

**FINAL MARCH 30, 1999, BCC MINUTES FOR BOARD REVIEW
PRIOR TO CONSENT AGENDA APPROVAL ON APRIL 13, 1999**

Please send additions, corrections, or deletions to **Rosalind Beck, CPCLRB1**, prior to the above Board of County Commissioners meeting date.

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 30, 1999. 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
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

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

COUNTY CONSENT AGENDA

Action

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

- deferred Administrative Support Department Items 12 and 13 for discussion (see pages 539 and 540 for subsequent approval);
- corrected Growth Management and Environmental Protection Department Item 5 to reflect the date of the January meeting as January 11, 1999.

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

County Comptroller

1. Approval of the minutes of the March 16, 1999, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. 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 March 18, 1999, to March 24, 1999; total of \$9,547,708.88.

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- Period from March 25, 1999, to March 25, 1999; total of \$9,906,948.39.

(Finance and Accounting Department)

County Administrator

1. Acceptance of the State of Florida Department of Juvenile Justice Sexual Abuse Intervention Network Grant Award in the amount of \$62,500 (Office of Management and Budget).
2. Approval and execution by County Chairman of a Disaster Relief Funding Agreement between Orange County and the State of Florida Department of Community Affairs, and approval and authorization for Eric Gassman, manager, Office of Management and Budget, to act as Orange County's designated agent under the terms of this agreement to execute requests for reimbursement, necessary certifications, and other supplementary documentation (Office of Management and Budget).

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

3. Approval to spend approximately \$439,993 from Law Enforcement Impact Fee funds to purchase law enforcement equipment for 81 new deputies hired under the COPS Ahead Federal Grant (Office of Management and Budget).
4. Approval of Budget Amendments 99-47, 99-48, 99-51, and 99-52 (Office of Management and Budget).

(Budget Amendments 99-47, 99-48, 99-51, and 99-52 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of Budget Transfers 99-359, 99-365, 99-366, 99-376, 99-381, and 99-382 (Office of Management and Budget).

(Budget Transfers 99-359, 99-365, 99-366, 99-376, 99-381, and 99-382 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of CIP Amendments 25-99, 26-99, 27-99, 28-99, 29-99, 30-99, and 31-99 (Office of Management and Budget).

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(CIP Amendments 25-99 through 31-99 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

7. Approval of payment of intergovernmental claims for March 11, 1999, totaling \$85,542.88 (Risk Management Division).
8. Receipt and filing of the minutes of the March 4, 1999, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).

Administrative Support Department

1. Approval to award Invitation for Bid Y9-718-BI to the low responsive and responsible bidder, Subaqueous Services, Inc., for Lake Conway canal vacuum dredging. The total contract amount is \$169,069 ([Environmental Protection Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y9-717 BI/PW to the low responsive and responsible bidder, Schuller Contractors, Inc., for Winter Garden-Vineland Road (C.R. 535) screen wall improvements. The total contract amount is \$204,991.78 ([Public Works Engineering Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y9-715-DB to the low responsive and responsible bidder, Central Florida Underground, Inc., for S.R. 15, Conway Road, utility improvements (Curry Ford to Hoffner Road). The total contract amount is \$2,661,829 ([Utilities Engineering Division] Purchasing and Contracts Division).
4. Approval of Amendment 3, Contract Y7-2060 with the Local Health Council of East Central Florida, Inc., for Ryan White Title I Grant Contracts. Amendment 3 increases the contract award by an amount not to exceed \$4,835,180 for a total contract award not to exceed \$11,696,670.45 and extends the term of the contract for six months ([Health and Family Services Department] Purchasing and Contracts Division).
5. Approval of Amendment 1, Contract Y7-829 with DeLeuw, Cather, and Company, for Phase II Convention Center back of the house road. The total amount is \$59,732. New contract amount to

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date is \$113,015 ([Convention Center Construction Division]
Purchasing and Contracts Division).

6. Approval and authorization to conduct closing, disburse warrant, record instrument, pay appropriate closing costs and any additional recording fees not to exceed \$50: Banana Bay Estates, contract for sale and purchase and warranty deed, District 1 (Real Estate Management Division).
7. Approval and execution by County Chairman of an amendment and extension of lease between Orlando Federal Credit Union and Orange County: Orlando Federal Credit Union, District 4 (Real Estate Management Division).

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

8. Approval and authorization to record instrument: Crossland Hotel (S.R. 50 and Woodbury Road), utility easement, District 4 (Real Estate Management Division).
9. Approval and execution by County Chairman of plat and interlocal agreement for construction of underground stormwater system within right-of-way of Court Street and authorization to disburse warrant, pay appropriate recording fees, and record plat: Orange County Regional History Center, District 3 (Real Estate Management Division).

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

10. Approval and execution by County Chairman of a second amendment to lease between RHF East Central Partnership 1, Ltd., and Orange County for expansion of the Sheriff's Fiscal Management Division: Sheriff's Comptroller, District 3 (Real Estate Management Division).

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

11. Approval and execution by County Chairman of underground easement and authorization to record instrument: Orange County Work Release Center Expansion, District 4 (Real Estate Management Division).

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12. Confirmation of Commissioner Edwards' reappointments and appointments to the Little Lake Fairview Advisory Board (General Services Division/Agenda Development).

(As stated in the above motion, this item was deferred for discussion; see pages 539 and 540 for subsequent approval).

13. Confirmation of Commissioner Freeman's appointments and reappointments to the Windermere Water and Navigation Control Board (General Services Division/Agenda Development).

(As stated in the above motion, this item was deferred for discussion; see page 540 for subsequent approval).

Health and Family Services Department

1. Approval and execution of renewal Public Convenience and Necessity Certificate for the Orlando Fire Department to provide advanced life support transport. Term of the certificate is March 1, 1999, through March 1, 2001. There is no cost to the County, all districts (Emergency Medical Services Division).

Growth Management and Environmental Resources Department

1. Approval and execution of Alternative Road Impact Fee Agreement between LBV Hotel Groups, Inc. (for Hawthorn Suites), and Orange County, District 1 (Building Division).

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

2. Approval to file claim of special assessment liens by resolution against the following properties: (a) 4520 Simmons Street in the amount of \$1,817.55, District 4; (b) 3621 Stuart Street in the amount of \$3,466.66, District 2 (Building Division).

(Resolutions 99-BUI-08 and 99-BUI-09 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of the first revision of the resolution amending the Orange County schedule of fees as to certain fees charged by the Building Division (Building Division).

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4. Approval of Interlocal Agreement AQ148 between Orange County and the Florida Department of Environmental Protection for operation of the State/Local Ambient Air Monitoring Network, all districts (Environmental Protection Division).

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

5. Receipt and filing of the minutes of the Lake Holden Water Advisory Board meetings of July 27, 1998, November 16, 1998, and January 12, 1999, for the official County record, District 4 (Environmental Protection Division).

(As stated in the above motion, this item was corrected to reflect the date of the January meeting as January 11, 1999.)

6. Receipt and filing of the minutes of the Lake Killarney Advisory Board meeting of January 21, 1999, for the official County record, District 5 (Environmental Protection Division).

7. Approval to advertise resolutions to lien property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions to Lien: LC 99-072, LC 99-071, LC 99-058, LC 99-059, LC 99-025, LC 99-060, LC 99-073, LC 99-050, LC 99-065, LC 99-079, LC 99-078, LC 99-077, LC 99-076, LC 99-064, LC 99-063, LC 99-067, LC 99-082, LC 99-054, LC 99-070, LC 99-068; all districts (Zoning Division).

(Resolutions 99-ZON-002, 99-ZON-008, 99-ZON-017, 99-ZON-024, 99-ZON-025, 99-ZON-030, and 99-ZON-035 through 99-ZON-048 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Department

1. Approval to establish a "No Parking" zone on the north side of Alachua Street beginning at the east right-of-way line of Goldenrod Road and extending east 200 feet, and on the south side of Alachua Street beginning at the east right-of-way line of Goldenrod Road and extending east 305 feet, District 3 (Traffic Engineering Division).

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- 2. Authorization to record the plat of Falcon Trace Apartments, District 4 (Development Engineering Division).

Utilities Department

- 1. Approval and execution of Addendum 2 to the Operational Services Agreement between Orange County and Americas' Water Services Corporation for operation and maintenance of the University Shores water and sewer system and authorization to issue purchase orders to Americas' Water Services Corporation for \$763,008 in year one and \$782,088 in year two for annual fees, Districts 3 and 5 (Wastewater Division).

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

- 2. Approval and execution by the County Chairman of a joint project agreement for utility installation by highway contractor between Florida Department of Transportation and Orange County; a memorandum of agreement to provide funding for the work performed by Florida Department of Transportation; and a utility agreement resolution for utilities improvements to S.R. 436 from S.R. 500 to the Seminole County line, District 2 (Utilities Engineering Division).

(Agreement, memorandum, and resolution are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

Administrative Support Department

- 12. Confirmation of Commissioner Edwards' reappointments and appointments to the Little Lake Fairview Advisory Board (General Services Division/Agenda Development).

Discussion

Commissioner Edwards stated that Michael K. Lewis has relocated and resigned from the Little Lake Fairview Advisory Board.

Action

Upon a motion by Commissioner Edwards, seconded by

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Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the following:

- reappointment of Robert Allen Fiedler and Dr. J.H. McElyea for terms expiring December 31, 2000;
- appointment of Robert Michael Dasher for a term expiring December 31, 2000;

to the Little Lake Fairview Advisory Board.

13. Confirmation of Commissioner Freeman's appointments and reappointments to the Windermere Water and Navigation Control Board (General Services Division/Agenda Development).

Discussion

Commissioner Freeman requested confirmation of appointments and reappointments to the Windermere Water and Navigation Control Board as follows:

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 approved the following:

- reappointment of John Connolly, Jim Hayes, and Terry Irwin for terms expiring December 31, 1999;
- appointment of Suzi Karr and Kevin Azzouz, to succeed Linda Jean Corkhill and Bill Bardoe, for terms expiring December 31, 2000;

to the Windermere Water and Navigation Control Board.

COMMISSIONER'S REPORT - DISCUSSION AGENDA

1. Consideration of the appointment of Joel Hammock to the Code Enforcement Board to fill a vacancy created by the resignation of Jimmy Wrye with an unexpired term through December 31, 1999.

Commissioner's Report

Commissioner Hoenstine stated that he is requesting the appointment of Joel Hammock to the Code Enforcement Board to

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replace Jimmy Wrye. He noted that Mr. Hammock is a certified roofing contractor.

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Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board appointed Joel Hammock to the Code Enforcement Board, to fill a vacancy created by the resignation of Jimmy Wrye, for a term expiring December 31, 1999.

COUNTY ADMINISTRATOR DISCUSSION AGENDA**Impasse Hearing - Orange County Professional Firefighters Local 2057 International Association of Fire Fighters (IAFF)**

1. Approval of County Proposal for Promotional Opportunities or Union Proposal for Promotional Opportunities for Lieutenants and Engineers (Human Resources and Labor Relations Division)

Staff Report

Fire Rescue Department Director Mike Iacona presented the County's position regarding promotional opportunities for Lieutenants and Engineers and a chronology of the events leading to the impasse.

Mr. Iacona reviewed other county and city promotional systems using rank order and rules of selection. He compared the County's promotional proposal with the union's and recommended the Board adopt the County's proposal regarding the Rule of Five selection process and time-in-grade requirements.

International Association of Fire Fighters President Mark Rhame addressed the Board and presented the union's position regarding promotional procedures. Mr. Rhame noted that this issue has remained unresolved for the last two and one-half years. He pointed out that the union has agreed to allow fire fighters to sit for the Lieutenant's exam and to eliminate candidates for promotion because of deficiencies.

Mr. Rhame explained that the dispute hinges on the time-in-grade necessary for promotion and emphasized the need for fully experienced candidates.

Legal Counsel

In response to a request from County Chairman Martinez for clarification regarding using a criteria list for promotions,

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County Attorney Tom Wilkes stated that the more discretion management has, the less opportunity there is for an aggrieved employee to overturn its decision. Mr. Wilkes noted that if the Board is concerned about lawsuits, it would want to move toward providing management greater discretion regarding promotions, not less.

Discussion

The Board discussed the current number of minority fire department personnel, a consultant's development of a state-of-the-art promotional process, whether the top-scoring candidate is always the best-suited for promotion, and considering positive attributes in addition to test scores.

The Board also discussed vacant lieutenant positions, taxpayer support of the fire department without adequate minority representation among personnel, the appropriate time-in-grade for advancement, and its settlement of a reverse discrimination lawsuit last year.

Action

A motion by County Chairman Martinez, seconded by Commissioner Hartage, with County Chairman Martinez and Commissioner Hartage voting AYE by voice vote and roll call; Commissioners Freeman, Sindler, Johnson, Hoenstine, and Edwards voting NO by voice vote and roll call; to adopt management's promotional article proposal establishing a Rule of Five selection process for Promotional Opportunities for Lieutenants and Engineers; and a five-year time-in-grade requirement for promotional eligibility, as amended below, failed.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with Commissioners Freeman, Sindler, Johnson, Hoenstine, and Edwards voting AYE by voice vote; County Chairman Martinez and Commissioner Hartage voting NO by voice vote; the Board amended the above motion to require a time-in-grade of eight years for fire fighters, six years for engineers, with a requirement that all fire fighters pass a Driver/Engineer certification test; and a Rule of Four selection process using proposed management language providing for positive and negative attributes for deviation.

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**A motion by Commissioner Hartage, seconded by County Chairman
Martinez, with County Chairman Martinez and Commissioner**

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Hartage voting AYE by voice vote; Commissioners Freeman, Sindler, Johnson, Hoenstine, and Edwards voting NO by voice vote; to adopt management's promotional article proposal establishing a Rule of Five promotional selection process for Promotional Opportunities for Lieutenants and Engineers; and a six-year time-in-grade requirement for eligibility failed.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with Commissioners Freeman, Sindler, Johnson, Hoenstine, and Edwards voting AYE by voice vote; County Chairman Martinez and Commissioner Hartage voting NO by voice vote; the Board adopted a time-in-grade of eight years for fire fighters, six years for engineers, with a requirement that all fire fighters pass a Driver/Engineer certification test; including proposed management language providing for positive and negative attributes for deviation.

Action

A motion by Commissioner Hartage, seconded by Commissioner Johnson, with County Chairman Martinez and Commissioners Johnson and Hartage voting AYE by voice vote; Commissioners Freeman, Sindler, Hoenstine, and Edwards voting NO by voice vote; to adopt management's promotional article proposal establishing a Rule of Five promotional selection process for Promotional Opportunities for Lieutenants and Engineers failed.

Action

A motion by Commissioner Hoenstine, seconded by Commissioner Freeman, with Commissioners Freeman and Hoenstine voting AYE by voice vote; County Chairman Martinez and Commissioners Sindler, Johnson, Edwards, and Hartage voting NO by voice vote; to adopt a Rule of One promotional selection process for Promotional Opportunities for Lieutenants and Engineers failed.

Action

A motion by Commissioner Freeman, seconded by Commissioner Sindler, with Commissioners Freeman and Sindler voting AYE by voice vote; County Chairman Martinez and Commissioners Johnson, Hoenstine, Edwards, and Hartage voting NO by voice vote; to adopt a Rule of Three promotional selection process for Promotional Opportunities for Lieutenants and Engineers failed.

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Action

A motion by Commissioner Sindler to have staff present a list of positive attributes for promotion to the position of Lieutenant or Engineer to the Board for consideration died for the lack of a second.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Edwards, and carried with Commissioners Freeman, Johnson, Edwards, and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioners Sindler and Hoenstine voting NO by voice vote; the Board adopted a Rule of Four promotional selection process for Promotional Opportunities for Lieutenants and Engineers.

HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval and execution of (a) a \$1.5 million State of Florida Department of Health grant for development of a West Orange Health Clinic; (b) Memorandum of Understanding between the State of Florida Department of Health and the County; Lien and Security Agreement; and Funding and Lease Agreement between the West Orange Health Alliance, Inc., and the County, and (c) approval to transfer the \$1.5 million state grant to the West Orange Health Alliance for development of the health clinic, District 1.

Staff Report

Deputy Health and Family Services Department Director Pete Clarke stated that the mission of the West Orange Health Alliance is to make health care accessible to the citizens of the west county area by coordinating services between multiple providers. Mr. Clarke reviewed the partners in the alliance, the location of the property on which a new health clinic will be constructed, and the array of medical services to be made available to the rapidly growing area's residents.

Mr. Clarke requested approval of a \$1.5 million grant to the County from the State Department of Health for health care clinic construction in west Orange County, a memorandum of understanding, a funding and lease agreement, and transfer of \$1.5 million to the West Orange Health Alliance. He explained that State attorneys have determined that a security and lien agreement is not necessary at this time.

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The following person addressed the board:

- Richard Irwin, chief executive officer of Health Central.
Discussion

The Board discussed Health Central's donation of land to the West Orange Health Alliance for the project, the new clinic's location next to the community center, the Health Department's Story Road personnel relocating to the new facility, and an auto auction's potential use of the existing County services building. The Board also discussed plans for Lakeside Alternatives to treat patients with drug and alcohol abuse problems at the new clinic.

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 the following:

- a \$1.5 million State of Florida Department of Health grant for development of a West Orange Health Clinic;
- a Memorandum of Understanding for Grants and Aids; Funding and Lease Agreement;

and further, approved transfer of the \$1.5 million state grant to the West Orange Health Alliance for development of the health clinic.

(Memorandum and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT DISCUSSION AGENDA

1. Approval and execution by the County Chairman of a supplemental grant to the Orange County Public School District in the amount of \$60,579 to accommodate additional students in the Pilot After-school Program at selected middle schools in Orange County, all districts.

Staff Report

Growth Management and Environmental Resources Department Director Bruce McClendon reviewed the Pilot Middle After-school partnership effort with the Public School District approved in fiscal year 1998-99. Mr. McClendon

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explained that the School District has unmet needs and is requesting a supplemental grant of \$60,579 to accommodate numerous additional students wishing to participate in the program.

Discussion

The Board discussed the successful after-school program at Discovery Middle School, the program's providing constructive afternoon activities for children, and extending a summer program with funds saved through departmental reorganization.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved a supplemental grant in the amount of \$60,579; and further, approved an amended agreement with the Orange County Public School District to accommodate additional students in the Pilot After-School Program at selected middle schools in Orange County.

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

2. Approval and execution by the County Chairman of two agreements between Orange County and the Central Florida YMCA for the use of parking spaces at the Convention Center during Aquatic Center events ("Agreement for Parking Spaces") and the lease of Convention Center property for the purpose of erecting an income-producing billboard ("Amended and Restated Agreement for Billboard"), District 6 (Planning Division).

Per the Planning Division, this item will be presented to the Board at a later time.

County Chairman Martinez 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 Mel Martinez
- Commissioners Bob Freeman, Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage

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- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by the Reverend Wilbert Jefferson, Sr., pastor of New Hope Primitive Baptist Church of Jesus Christ, followed by the Pledge of Allegiance to the Flag.

MARCH 18, 1999, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

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 accepted the recommendations of the Orange County Planning and Zoning Commission under date of March 18, 1999, with the exception of: Cases Z-99-023, Z-99-027, and an Impact Fee Ordinance which will be heard by the Board; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling public hearings as follows:

- Case Z-99-023, in the name of Miller Sellen Conner and Walsh, Neil Frazee, Sierra Land on April 20, 1999, at 2 p.m.
- Case Z-99-027, in the name of Canin Associates, Jim Hall, Sunterra Resorts on April 20, 1999, at 2 p.m.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of {date} were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ALEXANDER MACKINNON/QAPA; NO. 98-45, PORTION OF TWO RIGHTS-OF-WAY; DISTRICT 1 (CONTINUED FROM FEBRUARY 2, 1999)

By consensus, the Board reopened the public hearing to consider a request by Alexander MacKinnon/QAPA Investing Corporation N.V., Petition to Vacate 98-45, to vacate portions of two rights-of-way recorded in Lakeview Heights Subdivision, continued from the February 2, 1999, Board meeting.

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

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Staff Report

Deputy Public Works Department Director Bill Baxter stated that the applicant has requested the public hearing be continued.

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 Johnson, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board postponed the public hearing to consider Petition to Vacate 98-45 vacating portions of two rights-of-way recorded in Lakeview Heights Subdivision on the above-described property.

(NOTE: THE FOLLOWING FIVE PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 550 and 551 FOR APPEARANCES, DISCUSSION, AND ACTION.)

MSTU/BU PUBLIC HEARING - BRIDGE WATER, ESTABLISH FOR STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Bridge Water; District 4; Section 23, Township 22, Range 31; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$104 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - GOLDEN LAKE, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for

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streetlighting and maintenance of retention pond(s) at Golden Lake; District 4; Section 14, Township 23, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$34 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - HARBOR BEND, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Harbor Bend; District 4; Section 23, Township 23, Range 30; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$30 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - ISLANDS OF CURRY FORD, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Islands of Curry Ford; District 4; Section 12, Township 23, Range 30; Orange County, Florida.

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

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Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$28 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - LIVE OAK PARK, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Live Oak Park; District 2; Section 12, Township 22, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$36 per lot for streetlighting and an annual cost of \$27 per lot for maintenance of retention pond(s).

Appearances

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

Discussion

County Chairman Martinez closed the public hearings and opened the matters 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 adopted resolutions:

- Establishing Bridge Water MSTU/BU, annual cost of \$104 per lot for streetlighting.
- Establishing Golden Lake MSTU/BU, annual cost of \$34 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s).

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- Establishing Harbor Bend MSTU/BU, annual cost of \$30 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s) at Harbor Bend.
- Establishing Islands of Curry Ford MSTU/BU, annual cost of \$28 per lot for streetlighting and \$54 per lot for maintenance of retention pond.
- Establishing Live Oak Park MSTU/BU, annual cost of \$36 per lot for streetlighting and \$27 per lot for maintenance of retention pond(s).

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

BUDGET AMENDMENT PUBLIC HEARING - AMENDMENTS: RECOGNITION OF ROLLOVER ENCUMBRANCES, GRANT ROLLOVERS, AND FUND BALANCE ADJUSTMENTS

Notice was given that the Board of County Commissioner would hold a public hearing to consider budget amendments accounting for rollover encumbrances, recognizing grant carry-overs, and reflecting fund account balances brought forward.

Staff Report

Office of Management and Budget Manager Eric Gassman stated that Budget Amendment 99-35 amends the adopted budget for all rollover encumbrances and corrects a mathematical formula error in the original amendment; Budget Amendment 99-36 amends the adopted budget for all grant rollovers; and Budget Amendment 99-37 amends the adopted fund balance budget for selected funds with adjustments allocated between operating expenses, capital purchases, and reserves and corrects a typographical error in the original amendment.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by

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voice vote, the Board approved Budget Amendments 99-35, 99-36, and 99-37, accounting for rollover encumbrances, recognition of grant rollovers, and fund balance adjustments.

(Budget Amendments 99-35 through 99-37 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - DISTRICT COMMISSIONER'S STAFF POSITIONS

Commissioner Sindler stated that he is requesting that salaries for his staff aide and secretary be pooled, divided, and the positions changed to those of "Assistant." He added that there would be no additional cost to the taxpayers and commissioners' staff would still be limited to two positions.

Staff Report

At the request of County Comptroller Martha Haynie, Office of Fiscal and Budget Management Head Sharon Donoghue clarified that this change would be an adjustment to the Board's pay plan for 200 series employees. Ms. Donoghue explained that Commissioner Sindler's proposal would create a new position within the Board's staff category to be called "Assistant."

Discussion

The Board discussed the need for its approval of this item, changes to commissioners' staffs at their discretion, and splitting the salary range. The Board also discussed the payment of overtime and whether the proposed change would affect any other office.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, and carried with County Chairman Martinez and Commissioners Freeman, Sindler, Hoenstine, Edwards, and Hartage voting AYE by voice vote; Commissioner Johnson voting NO by voice vote; the Board approved an option for the commissioners to create a staff title of "Assistant"; and further, to allow the commissioners two assistant positions within present salary caps in lieu of a secretary and an aide.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: MITCH COLLINS, UNIVERSITY TRUST PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Mitch

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March 30, 1999

Page

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Collins, University Trust Planned Development/Land Use Plan

March 30, 1999

Page

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(PD/LUP), to amend the LUP to convert restaurant only uses to Retail Commercial District (C-1) pursuant to Orange County Code, Section 38-1207; on property generally located one-quarter of a mile north of S.R. 50 on the east side of Alafaya Trail; District 5; Section 15, 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 Division 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:

- Mitch Collins, 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 Edwards, seconded by County Chairman Martinez, and carried with all members present and voting AYE by voice vote, the Board approved the request by Mitch Collins, University Trust Planned Development/Land Use Plan (PD/LUP) to amend the LUP to convert restaurant only uses to Retail Commercial District (C-1); 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.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: KENNETH MCCALL; CASE Z-99-009, FEBRUARY 18, 1999;
DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Kenneth McCall to rezone Farmland Rural District (A-2)(1957) to Planned Development District (PD), on property generally located on the north side of East Colonial Drive, three-quarters of a mile west of South Tanner Road;

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District 5; Sections 19 and 24, Township 22, Ranges 31 and 32; Orange County, Florida.

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

Staff Report

Planning Division 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. Mr. Heath recommended that a condition be added as follows:

- For the purposes of calculating impact fee credits, any needed right-of-way for the widening of S.R. 50 shall be valued at \$27,500 per acre.

Appearances

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

- Louis Seybold, 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 Edwards, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the request by Kenneth McCall to rezone Farmland Rural District (A-2)(1957) to Planned Development District (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Seybold Development Land Use Plan, dated "Received February 1, 1999," 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.

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2. Billboards and pole/pylon signs shall be prohibited. The existing billboard shall be removed prior to the first Certificate of Occupancy for any commercial use.
3. The right-of-way width for Pilgrim Street located along the west property line of this project is twenty-five feet (25'). Prior to Certificate of Occupancy on commercial parcels, additional right-of-way will be provided from this project in accordance with Section 34-180 of the Subdivision Regulations.
4. A waiver of Section 38-1254 to allow twenty-foot (20') residential setback in lieu of twenty-five feet (25') is approved.
5. Prior to construction plan approval, a management plan addressing endangered and threatened species of special concern shall be submitted to and approved by the Florida Game and Fresh Water Fish Commission and reviewed by the Environmental Protection Division;
6. For the purposes of calculating impact fee credits, any needed right-of-way for the widening of S.R. 50 shall be valued at \$27,500 per acre;

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

PLANNING AND ZONING COMMISSION APPEAL - APPELLANT/APPLICANT: JACK KRIPS; CASE Z-98-131, JANUARY 21, 1999; DISTRICT 5 (CONTINUED FROM MARCH 16, 1999)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Jack Krips, Walton/Wash, of the recommendation of the Planning and Zoning Commission, dated January 21, 1999, on a request by Jack Krips, Walton/Wash, to rezone Retail Commercial District (C-1)(1957) to General Commercial District (C-2), continued from the March 16, 1999, 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 Division Manager David Heath outlined the request; identified the subject property and the surrounding zoning

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classifications; and further, noted that the Planning and Zoning Commission recommended denial of the request.

Appearances

No one appeared in favor of the request.

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

- General Carlson (no address given), for the Goldenrod Enhancement Committee.
- Larece Misley (no address given), for Global Real Properties, area property owner.

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Jack Krips, Walton/Wash, of the recommendation of the Planning and Zoning Commission, dated January 21, 1999, on a request by Jack Krips, Walton/Wash, to rezone Retail Commercial District (C-1)(1957) to General Commercial District (C-2); and further, made a finding that a C-2 zoning district is inconsistent with the Comprehensive Policy Plan.

WORKSESSION - PRELIMINARY FISCAL YEAR 99/00 AND 00/01 BUDGET

County Chairman's Report

County Chairman Martinez overviewed his goals for the next two fiscal years to cut expenditures by \$87 million without reducing the level of services delivered, reduce County employees by 150, purchase environmentally sensitive lands, hire 100 more Sheriff's deputies, construct more jail and juvenile justice facilities, and reduce the property tax rate.

Staff Report

County Administrator Ajit Lalchandani reviewed the Countywide budget, the budget process timeline, the County Chairman's priorities, the operating budget, and the Capital Improvement Program.

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Director of Public Safety Tom Hurlburt noted a recent combined Sheriff's and United States Department of Alcohol, Tobacco, and Firearms operation resulting in the arrest of six Apopka-area drug dealers. Mr. Hurlburt reviewed increased law enforcement efforts, jail overcrowding, and the need for additional correctional facilities to house medium to maximum security inmates.

Discussion

The Board discussed acquiring, using, and generating income from environmentally sensitive lands through sod and tree farming; treating mentally ill inmates; the increased inmate population resulting from more stringent law enforcement; and inmate housing costs. The Board also discussed temporarily housing inmates in state or other counties' facilities and funding additional Corrections Department staff positions at new facilities.

The Board discussed the alternate road resurfacing program, funds for stormwater management, funding school sidewalk construction with gasoline tax revenue and road impact fees, and the need for school traffic signal flashers. The Board also discussed partnering with municipalities to maintain roads.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:25 p.m.

ATTEST:

Martha O. Haynie

County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator

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