage Department] Purchasing and Contracts Department).
4. Approval to award Invitation for Bid Y8-768-MK to the low responsive and responsible bidder, Hubbard Construction, Inc., for Orange Avenue Phase III (Zell Drive to Wetherbee Road extension), Segment I roadway, bridge, and drainage improvements. The total cost is \$7,184,375.30 ([Highway Construction Department] Purchasing and Contracts Department).
5. Approval to award Contract Y8-800-MK to Avcon, Inc., for Harrell Road bridge improvements. The total cost is \$133,174.64 ([Engineering Department] Purchasing and Contracts Department).
6. Approval to award a sole source contract to Motorola, Inc., for maintenance and support for Motorola radio equipment. The total cost is \$243,086.40 for fiscal year 1998-99 ([Network and Systems Department] Purchasing and Contracts Department).

7. Approval to award a sole source contract to Motorola, Inc., for maintenance and support for Motorola systems and equipment. The total cost is \$580,296 for fiscal year 1998-99 ([Network and Systems Department] Purchasing and Contracts Department).

8. Approval to enter into formal Contract Y9-2058 to be administered by United Arts of Central Florida, Inc., for arts funding. The total cost is \$798,000 ([Office of Management and Budget] Purchasing and Contracts Department).

(Contract Y9-2058 is on file in the Purchasing and Contracts Department.)

9. Approval to award Contract Y9-2056 to Heart of Florida United Way for funding office renovations. The total cost is \$250,000 ([Health and Family Services Division] Purchasing and Contracts Department).

10. Approval and execution of the Memorandum of Understanding between Orange County School Board and Greater Orlando Aviation Authority (GOAA) for Orange County Consortium Disparity Study update (Business Development Department).

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

11. Approval for the Orange County Sheriff's Office to spend approximately \$10,000 from the Law Enforcement Trust Fund to make contributions to the following: \$2,500 to Central Florida YMCA Black Achievers Program; \$500 to Anthony House; \$1,000 to Back-to-School Fairs; \$500 to On the Cutting Edge Outreach Programs, Inc.; \$5,000 to No Guns in Schools Program, and \$500 to Michele Puppets (Office of Management and Budget).

12. Approval of Budget Amendments 99-05, 99-07, 99-08, 98-90, and 99-04 (Office of Management and Budget).

(Budget Amendments 98-90, 99-04, 99-05, 99-07, 99-08 and are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

13. Approval of Budget Transfers 98-728, 99-61, 99-62, 98-730, and 98-731 (Office of Management and Budget).

(Budget Transfers 98-728, 98-730, 98-731, 99-61, and 99-62 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
14. Approval of CIP Amendments 59-98, 60-98, 02-99, 03-99, 04-99, and 05-99 (Office of Management and Budget).

(CIP Amendments 59-98, 60-98, and 02-99 through 05-99 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
15. Approval of payment of intergovernmental claims for October 8, 1998, and October 15, 1998, totaling \$255,859.97 (Risk Management Department).
16. Receipt and filing of the minutes of the October 1, 1998, meeting of the Intergovernmental Risk Management Committee, for the official County record (Risk Management Department).

Health and Family Services Division

1. Confirmation of the Orange County Historical Society Board of Directors' proposal to name the orientation theater of the Orange County Regional History Center, "The Linda W. Chapin Theater" (Historical Society).
2. Approval and execution of an interagency agreement between Orange County and the Florida Department of Children and Families, District 7, Alcohol, Drug Abuse, and Mental Health Program Office for Baker Act Services in the amount of \$1,825,000. Term of the agreement is October 1, 1998, through September 30, 1999. There is no additional cost to the County (Department of Human Services).

(Agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)
3. Approval to name the Health and Family Services building at 2100 East Michigan Street, the "Mable Butler Family Services Center" (Health and Family Services Division).

Planning and Community Services Division

1. Approval of a developer's agreement authorizing discounts of impact fees, water capital charges, and wastewater capital charges for Stonebridge Landings II, an affordable housing development, District 4 (Department of Housing and Community Development).

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

2. Confirmation of the Parks and Recreation Advisory Board's recommendations to name the County park located on Crown Point Road the "Chapin Station" and the new County park located in Apopka the "Staley Park" (Parks and Recreation Department).
3. Approval and execution of the revised Fifth Amendment to the Joint Planning Area (JPA) Agreement between Orange County and the City of Maitland, Districts 2 and 5 (Planning Department).

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

4. Review and acceptance of the Engelwood and Holden Heights Targeted Community Initiative (TCI) Plans, Districts 3 (Engelwood) and 6 (Holden Heights) (Community Affairs Department).

Public Works Division

1. Approval to establish a "No Parking" zone on the north and south sides of Steer Lake Road beginning 230 feet from the east right-of-way line of Lake Vilma Drive and extending east 340 feet, District 1 (Traffic Engineering Department).
2. Approval to establish a "No Parking" zone on the grass medians of Wellington Boulevard from the west right-of-way line of Cambridge Boulevard to the east right-of-way line of Killarney Elementary School property, District 5 (Traffic Engineering Department).

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

3. Approval and execution of the Third Amendment to the Developer's Agreement for Hideaway Cove Preliminary Subdivision Plan, aka Liquor World, District 1 (Public Works Division).

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

COUNTY CHAIRMAN DISCUSSION AGENDA

1. Appointment of County Commissioner to Canvassing Board for the December 1, 1998, City of Orlando annexation referendum.

County Chairman's Report

County Chairman Chapin requested that Commissioner Mary Johnson serve on the Supervisor of Elections' Canvassing Board for the City of Orlando annexation referendum.

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Butler, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board appointed Commissioner Mary Johnson to serve on the Supervisor of Elections' Canvassing Board for the City of Orlando annexation referendum.

CORRECTIONS DIVISION DISCUSSION AGENDA

1. Presentation concerning Corrections "Community Reparations Program."

Staff Report

Corrections Division Director of Operations Ed Royal outlined the division's mission and recommendations as follows:

- Victim's Issues
- Community Reparations and Projects
- Community Protection
- Offender Accountability

Sergeant Rick Dumas outlined Community Safety - Classification which includes the following:

- Risk Assessments - Public Safety

- Constructive Use of Inmate Time
- In-Jail Projects for Dangerous Offenders

Senior Community Corrections officer Georgia Stubbs reviewed the impact of community reparations on the following:

- The victim
- The community
- The offender
- The Corrections' Department employee

Gillian Hobbs, chairman of the Community Reparations Task Force, outlined the future of the Corrections Department. Ms. Hobbs stated that the Victim Services Center will open next year and will provide information on community resources. She also noted this Center will be the link to community services, assist in negotiating the Criminal Justice System, and will avoid duplication of services.

Ms. Hobbs further reviewed the Jail Industries Program which will create inmate work opportunities within the jail while teaching inmates good work habits and providing them with job skills which will generate revenue for the County's General Fund.

Discussion

The Board discussed the positive aspect of the programs instituted by the Corrections Division and the possibility of matching inmates' skills to various jobs.

Action

The Board did not take any action.

Commissioner Staley joined the meeting.

2. Discussion concerning privatization of Corrections medical and mental health services.

Staff Report

Corrections Division Director of Administration Larry Bacon reviewed the problems prompting the consideration of Corrections Division inmate health care privatization.

Mr. Bacon outlined the following health care delivery options:

1. Continuation of operation and management of health care with additional resources.
2. Privatizing the health care delivery system.
3. Privatizing the health care delivery system and mental health services.
4. Privatizing management and key personnel only.
5. Privatizing the care of high-risk medical inmates.

Mr. Bacon stated that after extensive research, Options 3, 4, and 5 were eliminated because privatization costs would be considerably higher than County management of medical and mental health services.

Mr. Bacon reviewed Option 1 and noted areas of concern which need to be addressed such as the level of care needed to protect the County's liability while minimizing costs; the severe shortage of nurses and the inability to recruit them; administration and coordination of health and mental care services; facility supervision; facilities; records system issues; medical protocol review; and reaccreditation. He stated that the County needs a full time recruiter, nine additional medical personnel, and increased hours of psychiatric services.

Mr. Bacon described Option 2 which compares the County's projected medical care costs with those of other counties and noted that privatization is significantly more expensive.

Mr. Bacon explained that Option 4 concerns only management, costs more than Option 1, and fails to address Option 1 issues.

Discussion

The Board discussed high risk inmates, monitoring the progress of the implemented system, and changes in medical care provided at the jail.

County Chairman Chapin stated that a motion would be made after the next discussion item concerning mental health (see page 90 for action taken).

COUNTY ADMINISTRATOR DISCUSSION AGENDA1. Discussion concerning mental health.

Staff Report

Assistant to the County Administrator Robert Spivey advised that although the Densch Center discontinued the Densch project, the needs the project was designed to address still exist. Mr. Spivey noted that the County has made progress aiding the mentally ill and that arrangements are being made to house some of these patients.

Glen Casel; district program supervisor for the Florida Department of Children and Families' Alcohol, Drug, and Mental Health Office; addressed the Board and outlined the 1998-99 funding for districts within the state. Mr. Casel reviewed equity funding regarding adult mental health dollars per targeted populations; impact on the community; receiving facilities in the County; partnership for community mental health from various County entities; available services; and the need to obtain additional State funding.

Mr. Spivey outlined a plan calling for allocation of State and County funds for 15 new short-term residential treatment beds at Lakeside Alternatives; designation of Lakeside Alternatives as the single point-of-access for law enforcement, and pursuit of a joint community legislative lobbying strategy to fund additional mental health and substance abuse beds.

Discussion

The Board discussed the inequity of funding for the districts within the State; the possibility of future funding for the Densch Center and focusing on funding for mental health services in the community. It further discussed the lack of response in Tallahassee regarding funding for mental health; making mental health a top legislative priority; and formation of a task force to lobby for funding for treating mental illness.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved entering into a contract with Lakeside Alternatives not to exceed \$1 million

to purchase mental health services for the Corrections Division; and further, approved an exception to "nearest public receiving facility" requirement of the Baker Act.

(Contract Y9-2057 will be on file in the Purchasing and Contracts Department.)

CORRECTIONS DIVISION DISCUSSION AGENDA - CONTINUED

2. Discussion concerning privatization of Corrections medical and mental health services.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Butler, and carried with all members present and voting AYE by voice vote, the Board approved Option 1 as follows:

- Maintain the Medical Section as a County-operated organization and add the resources in staff, funds, and professional administration necessary to protect the County from further excess liability.

PLANNING AND DEVELOPMENT DIVISION DISCUSSION AGENDA

1. Presentation regarding the status of the Environmentally Sensitive Lands Acquisition Program (Environmental Protection Department).

Staff Report

Environmental Protection Department Manager Anna Hacha-Long updated the Board regarding the Environmentally Sensitive Lands Acquisition Program. Ms. Hacha-Long narrated a video which reviewed the amount of acreage acquired for natural area preservation and recreation and the County funds and grants spent for this purpose.

Discussion

The Board discussed the need to purchase available land in northwest Orange County, the possibility of adding additional properties to the purchase list, the use of available funds to enhance present recreational areas, and funds sent to south Florida for land use partnership.

Action

The Board did not take any action.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

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

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

The Board paused for an invocation by Melissa Ann Hinson, chairwoman of the University of Central Florida President's Leadership Council, followed by the Pledge of Allegiance to the Flag.

Presentation of Service Awards

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

- Barbara L. Luttrell of the Planning and Community Services Division for 30 years of service.
- Almellia S. Brown and Sammy E. Fadley of the Health and Family Services Division for 20 years of service.
- Ted D. Brown and Brian M. McGrew of the Fire Rescue Division for 20 years of service.
- David A. Hall of the Fire Rescue Division for 25 years of service.

UTILITY PUBLIC HEARING - WATER AND WASTEWATER PIPELINE CROSSING OF ECON RIVER; EXTENSION OF SERVICE; RECOMMENDATIONS OF THE EAST ORANGE COUNTY TASK FORCE; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a water and wastewater pipeline

crossing of Econ River and extension of water and wastewater services to C.R. 419 and S.R. 50 with consideration of the recommendations of the East Orange County Task Force.

Report

Grant Downing, chairman of the East Orange County Task Force, addressed the Board and stated that the Task Force conducted eight meetings to consider and make recommendations on growth management policy for the area of Orange County east of the Econ River. Mr. Downing reviewed the recommendations of the Task Force and pointed out that the majority of the members agreed that oversized sewer lines should cross the Econ River; however, they should be only for residents of existing rural settlements. He further noted that these pipelines should be reserved for those residents only until such time as funds are available for them to connect to water and sewer, and that pipelines should not be constructed as a means for inducing or allowing additional development.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board accepted the Report of the East Orange County Task Force.

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

Staff Report

Utilities Division Director Alan Ispass stated that the purpose of this hearing is to decide whether or not to oversize the water and wastewater pipelines crossing the Econ River and extending to C.R. 419 which will be constructed by the developer of Cypress Lakes. Mr. Ispass reviewed the location of the pipelines and the costs of oversizing same.

Commissioner Edwards reviewed the motion he will be proposing. Commissioner Freeman suggested amending Condition 5 to read, "Nonvested development shall not be allowed to connect to the extended utility lines until a sector plan is approved."

Appearances

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

- Virginia Cebula, 2527 Ardon Avenue, Orlando, Florida.

- Tom Daly, 611 West Fairbanks Avenue, Winter Park, Florida.
- Hugh Harling; 850 Courtland Street, Orlando, Florida; representing three property owners.
- Alison Yurko, Esquire; Gray, Harris & Robinson, P.A.; 201 East Pine Street, Orlando, Florida; representing property owners.
- Bob Carrigan, 18350 East Colonial Drive, Orlando, Florida.
- Eloise Rybolt, 2929 Lake Pineloch Boulevard, Orlando, Florida.

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

- Cory Goodman, 258 South C.R. 13, Bithlo, Florida.
- Anita Chamberlain, president of Bithlo Civic Association; 2909 Eighth Street, Bithlo, Florida.
- Bob Whitmer, 695 Riverwood Trail, Chuluota, Florida.
- William Pons, 18501 15th Avenue, Orlando, Florida.
- Michael Forest, 601 North Interlachen Drive, Winter Park, Florida.
- Burton Eno, 2972 South Tanner Road, Orlando, Florida.
- Bruce Stephenson, 1445 Mayfield Avenue, Winter Park, Florida.
- Kay Yeuell, 220 White Oak Circle, Maitland, Florida.
- John Puhek, 4425 Winderwood Circle, Orlando, Florida.
- John Winfrey (no address given).
- Susan Eberle, 652 West Palm Valley Drive, Oviedo, Florida.
- Ken Bosserman (no address given).

The following persons addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

- Gerald Braley, 1943 Greenmeadow Lane, Orlando, Florida.
- Jerry Bell, 4123 Chuluota Road, Orlando, Florida.
- Eugene Stoccardo, 715 Warrenton Road, Winter Park, 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 Butler, and carried with Commissioners Freeman, Staley, Edwards, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Hoenstine and Johnson voting NO by voice vote; the Board approved a water and wastewater pipeline crossing of Econ River and extension of water and wastewater services to C.R. 419 and S.R. 50 as recommended by the East Orange County Task Force, subject to the following conditions:

1. In the event that the developer of Cypress Lakes Investments, Limited, at its own cost, extends a 20-inch diameter water main and 12-inch diameter wastewater force main across the Econ River to the intersection of S.R. 50 and C.R. 419, then, the County will, by paying the incremental cost, oversize the water main from a 20-inch diameter to a 24-inch diameter from Sunflower Trail to the intersection of S.R. 50 and C.R. 419 and oversize the wastewater force main from a 12-inch diameter to a 24-inch diameter from Sunflower Trail to just east of the Econ River.
2. This action is an affirmative finding by the Board of County Commissioners that the extension is intended to remediate health and safety concerns in the Bithlo Rural Settlement.
3. The extended utility lines shall be utilized from only vested development within the Rural Settlement.
4. The extended utility lines shall not be a justification or basis for approving new development.
5. The utility lines shall not be used for any new nonvested development beyond one (1) unit per acre in the Rural Settlements.

- 6. Nonvested development shall not be allowed to connect to the extended utility lines unless and until the Urban Service Area boundary is extended to include such nonvested development or a sector plan is approved.
- 7. These conditions shall be incorporated into the Comprehensive Policy Plan as part of the Evaluation and Appraisal Report (EAR) Based Amendments in 1999.

Action

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board approved amending Condition 5 as follows:

- Nonvested development shall not be allowed to connect to the extended utility lines until a sector plan is approved.

Action

A motion by County Chairman Chapin, seconded by Commissioner Johnson; with County Chairman Chapin and Commissioners Hoenstine and Johnson voting AYE by voice vote; Commissioners Freeman, Staley, Edwards, and Butler voting NO by voice vote, to approve deleting the words "and oversize the wastewater force main from a 12-inch diameter to a 24-inch diameter from Sunflower Trail to just east of the Econ River" to read, "and allow the crossing of the Econ only with water lines" in Paragraph 1 failed.

BOARD OF ZONING ADJUSTMENT APPEAL - APPLICANT/APPELLANT: CHARLES W. CLAYTON, JR.; ITEM 12, AUGUST 6, 1998; DISTRICT 5 (CONTINUED FROM SEPTEMBER 22, 1998)

By consensus, the Board reopened the public hearing to 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, continued from the September 22, 1998, Board meeting.

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

Staff Report

Zoning Department Manager Melvin Pittman explained that the public hearing was continued to allow the applicant additional time to obtain further information regarding drainage issues. Mr. Pittman outlined the request and identified the location of the subject property, the surrounding zoning classifications, the Future Land Use Map designations in the area, and noted that the Board of Zoning Adjustment recommended denial of the request. He stated that the request to eliminate the 7.0-foot-wide landscape buffer is being withdrawn and only the request for 55 paved parking spaces is to be considered.

Commissioner Staley left the meeting.

Appearances

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

- Mark Davis (no address given), for the applicant.

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

- Lou Blanchard, 255 Blossom Lane, Winter Park, Florida.
- Diana Ellis, 228 Blossom Lane, Winter Park, Florida.
- Bruce Barker, 228 Blossom Lane, Winter Park, Florida.

Discussion

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

Action

By consensus, the Board accepted the applicant's withdrawal for a 7.0-foot-wide landscape buffer.

Action

A motion by Commissioner Edwards, seconded by Commissioner Freeman; with County Chairman Chapin and Commissioners Freeman and Edwards voting AYE by voice vote; Commissioners Hoenstine, Johnson, and Butler voting NO by voice vote; Commissioner Staley was absent; to uphold the decision of the Orange County Board of Zoning Adjustment and deny the 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 failed.

Action

By consensus, the Board continued the public hearing to consider the 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 until November 10, 1998, at 9 a.m., for decision only.

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/Land Use Plan (PD/LUP), to amend the LUP 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 Beck (no address given), for the applicant.

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

- Christina Miranda, 2902 Woolridge Drive, Orlando, Florida, for

the homeowners' association.

- Linda Phelan, 11142 Dory Court, Orlando, 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 Hoenstine, and carried with County Chairman Chapin and Commissioners Freeman, Johnson, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Butler voting NO by voice vote; Commissioner Staley was absent; the Board denied the request by Richard D. Merkel, Sky Lake South Planned Development/Land Use Plan (PD/LUP), to amend the LUP to allow for overnight parking of tour buses and shuttle vans within the Waterbridge Downs Shopping Center.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - LITTLE LAKE BRYAN PLANNED DEVELOPMENT, PHASE 1/PARCEL 1, LOTS 1-5, PRELIMINARY SUBDIVISION (CONTINUED FROM SEPTEMBER 22, 1998), DISTRICT 1

By consensus, the Board reopened the public hearing to consider the Little Lake Bryan Planned Development, Phase 1/Parcel 1, Lots 1-5, Preliminary Subdivision Plan, continued from the September 22, 1998, Board meeting.

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

Staff Report

Planning Department Manager David Heath explained that the public hearing was continued due to concerns regarding stormwater flooding in the area. Mr. Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Appearances

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

- Dwight Saathoff, Esquire; Holland and Knight, P.A. (no address given); for the applicant.

- Katherine Hathaway, development manager for Little Lake Bryan (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 Freeman, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board approved the Little Lake Bryan Planned Development, Phase 1/Parcel 1, Lots 1-5, Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Little Lake Bryan Planned Development, Phase 1/Parcel 1, Lots 1-5, Preliminary Subdivision 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 (BCC), or by action of the BCC.

This Preliminary Subdivision Plan approval automatically expires on November 3, 1999, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this Planned Development.
3. Prior to construction plan approval, the size, location, and points of connection for water mains, wastewater mains, and force mains shall be determined.
4. A Master Sign Plan shall be submitted and approved in conjunction with the first development plan submittal.

5. The waiver from Section 38-1287 from Orange County Code to allow zero building setbacks for the hotel entrance canopies is granted abutting Tract A, as Tract A is a privately owned/maintained driveway.
6. Waiver from Section 34-152(c) to subdivide off a public street is approved.
7. A waiver from Section 34-152(c) to allow Lot 1 to develop on an easement is granted.
8. The development agrees to participate in drainage MSTU/BU when established by the BCC. Their participation shall be in proportion to the benefit accrued to their property.

ORDINANCE PUBLIC HEARING - AMENDED AND RESTATED ORDINANCE ESTABLISHING FALCON TRACE COMMUNITY DEVELOPMENT, DISTRICT 4

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

AN AMENDED AND RESTATED ORDINANCE ESTABLISHING THE FALCON TRACE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1997); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Assistant County Attorney Paul Chipok reviewed the proposed ordinance and outlined its provisions. Mr. Chipok stated that this ordinance is being brought for Board approval because of a scrivener's error regarding the legal description.

Appearances

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

Discussion

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

Action

Upon a motion by County Chairman Chapin, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the proposed ordinance amending and restating the establishment of the Falcon Trace Community Development.

(Ordinance 98-30 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, ARTICLE V, SCHOOL IMPACT FEE ORDINANCE; AND RESOLUTION PROVIDING FOR SCHEDULE THAT STAGGERS FUTURE IMPACT FEE AND CAPITAL CHARGE REVIEWS

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

AN ORDINANCE AMENDING THE ORANGE COUNTY CODE, ARTICLE V, SCHOOL IMPACT FEES; PROVIDING FINDINGS; AMENDING AND ADDING CERTAIN DEFINITIONS AND FINDINGS; ADOPTING A CERTAIN IMPACT FEE STUDY; REVISING THE IMPOSITION OF THE IMPACT FEE; PROVIDING FOR THE IMPACT FEE TO BE PAID AS A CONCURRENCY PAYMENT AND A CERTIFICATE OF OCCUPANCY PAYMENT; PROVIDING FOR THE CONCURRENCY PAYMENT TO BE IMPOSED AS A SCHOOL ASSESSMENT; AMENDING THE USE OF MONIES, ALTERNATIVE SCHOOL IMPACT FEE CALCULATION, REMEDIAL COLLECTION METHODS, CREDITS AND REVIEW HEARINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

and

RESOLUTION PERTAINING TO IMPACT FEES AND CAPITAL CHARGES PROVIDING FOR SCHEDULE THAT STAGGERS FUTURE IMPACT FEE AND CAPITAL CHARGE REVIEWS.

Staff Report

County Attorney Tom Wilkes reviewed the proposed ordinance and resolution and outlined their provisions.

Appearances

The following persons addressed the Board in favor of the proposed ordinance and resolution:

- Dr. Dennis Smith, Superintendent of Orange County Public Schools (no address given).

- Teresa Jacobs, chairman School Impact Fee Committee (no address given).
- Tom Lagomarsino; 544 Mayo Avenue, Maitland, Florida; representing Homebuilders' Association of Mid Florida.
- Dick Spears, chairman of the Local Planning Agency (no address given).
- Dr. Henry Boekhoff, Deputy Superintendent of Orange County Public Schools (no address given).
- John Puhek, 4425 Winderwood Circle, Orlando, Florida.
- Michael Mulholland, Trammell Crow Development (no address given).

The following person addressed the Board with general comments:

- Bob Harrell (no address given).

No one appeared in opposition to the proposed ordinance and resolution. Commissioner Edwards suggested that the ordinance provide that impact fees be used for permanent structures for all Orange County students; and further, that development plans which are in the County's system as of November 3, 1998, shall be considered vested.

Legal Counsel

Assistant County Attorney Paul Chipok advised the Board that the effective date of the ordinance shall be February 1, 1999.

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 Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Staley was absent; the Board adopted the proposed ordinance amending Orange County Code, Article V, School

Impact Fee Ordinance with changes as recommended by staff as follows:

- the effective date of the ordinance shall be February 1, 1999;
- impact fees shall not be used for modular or portable classrooms;

and further, adopted a resolution pertaining to Impact Fees and Capital Charges.

(Ordinance 98-31 and Resolution 98-M-50 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:45 p.m.