

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 20, 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.

The Board paused for an invocation by the Reverend George Jones, pastor of First Pentecostal Church of Orlando, followed by the Pledge of Allegiance to the Flag.

Special Recognition - Bishop Moore High School Baseball Team

County Chairman Martinez welcomed Bishop Moore's principal, baseball coach, team members. He presented a proclamation to the team in recognition of its 1999 baseball season accomplishments.

COUNTY CONSENT AGENDA

Action

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

- deferred County Administrator Items 1 and 2 for discussion (see pages 10 through 13 for discussions and subsequent approvals);
- deleted Growth Management and Environmental Resources Department Items 1 and 3;
- deferred Public Works Department Item 4 for discussion (see pages 9 and 10 for discussion and subsequent approval);

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

County Comptroller

1. Approval of the disposition of tangible personal property:
 - a. Dispose of assets that were returned to the vendor for a replacement under a maintenance agreement.
 - b. Dispose of equipment that has been cannibalized for its usable parts.
 - c. Trade in an asset for an allowance towards the purchase of new equipment.
 - d. Dispose of assets that were sold through sealed bid and public auction, and approval to sell assets through sealed bid.

(Property Accounting Department)

2. Acknowledgment of receipt of the following file for the record document:
 - a. Falcon Trace Community Development District, minutes of the February 17, 1999, meeting of the Board of Supervisors; dated March 24, 1999.

(Comptroller Clerk of the Board of County Commissioners)

3. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
 - Period from April 1, 1999, to April 7, 1999; total of \$31,016,935.61.
 - Period from April 8, 1999, to April 8, 1999; total of \$10,361,706.57.
 - Period from April 9, 1999, to April 14, 1999; total of \$7,281,208.95.

(Finance and Accounting Department)

County Administrator

1. Approval and execution by the County Chairman of the Development Agreement for the Westwood Connector between

Orange County and Westwood Boulevard, Ltd., for construction of the Convention Center Westwood Connector roadway and bridge (Convention Center).

(As stated in the above motion, this item was deferred for discussion; see pages 10 through 12 for subsequent approval.)

2. Approval and execution by the County Chairman of a resolution accepting the terms and conditions of the grant agreement between the State of Florida Office of Tourism, Trade, and Economic Development (OTTED) and Orange County relating to the award of \$10,000,000 in state funds to Orange County as a contribution to the costs of construction involved in the completion of the S.R. 528 interchange at Orangewood Boulevard and the extension and the realignment of Universal Boulevard (Convention Center).

(As stated in the above motion, this item was deferred for discussion; see pages 12 and 13 for subsequent approval.)

3. Approval of Budget Amendment 99-56 (Office of Management and Budget).

(Budget Amendment 99-56 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of Budget Transfer 99-408 (Office of Management and Budget).

(Budget Transfer 99-408 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of CIP Amendments 32-99, 34-99, and 35-99 (Office of Management and Budget).

(CIP Amendments 32-99, 34-99, and 35-99 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

6. Approval of the payment of intergovernmental claims for April 1, 1999, totaling \$70,907.97 (Risk Management Division).

7. Receipt and filing of the minutes of the March 18, 1999, and March 25, 1999, meetings of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).

8. Approval of payment of \$215,258.92 to Florida Department of Labor and Employment Security Division of Workers' Compensation for self-insurance assessment computation adjustments (Risk Management Division).

Administrative Support Department

1. Approval to award Invitation for Bid Y9-176-BI to the low responsive and responsible bidder, Schuller Contractors, Inc., for countywide restoration of roadway shoulders. The total contract amount is \$931,200 ([Roads and Drainage Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y9-612-HF to the low responsive and responsible bidder, Ringhaver Equipment Company, for asphalt paver. The total contract amount is \$160,729 ([Roads and Drainage Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y9-744-BI to the low responsive and responsible bidder, Capri Builders, Inc., for construction of the Taft Service Center, CD 98-85. The total contract amount is \$585,950 ([Construction Administration Division] Purchasing and Contracts Division).
4. Approval to enter into contract Y8-813-MK with PBS&J for engineering services for the southwest Orange County transportation alternatives study. The total contract amount is \$294,083.43 ([Public Works Engineering Division] Purchasing and Contracts Division).
5. Approval of Amendment 2, Contract Y4-804, with Boywer-Singleton & Associates, Inc., for additional engineering services for reconstruction of Lancaster Road (U.S. 441 to Orange Avenue). The total amount is \$60,014. New contract total to date is \$701,691 ([Public Works Engineering Division] Purchasing and Contracts Division).
6. Approval of Task Authorization 2, Contract Y7-817, with Camp, Dresser & McKee, Inc., for engineering services for 14 wastewater pump stations. The total amount is \$210,472 ([Wastewater Division] Purchasing and Contracts Division).

7. Approval of Amendment 2 to Task Authorization 13, Contract Y4-904C, for continuing engineering services with Transportation Consulting Group for Cheney Heights stormwater outfall. The amount is \$20,690.12 for a total of \$160,322.97 ([Stormwater Management Division] Purchasing and Contracts Division).
8. Approval of Task Authorization 6, Contract Y6-804, with EMA Services, Inc., for construction phase engineering services for the SCADA System South Water Reclamation Facility effluent pump station motor control improvements. The total amount is \$609,416 ([Wastewater Division] Purchasing and Contracts Division).
9. Approval and authorization to record instrument: Jennings Environmental Addition, utility easement, District 3 (Real Estate Management Division).
10. Approval and authorization to disburse warrant, record instrument, and pay appropriate recording fees: Formerly proposed Wayne Densch Treatment Center, quit-claim deed, District 6 (Real Estate Management Division).
11. Approval and execution by County Chairman of distribution easement and authorization to record instrument: Fire Station 58 (Deerfield), District 1 (Real Estate Management Division).
12. Approval and execution by the County Chairman of the following:
 - a. The First Amendment to Funding Agreement for the Orange County Regional History Center between Orange County and the Orange County Historical Society, Inc., whereby the Historical Society is donating \$1,300,000 to the Orange County Regional History Center for improvements to Wall Street, Court Avenue, and Washington Street.
 - b. The Scope of Work Change No. 1 to Contract Y5-815, Form of Agreement, between Orange County and construction manager with Turner Construction/PSA in the amount of \$1,300,000. The contract amount will be adjusted from \$24,305,000 to \$25,605,000.

(Construction Administration Division)

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

Health and Family Services Department

1. Approval and execution of application to license the Palms Head Start Center. The license will be in effect May 17, 1999, through May 18, 2000. There will be no cost to the County, District 6 (Head Start Division).
2. Approval and execution of renewal Contract G9001 between the State of Florida Department of Juvenile Justice and Orange County in the amount of \$1,054,026.38 for the operation of a Children In Need of Services/Families In Need of Services (CINS/FINS) Program. This is a fixed-price renewal. Of the projected amount, \$923,692.38 will be for personnel and \$130,334 will be for operating expenses. The County's cash contribution is \$485,016 and has been budgeted to supplement salaries and fringe benefits. There is no additional cost to the County. Term of the contract is July 1, 1999, through June 30, 2000, all districts (Human Services Division).

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

3. Approval and execution of renewal Contract G8015 between the State of Florida Department of Juvenile Justice and Orange County in the amount of \$167,170 for the Independent Living Program for Children In Need of Services who require enhanced instruction in life management skills. The County approved a cash contribution of \$23,014 which has been budgeted to supplement salaries and fringe benefits. Term of the contract is July 1, 1999, through June 30, 2000, all districts (Human Services Division).

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

4. Approval and execution of renewal Contract G8019 between the State of Florida Department of Juvenile Justice and Orange County in the amount of \$186,150. This is a Children In Need of Services/Families In Need of Services (CINS/FINS) staff

secure shelter program for youth adjudicated to children in need of services. There is a County cash contribution in the amount of \$9,809 which has been budgeted to supplement salaries and fringe benefits. There is no additional cost to the County, all districts (Human Services Division).

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

5. Approval and execution of renewal Public Convenience and Necessity Certificate for the Greater Orlando Aviation Authority to provide advanced life support transport. Term of the certificate is April 30, 1999, through April 30, 2001. There is no cost to the County, all districts (Emergency Medical Services).
6. Approval and execution of renewal Public Convenience and Necessity Certificate for the Orlando Regional Healthcare System to provide advanced life support air transport. Term of the certificate is April 30, 1999, through April 30, 2001. There is no cost to the County, all districts (Emergency Medical Services).
7. Approval and execution of renewal Public Convenience and Necessity Certificate for the Orlando Regional Healthcare System to provide advanced life support intra-hospital transport. Term of the certificate is April 30, 1999, through April 30, 2001. There is no cost to the County, all districts (Emergency Medical Services).

Growth Management and Environmental Resources Department

1. Approval of the Building Division manning table increase of three inspectors and one permit analyst (Building Division).
2. Approval and execution of the Facility Joint Use Agreement between Orange County and the School Board for use of the facilities at Lester Mandell Park and Waterbridge Elementary School which allows Waterbridge Elementary students to use the park during school hours and allows Orange County to use the school's parking area on weekends (Parks and Recreation Division).

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

3. 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 99-092, LC 99-091, LC 99-093, LC 99-104, LC 99-089,
LC 99-087, LC 99-128, LC 99-131, LC 99-132, LC 99-094,
LC 99-110, LC 99-135, LC 99-100, LC 99-097, LC 99-101,
LC 99-106, LC 99-113, LC 99-115, LC 99-116, LC 99-103,
LC 99-114, LC 99-121, LC 99-123, LC 99-086, LC 99-085,
LC 99-108

all districts (Zoning Division).

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

4. Approval and execution of (a) a resolution adopting Orange County SHIP Local Housing Assistance Plan (LHAP) for state fiscal year 1999-2000 and amending fiscal years 1996-97, 1997-98, and 1998-99 by establishing the maximum cost per affordable housing unit benefiting from funds received pursuant to the SHIP Act, and (b) a certification form to the Florida Housing Finance Corporation (Division of Housing and Community Development).

(Resolution 99-M-12 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Public Works Department

1. Approval to change existing "Yield" signs to "Stop" signs on Eldorado Place at Bon Air Drive, District 2 (Traffic Engineering Division).
2. Approval to establish a "No Parking" zone on the west side of Winegard Road beginning 775 feet north of the north right-of-way line of Lancaster Drive and extending north 500 feet, District 4 (Traffic Engineering Division).
3. Approval to establish a "No Parking" zone effective from 10 p.m. to 6 a.m. on both sides of Data Court beginning from the north right-of-way line of Corporate Boulevard and extending 650 feet north, and a "No Parking Anytime" zone on both sides around the 700-foot circle median of Data Court, District 5 (Traffic Engineering Division).

4. Approval of the Developer's Agreement between Hymen Lake and the County for land donation by the Sky Lake South Planned Development to establish a fair and equitable valuation of lands to be donated to the County and transportation impact fee credits to be issued to the developer for this donation, District 1 (Public Works Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see pages 9 and 10 for subsequent approval.)

5. Approval and execution of a Public Road Crossing License Agreement between the Florida Central Railroad Company, Inc., and the County for the 13th Street railroad crossing in south Apopka and authorization to deposit the sum of \$185,556 with Florida Central Railroad Company for construction of the crossing, District 2 (Public Works Engineering Division).

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

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Public Works Department

4. Approval of the Developer's Agreement between Hymen Lake and the County for land donation by the Sky Lake South Planned Development to establish a fair and equitable valuation of lands to be donated to the County and transportation impact fee credits to be issued to the developer for this donation, District 1 (Public Works Engineering Division).

Discussion

Commissioner Edwards reviewed the current impact fee credit procedure and the developer's ability to choose an appraiser from a County-approved list. He stated that he would like to see the procedure revised to allow the County to choose the appraiser to protect the County's interests.

Staff Report

County Administrator Ajit Lalchandani stated that staff will meet with Commissioner Edwards to discuss possible revisions to the County's impact fee credit procedure and that the issue will return to the Board for consideration at a future date.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the Developer's Agreement between Hymen Lake and the County for land donation by the Sky Lake South Planned Development to establish a fair and equitable valuation of lands to be donated to the County and transportation impact fee credits to be issued to the developer for this donation.

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

County Chairman Martinez left the meeting.

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

County Administrator

1. Approval and execution by the County Chairman of the Development Agreement for the Westwood Connector between Orange County and Westwood Boulevard, Ltd., for construction of the Convention Center Westwood Connector roadway and bridge (Convention Center).

Discussion

Commissioner Hoenstine explained that the original agreement for this project imposed a 30-year ban against the County on partnering with a private entity for hotel development on the site. He reported that the proposed agreement increases that ban by an additional five years on the property adjacent to the parking lots. Commissioner Hoenstine pointed out the significant benefits of the project to the property owners and reviewed the consideration received from them. He suggested continuing consideration of this item to allow staff time to negotiate additional consideration.

County Comptroller's Report

In response to inquiries from Commissioner Hoenstine regarding the Expo Group's proposal, County Comptroller Martha Haynie reported that she has been meeting regularly with the Convention Center Commission members and that the private developer's proposal was received within the last ten days, but the commission has not had time to comprehensively review the proposal.

County Comptroller Haynie noted that one portion of the private developer's proposal is to use Tourist Development Tax (TDT) funds for road construction and improvement. She pointed out that commission members have been actively discussing this proposed use and have questions about its legality. County Comptroller Haynie stated that the Commission may be moving towards requesting a formal legal opinion on the matter. She clarified that, although the proposed Developer's Agreement for the Westwood Connector does not bind the County to use TDT funds, she wanted to apprise the Board of the situation.

County Chairman Martinez rejoined the meeting.

Staff Report

Convention Center Executive Director Tom Ackert reviewed the Convention Center expansion and road improvement projects and explained that the Westwood Connector Bridge project was initiated by the County. Mr. Ackert noted the consideration offered by the property owners, the absence of impact fee credits, and condemnation alternatives.

Legal Counsel

In response to a question from Commissioner Sindler regarding the County's use of TDT funds for the Westwood Connector Bridge project, County Attorney Tom Wilkes stated that because this road is being constructed for access directly to and for the benefit of the Convention Center, those funds can be used. Mr. Wilkes reviewed the voter's covenant that no general County funds, other than Tourist Development Taxes and operating revenues of the Convention Center, would directly benefit any Convention Center facility. He pointed out that this project was established as a result of the Convention Center's needs and prior to that did not appear on any of the County's road project lists.

Discussion

The Board discussed hotel development restrictions, the private developer's proposal, delayed approval of the proposed agreement, and the need for a Convention Center expansion project oversight review committee. The Board also discussed the property owner's consideration, how the value of the donated easement was determined, public versus private access to the roadway, and the transportation improvements needed to accommodate the expansion project.

Action

A motion by Commissioner Hartage, seconded by Commissioner Hoenstine; Commissioners Hoenstine and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioners Freeman, Sindler, Johnson, and Edwards voting NO by voice vote; to continue consideration of the Development Agreement for the Westwood Connector between Orange County and Westwood Boulevard, Ltd., for construction of the Convention Center Westwood Connector roadway and bridge failed.

Action

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Martinez, and carried with all members present and voting AYE by voice vote, the Board approved the Development Agreement for the Westwood Connector between Orange County and Westwood Boulevard, Ltd., for construction of the Convention Center Westwood Connector roadway and bridge, as amended below.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with County Chairman Martinez and Commissioners Freeman, Johnson, Hoenstine, Edwards, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board amended the proposed Development Agreement for the Westwood Connector between Orange County and Westwood Boulevard, Ltd., for construction of the Convention Center Westwood Connector roadway and bridge, to revise a condition restricting the the County from partnering with a private developer for development of a hotel on property adjacent to the parking lots from the year 2015 to the year 2009.

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

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

County Administrator

2. Approval and execution by the County Chairman of a resolution accepting the terms and conditions of the grant agreement between the State of Florida Office of Tourism, Trade, and

Economic Development (OTTED) and Orange County relating to the award of \$10,000,000 in state funds to Orange County as a contribution to the costs of construction involved in the completion of the S.R. 528 interchange at Orangewood Boulevard and the extension and the realignment of Universal Boulevard (Convention Center).

Discussion

Commissioner Hoenstine reviewed the original grant application and requested clarification from staff regarding excess funds and project overrun costs.

Staff Report

Convention Center Executive Director Tom Ackert reviewed the original grant plan and the outcome of the final grant application procedure. Mr. Ackert reported that the interchange project is expected to cost less than the total grant and that by linking the two projects together, excess funds from the interchange project can be used on the Universal Boulevard extension/realignment project. He pointed out that during the design phase, Universal will be given a budget amount and that the County will closely monitor the bidding process.

Discussion

The Board discussed the success of the County's legislative delegation and environmental issues related to the project.

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 proposed resolution accepting the terms and conditions of the grant agreement between the State of Florida Office of Tourism, Trade, and Economic Development and the County relating to the award of \$10,000,000 in state funds to the County as a contribution to the costs of construction involved in the completion of the S.R. 528 interchange at Orangewood Boulevard and the extension and the realignment of Universal Boulevard.

(Resolution 99-M-11 and agreement are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

NONAGENDA - AUTOMOBILE TITLE LOANS

County Chairman Martinez reported that the State Legislature is currently reviewing the significant interest rates charged on automobile title loans state wide. He stated that the County will be aggressively addressing the problem if the Legislature does not interfere with its ability to do so. County Chairman Martinez noted that the County Attorney's Office has been asked to investigate the matter and draft an ordinance for the Board's consideration in the near future.

Commissioner Freeman left the meeting.

COUNTY COMPTROLLER DISCUSSION AGENDA

1. Acknowledgment and filing of the Audit of the Special Review of Alternate Transportation Impact Fee Surveys.

County Comptroller's Report

County Comptroller Martha Haynie stated that the purpose of the audit was to review the County's process for surveying businesses that have had impact fee reductions. She overviewed the current impact fee discount application process and the County's ability to do a follow-up survey and adjust fees accordingly. County Comptroller Haynie reported on the audit's findings and noted that one significant finding of the audit was incomplete record keeping.

County Comptroller Haynie noted that, as a matter of routine, all future audit reports will be placed on the Comptroller's discussion agenda to allow time for Board members to discuss them.

Action

By consensus, the Board acknowledged the Audit of the Special Review of Alternate Transportation Impact Fee Surveys.

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and two alternates to provide telecommunications tower site development and management/leasing services for the Real Estate Management Division, RFP Y9-135-JS ([Real Estate Management Division] Purchasing and Contracts Division).

Commissioner's Report

Purchasing and Contracts Division Manager Johnny Richardson stated that Commissioner Hartage was unable to attend the March 30, 1999, Procurement Review Committee meeting. Mr. Richardson reviewed the committee's recommendation on the selection of one firm and two ranked alternates for telecommunications tower site development and management/leasing services for the Real Estate Management Division from the following firms listed alphabetically:

- LaBlanc/Lodestar Towers, Inc.
- SBA, Inc.
- WesTower Communications

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the following short list ranked as follows:

- #1 WesTower Communications
- #2 SBA, Inc.
- #3 LaBlanc/Lodestar Towers, Inc.

and further, authorized staff to enter into contract negotiations for telecommunications tower site development and management/leasing services for the Real Estate Management Division, RFP Y9-135-JS, as amended below.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board amended the language of RFP Y9-135-JS as follows:

- After, "renewable for three (3) additional five (5) year periods," delete, "by the Purchasing and Contracts Division," and add, "by the Board of County Commissioners."

2. Discussion concerning the Sheriff's Firing Range.

Staff Report

Administrative Support Department Director John Terwilliger reviewed the status of the proposed agreements with Moss Park,

Live Oaks, and ICP. Mr. Terwilliger reported that letter releases have been drafted for Live Oaks and ICP, that the County received them yesterday and they appear to be acceptable, and the parties are expected to execute them in the near future. He also noted that, in concept, a release agreement with Moss Park has been reached and that the County should receive a formal agreement soon.

Action

Upon a motion by Commissioner Hoenstine, seconded by County Chairman Martinez, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the following:

- The requirement in the design-build contract for 24-foot paved access improvements be reduced to 15 feet in any segments along the access for which sufficient easements, agreements, waivers of liability, or other instruments of legal access have not been obtained.
- Staff be directed to close the transaction and disburse the required contract payments promptly to the design-builder, Allen Smith, fulfilling all contract requirements, which will include paved-access improvements from Moss Park Road to the project site of no less than 24 feet.

Commissioner Freeman rejoined the meeting.

NONAGENDA - LIGHT RAIL

Commissioner Hoenstine reviewed the resolutions adopted by the City of Orlando and the County within the last month. He suggested that the Board support 60 percent funding of the Light Rail Project to maintain consistency with the Board's action on April 13, 1999, and to meet the Federal Transit Administration's full funding grant agreement requirement.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with County Chairman Martinez and Commissioners Sindler, Johnson, Hoenstine, Edwards, and Hartage

voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; the Board directed Commissioner Hoenstine to support limiting expenditures for the Light Rail Project to 60 percent of the planning and design budget to meet the Federal Transit Authority's funding requirements at the next meeting of the Lynx board.

WORKSESSION - PUBLIC SERVICE TAX

County Comptroller's Report

County Comptroller Martha Haynie stated the purpose of the worksession is to provide the Board with history and background on the Public Service Tax (PST), more commonly known as the "Utility Tax." She noted that the PST is imposed on services from industries which are undergoing rapid change. County Comptroller Haynie explained that the PST is a pass-through tax imposed on purchases of taxable services by nonexempt end users within unincorporated areas of the County.

County Comptroller Haynie reported on the historical background of the tax, its rates, the revenues generated by the tax and how they can be used, who is entitled to levy the tax, and which counties in Central Florida impose the tax. She reviewed the County's efforts for education in administrative compliance; the types of provider businesses affected by the tax; the PST collection process and efforts to improve it; audit principles, procedures, and results; and ongoing provider innovations that are continually challenging the system.

Legal Counsel

In response to a question from Commissioner Sindler regarding rate differentials between commercial and residential customers, County Attorney Tom Wilkes stated that the Board may adjust the rate, but the rate must be the same for all users. Mr. Wilkes explained that statutes give the Board discretion regarding the rate, but remain silent about differentiation among users.

Discussion

The Board discussed payment of the tax to the incorrect entity, updates in the ordinance, lawful uses and specific allocations defined by the ordinance, and educating small businesses.

Action

The Board did not take any action.

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
- County Comptroller as Clerk Martha Haynie
- Deputy County Administrator Byron Brooks
- Senior County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

(THE FOLLOWING NINE PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 22 AND 23 FOR APPEARANCES, DISCUSSION, AND ACTION.)

MSTU/BU PUBLIC HEARING - BONNEVILLE PINES PHASES 1, 2, AND 3; AMEND STREETLIGHTING; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the amendment of an MSTU/BU for streetlighting at Bonneville Pines Phases 1, 2, and 3; Sections 14 and 22, 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 \$26 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - BONNEVILLE PINES PHASE 3; ESTABLISH FOR RETENTION POND(S) MAINTENANCE, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for retention pond(s) maintenance at Bonneville Pines Phase 3; Section 14, 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 \$27 per lot for retention pond(s) maintenance.

and

MSTU/BU PUBLIC HEARING - LONG LAKE HILLS, 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 retention pond(s) maintenance at Long Lake Hills; Section 36, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$26 per lot for streetlighting and an annual cost of \$54 per lot for retention pond(s) maintenance.

and

MSTU/BU PUBLIC HEARING - OSPREY COVE, 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 retention pond(s) maintenance at Osprey Cove; Section 30, Township 21, 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

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 \$27 per lot for retention pond(s) maintenance.

and

**MSTU/BU PUBLIC HEARING - TRAFFORD 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 retention pond(s) maintenance at Trafford Park; Section 29, Township 21, 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

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$109 per lot for streetlighting and an annual cost of \$54 per lot for retention pond(s) maintenance.

and

**MSTU/BU PUBLIC HEARING - WEKIVA RESERVE, 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 retention pond(s) maintenance at Wekiva Reserve; Section 12, Township 21, Range 28; Orange County, Florida.

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

Staff Report

MSTU Supervisor Elizabeth Godwin reported that this request from the developer has an annual cost of \$33 per lot for streetlighting and an annual cost of \$54 per lot for retention pond(s) maintenance.

and

MSTU/BU PUBLIC HEARING - RIVER'S POINTE, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 3

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 retention pond(s) maintenance at River's Pointe; Section 9, 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 \$106 per lot for streetlighting and an annual cost of \$27 per lot for retention pond(s) maintenance.

and

MSTU/BU PUBLIC HEARING - RIVERWALK, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 3

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 retention pond(s) maintenance at Riverwalk; Section 17, 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 \$74 per lot for streetlighting and an annual cost of \$27 per lot for retention pond(s) maintenance.

and

MSTU/BU PUBLIC HEARING - VISTA COVE, ESTABLISH FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 3

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 retention pond(s) maintenance at Vista Cove; Section 20, 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 \$40 per lot for streetlighting and an annual cost of \$27 per lot for retention pond(s) maintenance.

Appearances

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

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 voice vote, the Board adopted resolutions:

- Amending Bonneville Pines Phases 1, 2, and 3 MSTU/BU, annual cost of \$26 per lot for streetlighting.
- Establishing Bonneville Pines Phase 3 MSTU/BU, annual cost of \$27 per lot for retention pond(s) maintenance.
- Establishing Long Lake Hills MSTU/BU, annual cost of \$26 per lot for streetlighting and \$54 per lot for retention pond(s) maintenance.
- Establishing Osprey Cove MSTU/BU, annual cost of \$28 per lot for streetlighting and \$27 per lot for retention pond(s) maintenance.
- Establishing Trafford Park MSTU/BU, annual cost of \$109 per lot for streetlighting and \$54 per lot for retention pond(s) maintenance.
- Establishing Wekiva Reserve MSTU/BU, annual cost of \$33 per lot for streetlighting and \$54 per lot for retention pond(s) maintenance.

- Establishing River's Point MSTU/BU, annual cost of \$106 per lot for streetlighting and \$27 per lot for retention pond(s) maintenance.
- Establishing Riverwalk MSTU/BU, annual cost of \$74 per lot for streetlighting and \$27 per lot for retention pond(s) maintenance.
- Establishing Vista Cove MSTU/BU, annual cost of \$40 per lot for streetlighting and \$27 per lot for retention pond(s) maintenance.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - GRANADA PLANNED DEVELOPMENT/SAND LAKE PROPERTY PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Granada Planned Development/Sand Lake Property Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Apopka-Vineland Road between Little Sand Lake and Big Sand Lake; District 1; Section 34, Township 23, Range 28; Orange County, Florida.

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

Staff Report

Planning Division Manager David Heath stated that the applicant has requested that the Board continue the public hearing to allow time to have a community meeting and work on the issues regarding small lots.

Appearances

No one appeared in favor of or 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 Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the Granada Planned Development/Sand Lake Property Preliminary Subdivision Plan until May 25, 1999, at 2:15 p.m.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MEADOW WOODS PLANNED DEVELOPMENT/PARCEL 34/RHODE ISLAND WOODS EXTENSION PRELIMINARY SUBDIVISION, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Meadow Woods Planned Development/Parcel 34/Rhode Island Woods Extension Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Rhode Island Woods Circle and south of the Greenway; District 4; Sections 30 and 31, Township 24, 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

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

Appearances

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

- Kevin Walsh; Miller, Sellen, Connor, and Walsh (no address given); for Landstar Homes.

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 Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the Meadow Woods Planned

Development/Parcel 34/Rhode Island Woods Extension Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods Planned Development; Board of County Commissioners' (BCC) approvals; Parcel 34/Rhode Island Woods Extension Preliminary Subdivision/Development Plan, dated "Received March 17, 1999"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the BCC or by action of the BCC.

Preliminary Subdivision Plan approval automatically expires on April 20, 2000, in accordance with the 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. The design of water and wastewater systems shall be in accordance with approved master water and wastewater plan.
4. Development shall comply with Orange County Resolution 96-M-22 concerning gated communities.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: NEIL FRAZEE, SIERRA LAND; CASE Z-99-023, MARCH 30,
1999; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Neil Frazee, Sierra Land, to rezone Farmland Rural (A-2) (1957) and Planned Development (PD) (1992) to Planned Development (PD), on property generally located west of International Drive, north of World Center Drive, and northwest of Central Florida Greenway; District 1; Section 35, Township 24, Range 28; Orange County, Florida

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

Staff Report

Planning 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.

Appearances

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

- Miranda Fitzgerald; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; 215 North Eola Drive, Orlando, Florida; 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 members present and voting AYE by voice vote, the Board approved the request by Neil Frazee, Sierra Land, to approve the Sierra Land Planned Development/Land Use Plan/Development of Regional Impact (PD/LUP/DRI), on the above-described property; subject to the following conditions:

1. Development shall conform to the Sierra Land PD, dated "Received January 29, 1999," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. Billboards and pole/pylon signs shall be prohibited.
3. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:

- a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center (Plan).
- b. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon either the development of residential units within the area designated Activity Center Residential on the Future Land Use Map or the payment into a housing linkage fund.
- c. The development guidelines on the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal.
- d. The property shall be required to participate in a property owners' association upon its creation (within the International Drive Activity Center).
- e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
- f. Twenty-foot-wide (20') pedestrian/landscape/utility easement plus a 15-foot-wide (15') transit easement along International Drive and World Center Drive for a total of 35 feet (with the transit easement along International Drive and World Center Drive) shall be included in the development plan.
- g. The development plan shall provide for interconnection of adjacent development by either cross-access easement or public right-of-way.
- h. Electrical distribution lines shall be underground.
- i. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.
- j. Orange County shall not own, operate, or maintain on-site utilities.

4. The maximum height shall be 250 feet, subject to Federal Aviation Authority approval and any other required approvals;

further, approved the Notice of Proposed Change (NOPC) to the Development of Regional Impact (DRI); and further, made a finding of consistency with the Comprehensive Policy Plan.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: JIM HALL, SUNTERRA RESORTS; CASE Z-99-027, MARCH 30,
1999; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jim Hall, Sunterra Resorts, to rezone Rural Country Estate (RCE) (1968) and Planned Development (PD) (1997) to Planned Development (PD), on property generally located on the north side of Lake Street and the south side of 10th Street between Ruby Lake Road and Oak Street; District 1; Section 15, 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 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.

Appearances

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

- Jim Hall, the applicant, Canin Associates (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 Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Jim Hall, Sunterra

Resorts, to rezone Rural Country Estate (RCE) (1968) and Planned Development (PD) (1997) to Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Sunterra Resorts Land Use Plan, dated "Received March 5, 1999," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. Pole/pylon signs and billboard shall be prohibited.
3. No mixed use development shall be permitted in the area designated future development until the Orange Center Plan is adopted by Orange County.
4. Access to Oak Street to be determined on the development plan.
5. If additional right-of-way along Lake Street is needed, as determined by the County engineer, it shall be dedicated to the County for impact fee credits. The value shall be \$206,000 per acre;

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

CONSERVATION AREA IMPACT MITIGATION - APPLICANT: LENNAR HOMES, VILLAGES OF RIO PINAR, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Lennar Homes, Villages of Rio Pinar, for approval of a Conservation Area Impact Mitigation Permit; District 4; Orange County, Florida.

Staff Report

Ecosystems Management Program Manager Pam Thomas corrected the district for this item to District 3. Ms. Thomas outlined the request; identified the subject property; and further, noted that staff recommended approval of the request.

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 Chairman Martinez, and carried with all members present and voting AYE by voice vote, the Board approved the request by Lennar Homes, Villages of Rio Pinar, for approval of a Conservation Area Impact Mitigation Permit; subject to the following conditions:

1. The hydrological connection Wetland 1 where the proposed road will be upgraded must be maintained via culverts.
2. The applicant will be required to submit a post planting establishment check report by October 1, 2000.
3. If less than 50 percent survival rate occurs within the replanted area, remediation planting will be required and follow-up establishment check report will be submitted by October 1, 2001.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE; CHAPTER 23, ARTICLE III; FIRE IMPACT FEE ORDINANCE

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

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING THE ORANGE COUNTY CODE; REPEALING THE PRESENT LANGUAGE OF CHAPTER 23, ARTICLE III, THEREOF ENTITLED "FIRE/RESCUE SERVICES IMPACT FEE"; ENACTING NEW LANGUAGE FOR CHAPTER 23, ARTICLE III THEREOF, ENTITLED "FIRE RESCUE IMPACT FEE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

Staff Report

Fire Rescue Department Director Mike Iacona, Dr. Jim Nicholas, and Fire Administration Division Manager Charles Middleton reviewed the proposed ordinance and outlined its provisions and the recommendation to adopt the proposed methodology and fee schedule.

Appearances

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

Legal Counsel

In response to a question from Commissioner Freeman regarding the Board's legal authority to adjust the proposed impact fee schedule, County Attorney Tom Wilkes agreed there could be a potential violation of equal protection laws and suggested that the Board continue the public hearing to allow time for the County Attorney's Office to revise the proposed ordinance.

Discussion

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

Action

A motion by Commissioner Johnson, seconded by Commissioner Hoenstine, to adopt the methodology, fee schedule, and proposed ordinance amending Orange County Code, Chapter 23, Article III, Fire Impact Ordinance and modify the "Capital Improvement" definition; and further, an amending motion by Commissioner Sindler, seconded by Commissioner Freeman, to revise the fee schedule to reflect an impact fee of \$152.46 for residential dwelling units and mobile homes died for the lack of a vote.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, and carried with County Chairman Martinez and Commissioners Freeman, Sindler, and Edwards voting AYE by voice vote; Commissioners Johnson, Hoenstine, and Hartage voting NO by voice vote; the Board continued the public hearing to consider a proposed ordinance amending Orange County Code, Chapter 23, Article III, Fire Impact Ordinance until May 4, 1999, at 2:30 p.m.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: CROSSOVER BOYS & GIRLS SPORTS EDUCATION CLUB; ITEM CONTINUED 2, FEBRUARY 4, 1999; DISTRICT 1 (CONTINUED FROM MARCH 23, 1999)

By consensus, the Board reopened the public hearing to consider a request by Crossover Boys & Girls Sports Education Club for a special exception in Citrus Rural (A-1) zone for outdoor/indoor recreational and educational facility (nonprofit sports-education organization), continued from the March 23, 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

Zoning Division Manager Melvin Pittman explained that the public hearing was continued to allow time for an additional community meeting. Mr. Pittman 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.

Growth Management and Environmental Resources Department Director Bruce McClendon reviewed the legal authority to approve or deny this application.

Court Reporter

A court reporter, Teresa Horsley, Zacco & Associates, was present.

Appearances

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

- Geoff Bacon, executive director of the Crossover Boys & Girls Sports Education Club (no address given).
- Murray Bullion (no address given), parent of a program participant.
- Burt Roper (no address given), area property owner.

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

- Ann Kiem, 9304 Gotha Road, Gotha, Florida.
- Kurt Ardaman, 2075 Carolina Avenue, Gotha, Florida.
- Tom Endre, president of the Almond Tree Homeowner's Association; 950 Almond Tree Estates, Orlando, Florida
- Marshall Warren, 9272 Gotha Road, Windermere, Florida.
- Fred Droege, 1318 Kewanee Trail, Maitland, Florida.
- Gary Cain, 801 North Magnolia Avenue, Suite 305, Orlando, Florida; for the Boys and Girls Club of America.

The County Chairman accepted the following exhibits from Mr. Bacon:

- Clerk's Exhibit 1, "What is Academic Achievers of America all about."
- Clerk's Exhibit 2, board of directors listing for Crossover Boys and Girls Sports Education Club.

The County Chairman accepted the following exhibits from Ms. Kiem:

- Clerk's Exhibit 3, petition signatures in opposition to the request.

The County Chairman accepted the following exhibits from Mr. Endre:

- Clerk's Exhibit 4, summary of presentation 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 County Chairman Martinez and Commissioners Freeman, Sindler, Johnson, Edwards, and Hartage voting AYE by voice vote; Commissioner Hoenstine voting NO by voice vote; the Board denied the request by Crossover Boys & Girls Sports Education Club for a special exception in Citrus Rural (A-1) zone for outdoor/indoor recreational and educational facility (nonprofit sports-education organization), on the above-described property, based upon the public hearing statements and documents and because the applicant has not established that it has satisfied the following criteria for the special exception:

- The proposed use would not be similar and compatible with the uses in the surrounding area.
- The proposed use would not be consistent with the pattern of existing development in the vicinity.
- The proposed use would act as a detrimental intrusion into the existing residential area.

- The proposed use would not be similar to the characteristics that are associated with the majority of uses permitted in the Citrus Rural (A-1) district, including especially the activities, noise, and traffic which would be associated with the proposed use.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:30 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk County Chairman

Deputy Clerk

Minutes Coordinator

