

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, December 8, 1998. The following were present:

- County Chairman Mel Martinez
- Commissioners Bob Freeman, Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

There being a quorum, the County Chairman called the meeting to order at 1:30 p.m.

The Board paused for an invocation by Rico Brown, executive secretary to Commissioner Hartage, followed by the Pledge of Allegiance to the Flag.

COUNTY CONSENT AGENDA

Action

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

- deferred Administrative Support Division Item 3 for discussion (see page 179 for discussion and page 199 for further discussion and subsequent approval);
- deferred Fiscal and Human Resources Division Item 1 for discussion (see page 180 for discussion and subsequent approval);
- deleted Fiscal and Human Resources Division Item 3;
- deferred Fiscal and Human Resources Division Item 8 for discussion (see page 181 for discussion and subsequent approval);
- deferred Planning and Community Services Division Items 1, 2, and 3 for discussion (see page 182 for discussion and subsequent approval);

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

County Comptroller

1. Acknowledgment of receipt of the following "file for the record" documents:
 - a. Copy of the minutes of the September 16, 1998, meeting of the Falcon Trace Community Development District Board of Supervisors; dated October 7, 1998.
 - b. Annual Reports for the Florida Division of Forestry Fire Control and Cooperative Forestry Assistance programs; dated October 13, 1998.
 - c. Copy of Report No. 13311, operational audit of the expenditures of the South Florida Water Management District for the period October 1, 1996, through September 30, 1997; dated October 26, 1998.
 - d. State of Florida Division of Bond Finance Local Bond Monitoring Section, Bond Information Form BF2003 for the Greater Orlando Aviation Authority's Airport Facilities Primary Subordinated Revenue Refunding Bond (Terminal Hotel Facility) 1998 Series B of the City of Orlando; dated October 27, 1998.
 - e. State of Florida Division of Bond Finance Local Bond Monitoring Section, Bond Information Form BF2003 for the Greater Orlando Aviation Authority's Airport Facilities Primary Subordinated Revenue Refunding Bond (Terminal Hotel Facility) 1998 Series C of the City of Orlando; dated October 27, 1998.
 - f. Meeting notice re: Bradshaw Road to Orange North Mall Entrance - Western Beltway, Part A; Florida Department of Transportation in conjunction with the Orlando/Orange County Expressway Authority; dated November 4, 1998.

(Comptroller Clerk of the Board of County Commissioners)

Administrative Support Division

1. Approval and authorization to record instrument and disburse warrant to pay appropriate recording fees: Banana Bay

Estates, Drainage Easement, District 1 (Real Estate Management Department).

- 2. Approval and authorization to record instrument in connection with development: Quenton Drive Right-of-Way Petition to Vacate 98-06, Drainage and Utility Easement, District 2 (Real Estate Management Department).
- 3. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Orange County Convention Center - Phase V Expansion, District 6 (Real Estate Management Department).

(As stated in the above motion, this item was deferred for discussion and subsequent approval. See pages 179 and 199.)

Fiscal and Human Resources Division

- 1. Approval of Amendment 4, Contract Y7-900B, Task Authorization 4, with Miller, Sellen, Conner, and Walsh for eminent domain services in the Orange County vs. Gordon Nutt (Winter Garden - Vineland Road [C.R. 535]). Amendment amount is not to exceed \$49,921. New contract total estimated amount to date is \$105,897.51 ([Public Works Engineering Department] Purchasing and Contracts Department).

(As stated in the above motion, this item was deferred for discussion; see page 180 for subsequent approval.)

- 2. Approval to increase Term Contract Y8-175 with Medical Tel-net, dba Simpson & Simpson Trucking, for shell road base. The total amount is not to exceed \$699,750 ([Roads and Drainage Department] Purchasing and Contracts Department).
- 3. Approval to amend Contract Y8-190-SI with Strategic Advisory Group, for consulting services for Phase V Expansion of the Convention Center. The amount of the amendment is \$500,000. The new contract amount is \$750,000 ([Convention Center] Purchasing and Contracts Department).

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

- 4. Approval to provide prior authority to award Invitation for Bid Y9-715-DB to the low responsive and responsible bidder,

for S.R. 15, Conway Road utility improvements (Curry Ford to Hoffner Road). The total budget amount is \$1,974,698 ([Utilities Engineering Department] Purchasing and Contracts Department).

5. Approval of Contract Y9-2059 to Orlando Museum of Art for funding for fiscal year 1998-1999 in the amount of \$500,000 ([Office of Management and Budget] Purchasing and Contracts Department).

6. Approval to award the listed proprietary contracts Y9-3090 through Y9-3095 for indigent patient care in the amounts noted:

Orlando Regional Healthcare System	\$591,905
Florida Hospital	\$434,895
Health Central	\$ 39,736
Lucerne Medical Center	\$ 56,006
Winter Park Memorial	\$ 36,678
Princeton	\$ 40,780

([Medical Clinic] Purchasing and Contracts Department).

7. Approval to increase Contract Y8-128 with Argenbright Security, Inc., for security guard services at County facilities. The estimated increase in contract amount is \$284,051.04. New estimated contract amount is \$1,210,957.84 ([General Services Department] Purchasing and Contracts Department).

8. Approval to disburse Orange County's portion of the City of Orlando's Community Redevelopment Agency tax increment in the amount of \$3,844,028 (Office of Management and Budget).

(As stated in the above motion, this item was deferred for discussion; see page 181 for subsequent approval.)

9. Approval of Budget Amendment 99-14 (Office of Management and Budget).

(Budget Amendment 99-14 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

10. Approval of payment of intergovernmental claims for November 19, 1998, totaling \$204,334.57 (Risk Management Department).

11. Receipt and filing of the minutes of the November 12, 1998, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Department).
12. Approval and execution of a resolution approving the issuance by the Orange County Health Facilities Authority of its Tax-Exempt Mortgage Revenue Bonds (South Central Nursing Homes, Inc., project), Series 1998A in an aggregate principal amount not to exceed \$29,000,000 (Orange County Health Facilities Authority).

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

Planning and Community Services Division

1. Approval and execution of Alternative Road Impact Fee Agreement between Lowe's Home Centers, Inc. (for Lowe's Home Center), and Orange County, District 1 (Building Department).

(As stated in the above motion, this item was deferred for discussion; see page 182 for subsequent approval.)

2. Approval and execution of Alternative Road Impact Fee Agreement between AutoZone, Inc. (for AutoZone), and Orange County, District 4 (Building Department).

(As stated in the above motion, this item was deferred for discussion; see page 182 for subsequent approval.)

3. Approval and execution of Alternative Road Impact Fee Agreement between WSG Sand Lake LP (for For Eyes Optical) and Orange County, District 6 (Building Department).

(As stated in the above motion, this item was deferred for discussion; see page 182 for subsequent approval.)

4. Approval and execution to renew the Osceola County Agreement between Osceola County and Orange County, Florida, in the amount of \$42,500, which will be used to provide community services to residents of Osceola County at the Orange County Community Action Office located in Kissimmee. Services include, but are not limited to, the provision of food or food

vouchers, shelter vouchers, clothing, and toys. Term of the agreement is October 1, 1998, through September 30, 1999. There is 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.)

Public Works Division

1. Approval of "Yield" sign installation in the Fieldstream North Subdivision, District 4 (Traffic Engineering Department).
2. Approval to establish "No Parking" zones on the north and south sides of 23rd Street between South Orange Blossom Trail and Woods Avenue, District 6 (Traffic Engineering Department).
3. Approval and execution by the County Chairman of an agreement with CSX Transportation for construction of a waterline crossing under the railroad's right-of-way for the South Chase Road construction project. The fee associated with this agreement is \$515, District 4 (Public Works Engineering Department).

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

4. Approval and execution by the County Chairman of three agreements with CSX Transportation for construction of stormwater crossings at three locations under the railroad's right-of-way for the Orange Avenue Phase III construction project. The fees associated with these agreements total \$7,375, District 4 (Public Works Engineering Department).

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

5. Approval and execution by the County Chairman of an agreement with CSX Transportation for construction of a four-lane bridge in an aerial easement over the railroad's right-of-way for the Orange Avenue Phase III bridge construction project. The agreement provides reimbursement to the railroad in the estimated amount of \$33,479.99 for conveyance of the aerial easement and relocation of communication cables, District 4 (Public Works Engineering Department).

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

6. Approval to issue Change Order 2-UD to Contract Y7-768, Turkey Lake Road improvements; Central Florida Parkway to south of Sand Lake Road, to State Contracting and Engineering Corporation in the increased amount of \$203,472.98 (Highway Construction Department).

COUNTY CHAIRMAN'S REPORT - DISCUSSION AGENDA

1. Discussion regarding appointment of Commissioner Hartage and Commissioner Sindler to MetroPlan Orlando with terms expiring January 2003; reappointment of Commissioner Hoenstine to MetroPlan Orlando with a term expiring January 2003; appointment of County Chairman Martinez as the permanent alternate on MetroPlan Orlando; and appointment of County Chairman Martinez to the Greater Orlando Aviation Authority with a term expiring April 16, 2000.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board appointed Commissioners Hartage and Sindler to MetroPlan Orlando with terms expiring December 1, 2002; reappointed Commissioner Hoenstine to MetroPlan Orlando with a term expiring December 1, 2002; appointed County Chairman Martinez as the permanent alternate on MetroPlan Orlando with a term expiring December 1, 2002; and appointed County Chairman Martinez to the Greater Orlando Aviation Authority with a term expiring December 1, 2000.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Approval and execution of an agreement with the Orange County Public School District for the After-School Pilot Program and authorization to disburse grants to the following seven schools: Corner Lakes, Discovery, Liberty, Lockhart, Ocoee, Robinswood, and Union Park; all districts.

Staff Report

Assistant County Administrator Sharon Donoghue reviewed the process which was used to develop the After-School Pilot

Program in partnership with the Orange County Public School District.

Rosalinda Hernandez, a school board representative, addressed the Board and introduced principals of the participating schools. Ms. Hernandez described the educational, social services, and recreational programs to be instituted.

Barbara Rushing, a newly elected school board member, thanked the Board for its commitment to this program.

County Chairman Martinez stated that Interim County Administrator George Rodon will be meeting with School Superintendent Dennis Smith next week to discuss the future of these programs.

Discussion

The Board discussed the positive effect the after-school program has had on student behavior, the Walker Middle School Model Program, and future sports programs.

Citizens' Commission for Children Manager Lee Ann Lowery discussed increased funding for these school programs and the positive effect it has had on the participants. Ms. Lowery noted that the 13 current neighborhood centers will support the new programs.

In response to a question from Commissioner Johnson regarding continuation of this program after current funding ends, Ms. Donoghue responded that the school board will forward its report to the County with options and recommendations in time for the Board to consider additional funding during its budget process.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved an agreement with the Orange County Public School District for the After-School Pilot Program and authorized disbursing grants to the following seven schools: Corner Lakes, Discovery, Liberty, Lockhart, Ocoee, Robinswood, and Union Park.

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

COMMISSIONER'S REPORT - DISCUSSION AGENDA - ADDENDUM 1

1. Commissioner Freeman wishes to request Board approval of a resolution in support of legislative funding for an interchange at West Highway 50 and Maguire Road, District 1.

Commissioner's Report

Commissioner Freeman requested Board approval of the Windermere Road Interchange Modification Report (IMR) and support of a letter to the Turnpike Authority to modify the IMR for redesign of the interchange.

Discussion

The Board deferred this item for further discussion (see page 192.)

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Administrative Support Division

3. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Orange County Convention Center - Phase V Expansion, District 6 (Real Estate Management Department).

Legal Counsel

In response to Commissioner Edwards' request for clarification of vacation of property when a condemnation proceeding is pending, County Attorney Tom Wilkes stated the Board that a petition to vacate is not like a request for land use approval. Mr. Wilkes explained that a petition to vacate is a request by a property owner asking the government to give up interest in a portion of land. He noted that if a petition to vacate coincides with a condemnation, it could be a good bargaining point.

Discussion

The Board discussed the need for further information regarding this condemnation proceeding; environmental studies and purchase price for the parcel in question; and whether this issue is time-sensitive.

Real Estate Department Manager George Hart informed the Board

that closing on the south parcel of land is scheduled for December 15, 1998, at 1 p.m. Mr. Hart further stated that if negotiations with the property owner are unsuccessful, then condemnation proceedings must be initiated.

In response to a question from County Chairman Martinez about delaying the closing for one week, George Hart responded that the seller may cancel the contract.

County Chairman Martinez deferred this item for further discussion (see page 199).

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

1. Approval of Amendment 4, Contract Y7-900B, Task Authorization No. 4, with Miller, Sellen, Conner, and Walsh for eminent domain services in the Orange County vs. Gordon Nutt (Winter Garden - Vineland Road [C.R. 535]). Amendment amount is not to exceed \$49,921. New contract total estimated amount to date is \$105,897.51 ([Engineering Department] Purchasing and Contracts Department).

Staff Report

In response to Commissioner Edwards' request for additional information regarding this condemnation proceeding, Assistant County Attorney Bryant Applegate stated that the County had to incur the cost of this condemnation proceeding based on a preliminary subdivision plan which was approved ten years ago. Mr. Applegate noted that the consulting firm has worked on this matter for more than two years and has done a good job negotiating it.

Discussion

The Board discussed possible future legislation to help counties in condemnation cases avoid excessive legal fees and the possibility of changing the building permit process.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved Amendment 4, Contract Y7-900B, Task Authorization 4, with Miller,

Sellen, Conner, and Walsh for eminent domain services in the Orange County vs. Gordon Nutt (Winter Garden - Vineland Road [C.R. 535]). Amendment amount is not to exceed \$49,921; new contract total estimated amount to date is \$105,897.51.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Fiscal and Human Resources Division

8. Approval to disburse Orange County's portion of the City of Orlando's Community Redevelopment Agency tax increment in the amount of \$3,844,028 (Office of Management and Budget).

Discussion

County Chairman Martinez stated that the City of Orlando should decide when the Community Redevelopment Agency (CRA) should sunset. He pointed out that since new construction in the downtown area is occurring due to the completion of the courthouse, the use of County and City tax dollars to stimulate downtown investment is no longer needed.

County Chairman Martinez further stated that he has convened the Martinez Transportation Commission to review light rail. He explained that one of the questions the Commission will ask the City of Orlando and Lynx is if the City expects to use future CRA funds to reimburse itself for contribution to capital or operating costs of the light rail system. County Chairman Martinez noted that commissioners will be receiving questionnaires requesting their input about the CRA, after which these will be sent to local agencies.

Discussion

The Board discussed sunsetting the CRA for the city of Orlando.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved disbursement of Orange County's portion of the City of Orlando's Community Redevelopment Agency tax increment in the amount of \$3,844,028.

COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

Planning and Community Services Division

1. Approval and execution of Alternative Road Impact Fee Agreement between Lowe's Home Centers, Inc. (for Lowe's Home Center), and Orange County, District 1 (Building Department).

and

2. Approval and execution of Alternative Road Impact Fee Agreement between AutoZone, Inc. (for AutoZone), and Orange County, District 4 (Building Department).

and

3. Approval and execution of Alternative Road Impact Fee Agreement between WSG Sand Lake LP (for For Eyes Optical) and Orange County, District 6 (Building Department).

Staff Report

In response to the County Chairman's request for clarification of impact fees waivers, Planning Department Manager David Heath informed the Board that these agreements are not waivers and that road impact fees are based on trip generation. Mr. Heath reviewed the impact fee structure and stated that an applicant may request adjustment of impact fees after County monitoring of the affects area's traffic pattern.

Discussion

The Board discussed the positive effect of impact fees and the County's method of calculation.

Action

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

- Alternative Road Impact Fee Agreement between Lowe's Home Centers, Inc. (for Lowe's Home Center), and Orange County;
- Alternative Road Impact Fee Agreement between AutoZone, Inc. (for AutoZone), and Orange County;

- **Alternative Road Impact Fee Agreement between WSG Sand Lake LP (for For Eyes Optical) and Orange County.**

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

Commissioner Freeman left the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: GARY D. SMITH; NO 98-06, PORTION OF 30.0-FOOT RIGHT-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gary D. Smith, Jr., Petition to Vacate 98-06, to vacate a portion of a 30.0-foot right-of-way known as Quenton Drive in Lake Pleasant Estates, which is generally located south of Sugar Pine Road and approximately 500 feet east of the Sugar Pine Road/South Apopka Boulevard inter- section; District 2; Section 14, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

- Gary D. Smith, the applicant, 1203 Boxwood Drive, Apopka, Florida.

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

- Maria Snyder, 1212 Boxwood Drive, Apopka, Florida.
- Walter Hirsch, 1220 Boxwood Drive, Apopka, Florida.

Discussion

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

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote, Commissioner Freeman was absent; the Board continued the public hearing to consider Petition to Vacate 98-06 vacating a portion of a 30.0-foot right-of-way known as Quenton Drive in Lake Pleasant Estates on the above-described property, until January 26, 1999, at 2 p.m.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: MARK BOKART; NO. 98-32, PORTION OF A 60.0-FOOT RIGHT-OF-WAY; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mark Bokhart, Petition to Vacate 98-32, to vacate a portion of a 60.0-foot right-of-way known as Dowd Avenue per the plat of University Heights, which is generally located west of Edgewater Drive and approximately 600 feet north of Maury Road; District 2; Section 10, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

- Mark Bokhart, the applicant, 1104 Grant Boulevard, Orlando, Florida.

No one appeared in opposition to the request.

Discussion

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

Commissioner Freeman rejoined the meeting.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner

Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider Petition to Vacate 98-32 vacating a portion of a 60.0-foot right-of-way known as Dowd Avenue per the plat of University Heights on the above-described property, until December 15, 1998, at 2 p.m.

Commissioner Johnson left the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: JAMES C. WILLARD; NO. 98-33, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by James C. Willard, Petition to Vacate 98-33, to vacate a portion of Holden Avenue right-of-way, which is generally located west of John Young Parkway and approximately 2,050 feet north of the John Young Parkway/American Boulevard intersection; District 1; Sections 8 and 9, Township 23, 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

Deputy Public Works Division Director Bill Baxter reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

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

No one appeared in opposition to the request.

Discussion

County Chairman Martinez 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 98-33 vacating a portion of Holden Avenue right-of-way 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: DANIEL E. HARPER, NO. 98-34, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Daniel E. Harper, Petition to Vacate 98-34, to vacate a portion of Harlie Street right-of-way, formerly known as "Center Street," which is generally located south of Wallace Road and east of Dr. Phillips Boulevard; District 1; Section 13, 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

Deputy Public Works Division Director Bill Baxter 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 Martinez closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote, Commissioner Johnson was absent; the Board adopted a resolution granting Petition to Vacate 98-34 vacating a portion of Harlie Street right-of-way, formerly known as "Center Street," 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: GLENN I. DRUMMOND; NO. 98-41, 14.0-FOOT ALLEY; DISTRICT 4

Notice was given that the Board of County Commissioners would hold

a public hearing to consider a request by Glenn I. Drummond, Petition to Vacate 98-41, to vacate a 14.0-foot alley lying between Lots 1-5, Block 1, Tier 5, and Lots 6-10, Block 1, Tier 5, of Taft Prosper Colony, which is generally located at 9621 Sidney Hayes Road; District 4; Section 1, 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

Deputy Public Works Division Director Bill Baxter 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 Martinez closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote, Commissioner Johnson was absent; the Board adopted a resolution granting Petition to Vacate 98-41 vacating a 14.0-foot alley lying between Lots 1-5, Block 1, Tier 5, and Lots 6-10, Block 1, Tier 5, of Taft Prosper Colony 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: LAND SERVICE GROUP, INC.; NO. 98-43, 10.0-FOOT UTILITY EASEMENT; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Land Service Group, Inc., Petition to Vacate 98-43, to vacate a 10.0-foot utility easement in Lot 4 of the Sunforest Subdivision, which is generally located west of Goldenrod Road and approximately three-quarters of a mile north of the East-West Expressway; District 3; Section 26, Township 22, Range 30; Orange County, Florida.

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

Staff Report

Deputy Public Works Division Director Bill Baxter 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 Martinez closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Sindler, 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 98-43 vacating a 10.0-foot utility easement in Lot 4 of the Sunforest Subdivision, 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: MARK A. GRIFFIN, NO. 98-47, 10.0-FOOT PORTION OF A 30.0-FOOT DRAINAGE AND UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mark A. Griffin, Petition to Vacate 98-47, to vacate a 10.0-foot portion of a 30.0-foot drainage and utility easement located on Lot 13 of Crescent Lake Estates East Subdivision, which is generally located south of Windermere Road and approximately 3,900 feet west of the Windermere Road/Maguire Road intersection; District 1; Section 6, Township 23, Range 28; Orange County, Florida.

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

Staff Report

Deputy Public Works Division Director Bill Baxter reviewed the

request and the recommendation for approval of the petition to vacate as submitted.

Appearances

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

- Mark Griffin, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote, Commissioner Johnson was absent; the Board adopted a resolution granting Petition to Vacate 98-47, vacating a 10.0-foot portion of a 30.0-foot drainage and utility easement located on Lot 13 of Crescent Lake Estates East Subdivision, 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: HUBERT WATSON, NO. 98-49, 10.0-FOOT UTILITY EASEMENT; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hubert Watson, Petition to Vacate 98-49, to vacate a 10.0-foot utility easement located between Lots 4 and 5 in the Heather Glen at Sweetwater Country Club Subdivision, which is generally located east of Wekiva Springs Road and approximately 3,000 feet south of the Wekiva Springs Road/Welch Road intersection; District 2; Section 36, Township 20, 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

Deputy Public Works Division Director Bill Baxter 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 Martinez closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Sindler, 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 98-49 vacating a 10.0-foot utility easement located between Lots 4 and 5 in the Heather Glen at Sweetwater Country Club Subdivision, on the above-described property.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - ANDOVER LAKES PLANNED DEVELOPMENT/ANDOVER LAKES PHASE 4 PRELIMINARY SUBDIVISION, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Andover Lakes Planned Development/Andover Lakes Phase 4 Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of the future Curry Ford Road extension and east of Young Pine Road; District 4; Section 5, Township 23, Range 31; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

Commissioner Johnson rejoined the meeting.

Appearances

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

- Steve Miller; Miller, Sellen, Connor, and Walsh, Inc. (no address given); for the applicant.

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Andover Lakes Planned Development/Andover Lakes Phase 4 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Andover Lakes Planned Development, Orange County Board of County Commissioners' (BCC) approvals; and Phase 4 Preliminary Subdivision/Development Plan, dated "Received October 15, 1998," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the (BCC), or by action of the BCC.

This Preliminary Subdivision Plan approval automatically expires on December 8, 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, a temporary construction access agreement shall be approved by Orange County.
4. Development shall comply with the requirements of Resolution 96-M-22, "Gated Community Minimum Standard Conditions of Approval";

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

COMMISSIONER'S REPORT - DISCUSSION AGENDA - ADDENDUM 1 - CONTINUED

1. Commissioner Freeman wishes to request Board approval of a resolution in support of legislative funding for an interchange at West Highway 50 and Maguire Road, District 1 (see page 179).

Staff Report

Deputy Public Works Division Director Bill Baxter stated that he reviewed the road plan in question and recommends approval of the request.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved sending a letter to the Florida Department of Transportation supporting the Interchange Modification Report for redesign of the interchange and to ask for additional funding; and further, not to interfere with the funding of the Western Beltway or other Orange County transportation projects.

County Chairman Martinez left the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: CHARLES MADDEN, UNIVERSITY PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND THE LUP; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Charles Madden, University Planned Development/Land Use Plan (PD/LUP), to increase the maximum height from 35 feet to 45 feet; pursuant to Orange County Code, Section 38-1207. The property is generally located at the southeast corner of University Boulevard and Dean Road; District 5; Section 8, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the 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:

- Charles Madden, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote, County Chairman Martinez was absent; the Board approved the request by Charles Madden, University Planned Development/Land Use Plan (PD/LUP), to increase the maximum height from 35 feet to 45 feet; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: JOHN FRITH, BUENA VISTA 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 John Frith, Buena Vista Planned Development/Land Use Plan (PD/LUP), for an additional 53 rooms to an existing 280-room hotel on site; pursuant to Orange County Code, Section 38-1207. The property is generally located west of I-4 and south of Lake Avenue; District 1; Section 22, Township 24, Range 28; Orange County, Florida.

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

Staff Report

Planning Department Manager David Heath reviewed the change 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:

- Tommy Borrows, Esquire; Holland and Knight, LLP (no address given); for the applicant.

County Chairman Martinez rejoined the meeting.

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved the request by John Frith, Buena Vista Planned Development/Land Use Plan (PD/LUP), for an additional 53 rooms to an existing 280-room hotel on site; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Vista Center Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Vista Center Planned Development/Land Use Plan Amendment 98, dated "Received November 5, 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 BCC, or by action of the BCC.
2. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances. No construction plans will be approved until capacity has been obtained.
3. Billboards and pole signs shall be prohibited;

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: MONTJE S. PLANK, LAKE GLORIA PRESERVE PRELIMINARY SUBDIVISION; TEMPORARY TOT LOT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Montje S. Plank, Lake Gloria Preserve Preliminary Subdivision Plan, to construct a temporary tot lot to be utilized until a permanent pool and amenity area is constructed with the pool to be completed by the 125th Certificate of Occupancy; pursuant to Orange County Code, Article II, Section 34-27. The property is generally located north of Sand Lake Road and west of Orange Avenue; District 4; Sections 25 and 26, Township 23, 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:

- Montje S. Plank, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the request by Montje S. Plank, Lake Gloria Preserve Preliminary Subdivision Plan, to construct a temporary tot lot to be utilized until a permanent pool and amenity area is constructed with the pool to be completed by the 125th Certificate of Occupancy; which constitutes a substantial change to the development on the above-described property.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: CHARLIE TRUE, WESTLAKE UNIT 2
PRELIMINARY SUBDIVISION; MODIFY WALL REQUIREMENT; DISTRICT 2**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Charlie True, Westlake Unit 2 Preliminary Subdivision, to modify the requirements for a six-foot-high (6') masonry wall along Beggs Road for the double frontage lots. Instead, a 50-foot landscape buffer with development rights dedicated to Orange County and a maintenance easement dedicated to the homeowners' association is proposed; pursuant to Orange County Code, Article II, Section 34-27. The property is generally located north of Beggs Road and east of Hiawasse Road; District 2; Section 25, 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 change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Mr. Heath stated that the request has been amended as follows:

- delete, "with development rights," after, "buffer," and add, "shall be";
- add, "fee simple," after, "dedicated";
- delete, "will be provided," after, "Association";
- add, "that will terminate with the widening of Beggs Road," after, "Association."

Appearances

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

- Charlie True, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Charlie True, Westlake Unit 2 Preliminary Subdivision Plan, to delete the six-foot-high (6') masonry wall along Beggs Road for the double frontage lots in Unit 2. A 50-foot landscape buffer shall be dedicated fee simple to Orange County with a maintenance easement dedicated to the Homeowners' Association that will terminate with the widening of Beggs Road; which constitutes a substantial change to the development on the above-described property.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: JAMES R. HALL, INTERSTATE 4 PLAZA; CASE Z-98-110, OCTOBER 15, 1998; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by James R. Hall, Interstate 4 Plaza, to rezone Country Estate District (RCE) (1968) to Planned Development District (PD), on property which is generally located east of I-4, west of Westwood Boulevard, and north of Lake Willis; District 1; Section 14, 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 requested this public hearing be continued because responses for the Department of Community Affairs and the Regional Planning Council have not been received.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the request by James R. Hall, Interstate 4 Plaza, to rezone Country Estate District (RCE) (1968) to Planned Development District (PD), on the above-described property, until January 26, 1999, at 2 p.m.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: JAMES S. MORRIS, HAYNES/SMITH PLANNED DEVELOPMENT; CASE Z-98-074, OCTOBER 15, 1998; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by James S. Morris, Haynes/Smith Planned Development, to rezone Wholesale Commercial District (C-3) (1992) to Planned Development District (PD), on property which is generally located on the east side of South Orange Blossom Trail, one-fourth of a mile south of Taft-Vineland Road; District 4; Section 10, 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 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:

- James S. Morris, the applicant (no address given).

No one appeared in opposition to the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved the request by James S. Morris, Haynes/Smith Planned Development, to rezone Wholesale Commercial District (C-3) (1992) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Haynes/Smith Planned Development/Land Use Plan, dated "Received November 30, 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.
2. Billboards and pole signs shall be prohibited.
3. Prior to Development Plan approval, an impact fee agreement for the acquisition of future right-of-way for South Orange Blossom Trail shall be executed;

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

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

3. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings: Orange County Convention Center - Phase V Expansion, District 6 (Real Estate Management Department) (see page 179).

Discussion

County Chairman Martinez continued the discussion from earlier in the meeting.

Staff Report

Real Estate Department Manager George Hart reviewed the request for condemnation and the location of the property in question. Mr. Hart noted the contract states that the County acquire the property through negotiation or proceed with condemnation by December 15, 1998.

Convention Center General Manager Jessie Allen explained that if the Board does not proceed with this land purchase on December 15, 1998, the Convention Center expansion may be jeopardized.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with County Chairman Martinez and Commissioners Johnson, Edwards, and Hartage voting AYE by voice vote and roll call; Commissioners Freeman, Sindler, and Hoenstine voting NO by voice vote and roll call; the Board approved execution by the County Chairman of a resolution and authorization to initiate condemnation proceedings: Orange County Convention Center - Phase V Expansion.

County Chairman Martinez directed staff to contact Commissioners Sindler and Hartage regarding the terms of the contract and to provide each one with a copy.

County Attorney Tom Wilkes advised the Board that its vote is not for or against the contract, but to direct staff to either proceed or halt the closing which is scheduled for December 15, 1998.

(Resolution is 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 5:15 p.m.