

## MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, June 29, 1999. The following were present:

- County Chairman Mel Martinez
- Commissioners Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- Deputy County Administrator Byron Brooks
- Deputy County Attorney Jeffrey Newton
- Assistant Deputy Clerk Jeanene Wells

Commissioner Bob Freeman joined the meeting where indicated.

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

The Board paused for an invocation by the Reverend Jose Cintron, pastor of Iglesia el Calvario Church, followed by the Pledge of Allegiance to the Flag.

## COUNTY CONSENT AGENDA

### Action

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

- corrected County Administrator Item 2, Budget Amendment 99-75 only, to reflect that this is an expenditure approval rather than a budget amendment;
- deferred Administrative Support Department Items 4 and 7 for discussion (see pages 248 and 249 for discussion and subsequent approval);
- deleted Administrative Support Department Item 6;
- deferred Public Works Department Item 3 for discussion (see pages 249 and 250 for discussion and subsequent approval);

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

#### County Chairman

1. Confirmation of appointments to the West Orange Airport Authority, as follows:
  - Commissioner Bob Freeman
  - Mayor Jon VanderLey, City of Oakland
  - Dannel J. Petro, President and CEO, Amber Electric, Ocoee, Florida

#### County Comptroller

1. Approval of the disposition of tangible personal property:
  - a. Dispose of assets that have been traded in for an allowance towards the purchase of new assets.
  - b. Cannibalize assets for their usable parts.
  - c. Scrap assets.
  - d. Transfer assets to the Sheriff's Office.
  - e. Dispose of assets that were returned to the vendor for a replacement under a maintenance agreement and in one instance, return an asset to the vendor for no value.
  - f. Dispose of assets that were in accidents and totaled out by our insurance carrier.
  - g. In lieu of selling at fair market value, donate assets, with an approximate value of \$28.12 to the Homebuyer Counseling Collaborative of Central Florida.

(Property Accounting Department)

2. Approval of the minutes of the June 7, 1999, and June 15, 1999, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

#### County Administrator

1. Approval for the Sheriff's Office to spend approximately \$23,040 from the Law Enforcement Trust Fund to make

contributions to the following: \$500 to The Orlando Bridge; \$5,000 to Police Athletic League; \$15,540 to Stalker Stationary Radars; \$1,000 to Concerns of Police Survivors; and \$1,000 to WEEK-ENDS of Greater Orlando (Office of Management and Budget).

2. Approval of Budget Amendments 99-74, 99-75, 99-76, 99-77, 99-78, 99-79, 99-80, and 99-81 (Office of Management and Budget).

(As stated in the above motion, this item was corrected to reflect that Budget Amendment 99-75 is an expenditure approval rather than a budget amendment).

(Budget Amendments 99-74 and 99-76 through 99-81 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of Budget Transfers 99-544, 99-550, 99-551, and 99-558 (Office of Management and Budget).

(Budget Transfers 99-544, 99-550, 99-551, and 99-558 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of CIP Amendments 52-99, 53-99, 54-99, and 55-99 (Office of Management and Budget).

(CIP Amendments 52-99 through 55-99 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

5. Approval of payment of intergovernmental claims for June 10, 1999, totaling \$76,718.51 (Risk Management Division).

6. Receipt and filing of the minutes of the June 3, 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 Y9-1005-RW to the low responsive and responsible bidder, All-Rite Fence Company, Inc., to furnish/install chain link fencing for the Roads and

Drainage Division. The annual estimated contract amount is \$536,866.82 ([Roads and Drainage Division] Purchasing and Contracts Division).

2. Approval to award Invitation for Bid Y9-748-DB/PW to the low responsive and responsible bidder, Prime Construction Group, Inc., for Rio Pinar drainage improvements - Phase II. The total contract amount is \$1,327,728 ([Public Works Highway Construction Division] Purchasing and Contracts Division).
3. Approval to award sole-source contract to E.J. Breneman, Inc., for Nova Chip emulsion for crack repairs on C.R. 500 (Old 441). The contract amount is \$150,613.60 ([Roads and Drainage Division] Purchasing and Contracts Division).
4. Approval of Amendment 7, Contract Y4-816, with Greiner, Inc., for engineering services for Curry Ford Road (Eastern Beltway to Alafaya Trail). The amount is \$101,740.26 for a total contract to date of \$1,422,872.37 ([Public Works Engineering Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for discussion; see page 248 for discussion and subsequent approval.)

5. Approval of award of increased quantity, Contract Y9-611-RW with Ringhaver Equipment Company, for one additional truck-mounted hydrostatic oil distributor. The total amount is \$95,460 ([Roads and Drainage Division] Purchasing and Contracts Division).
6. Approval of Contract Y9-2076 with the Center for Drug Free Living (CDFL) and Contract Y9-2077 with Human Service Associates, Inc., (HSA) for Drug Court substance abuse and intervention services. The total contract amounts are \$306,958 (CDFL) and \$230,863 (HSA) ([Community Corrections Division] Purchasing and Contracts Division).

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

7. Approval to continue emergency purchasing of nursing services with Olsten Health Services for Orange County Corrections Division Medical Services. The amount needed to the end of

the fiscal year is \$121,000 ([Corrections Department]  
Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for discussion; see pages 248 and 249 for discussion and subsequent approval.)

8. Approval and authorization to record instrument: Stoneybrook Unit II, utility easement, District 4 (Real Estate Management Division).
9. Approval and authorization to record instruments: Hunter's Creek Tract 480 (Towne Place Apartments), utility easement, District 1 (Real Estate Management Division).
10. Approval and execution by County Chairman of easement agreements between Belam, Ltd., and the County; and between Wesco and the County; and authorization to record instruments: Millenia Boulevard (extension to John Young Parkway), District 6 (Real Estate Management Division).

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

11. Approval and execution by County Chairman of a lease agreement between NEXT Outdoor, Inc., and Orange County: Turkey Lake Road billboard, District 1 (Real Estate Management Division).

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

#### Convention Center

1. Approval of Change Order 2, Contract Y9-728-JO, with the Evans Corporation for the Fall Arrest System, Convention Center Phases III and IV in the amount of \$65,564.08 (Convention Center Construction Division).

#### Health and Family Services Department

1. Approval and execution of the Palms Apartments/Head Start Lease Agreement between Orlando Housing Investors, Ltd., and Orange County, Florida. There will be no cost to the County. Head Start program grant funds will pay \$4,680 per year for

the cost of utilities. There is no cash payment for rent.  
Term of the agreement is April 10, 1999, through September 30, 2001, District 6 (Head Start Program Division).

2. Approval and execution of Amendment 02 to Contract GH638 between the State of Florida Department of Children and Families (DCF) and Orange County for the operation of Alcohol, Drug Abuse, and Mental Health Services (ADM) for youths residing at Great Oaks Village. This amendment reduces the funding in children's substance abuse by \$37,000 due to a decrease in units of service provided by the Human Services Division. The amendment shall begin on June 1, 1999, or the date it has been signed by both parties as requested by the DCF. There is no additional cost to the County, all districts (Human Services Division).

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

3. Approval and execution of Amendment 01 to Contract GJ413 between the State of Florida Department of Children and Families (DCF) and Orange County for the operation of an Intensive Crisis Counseling Program (ICCP) and Homemaker Services Program. This amendment provides for two additional positions. There is no additional cost to the County, all districts (Human Services Division).

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

4. Approval and execution of renewal GJ413 Contract between the State of Florida Department of Children and Families (DCF) and Orange County for operation of the Intensive Crisis Counseling Program (ICCP) and the Homemaker Services Program in the amount of \$467,628 per fiscal year. There is a County cash contribution in the amount of \$142,050, which is budgeted to supplement salaries and fringe benefits. There is no additional cost to the County. Term of the agreement will be July 1, 1999, through June 30, 2002, all districts (Human Services Division).

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

5. Approval and execution of Contract between the State of Florida Department of Children and Families (DCF) for the operation of a Foster Care Permanency Program in the amount of \$160,000 for two fiscal years. There is a County cash contribution in the amount of \$7,635, which is budgeted to supplement salaries and fringe benefits. There is no additional cost to the County. Term of the contract will be July 1, 1999, through June 30, 2002, all districts (Human Services Division).

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

6. Approval and execution of nonemergency license for Accent Transport Services of Central Florida to provide wheelchair/stretchers service. Term of the license is June 30, 1999, through June 30, 2000. There is no cost to the County, all districts (Emergency Medical Services).

#### Public Works Department

1. Approval and execution of an interlocal agreement between the City of Orlando and Orange County for the plat of Airport Industrial Park at Orlando Addition No. 10, District 4 (Development Engineering Division).

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

2. Approval to increase the speed limit from 35 to 45 miles per hour on Old Winter Garden Road from Ivey Lane to John Young Parkway, District 6 (Traffic Engineering Division).
3. Approval and execution of the first amendment to the Waterford Lakes Road Impact Fee Agreement among Waterford Commercial Land Joint Venture; Simon Property Group, L.P.; and Orange County, District 4 (Public Works Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see pages 249 and 250 for discussion and subsequent approval.)

## COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

### Administrative Support Department

4. Approval of Amendment 7, Contract Y4-816, with Greiner, Inc., for engineering services for Curry Ford Road (Eastern Beltway to Alafaya Trail). The amount is \$101,740.26 for a total contract to date of \$1,422,872.37 ([Public Works Engineering Division] Purchasing and Contracts Division).

#### Discussion

Commissioner Hartage requested this item be deferred for discussion to clarify the additional change order cost.

Public Works Engineering Division Manager Jim Harrison responded to Commissioner Hartage's questions by stating that this roadway is expected to be open six months ahead of schedule. Mr. Harrison noted that the additional cost is for engineering and surveying documents associated with the earlier-than-expected opening.

The Board discussed expeditious use of future County funds and timely completion of road projects.

#### Action

Upon a motion by County Chairman Martinez, seconded by Commissioner Hoenstine, with County Chairman Martinez and Commissioners Sindler, Johnson, and Hoenstine voting AYE by voice vote; Commissioners Edwards and Hartage voting NO by voice vote; Commissioner Freeman was absent; the Board approved Amendment 7, Contract Y4-816, with Greiner, Inc., for engineering services for Curry Ford Road (Eastern Beltway to Alafaya Trail) in the amount of \$101,740.26, for a total amount to date of \$1,422,872.37.

### Administrative Support Department

7. Approval to continue emergency purchasing of nursing services with Olsten Health Services for Orange County Corrections Division Medical Services. The amount needed to the end of the fiscal year is \$121,000 ([Corrections Department] Purchasing and Contracts Division).

#### Staff Report

Purchasing and Contracts Division Manager Johnny Richardson

reviewed the contract for nursing services for the Corrections Division Medical Services and noted that there will be no additional cost to the County.

#### Discussion

The Board discussed the nursing services contract and the decision not to privatize the jail.

#### Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved continuing emergency purchasing of nursing services with Olsten Health Services for Orange County Corrections Division Medical Services in the amount of \$121,000.

### Public Works Department

3. Approval and execution of the First Amendment to the Waterford Lakes Road Impact Fee Agreement among Waterford Commercial Land Joint Venture; Simon Property Group, L.P.; and Orange County, District 4 (Public Works Engineering Division).

#### Discussion

Commissioner Edwards requested this item be deferred to discuss setting a precedent for impact fee credits.

Development Engineering Division Manager Roger Cain stated impact fee credits cannot be granted until roads are completed. Mr. Cain noted that certificates of occupancy will be not granted to the developer until six lanes of traffic are open on Alafaya Trail.

The Board discussed refunding impact fee credits and directed staff to review credits on a periodic basis to determine when impact fee credits may be given to developers.

#### Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board approved the First Amendment to the Waterford Lakes Road Impact Fee Agreement among Waterford Commercial Land Joint

Venture; Simon Property Group, L.P.; and Orange County with the exception of Paragraph 3, Section 2(a) which refers to credits for eligible improvements.

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

#### ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and two alternates to provide business resumption alternate computer facilities for DEC and IBM systems (hot and cold site), RFP Y9-1004-SI ([Information Systems and Services Division] Purchasing and Contracts Division).

##### Staff Report

Purchasing and Contracts Division Manager Johnny Richardson reviewed the committee's recommendation on the selection of one firm and two ranked alternates to provide business resumption alternate computer facilities for DEC and IBM systems (hot and cold site) from the following firms listed alphabetically:

- Comdisco Continuity Services
- IBM Business Recovery Services
- Sungard Recovery Services

##### Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, 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 Comdisco Continuity Services
- #2 IBM Business Recovery Services
- #3 Sungard Recovery Services

and further, authorized staff to enter into contract negotiations to provide business resumption alternate computer facilities for DEC and IBM systems (hot and cold site), RFP Y9-1004-SI.

2. Selection of one firm and one alternate to provide continuing general transportation manager services for the Orange County Convention Center expansion, RFP Y9-905-MK ([Public Works Engineering Division] Purchasing and Contracts Division).

Staff Report

Purchasing and Contracts Division Manager Johnny Richardson reviewed the committee's recommendation on the selection of one firm and one ranked alternate to provide continuing general transportation manager services for the Orange County Convention Center expansion from the following firms listed alphabetically:

- PBS&J
- URS Greiner Woodward Clyde

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, 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 PBS&J
- #2 URS Greiner Woodward Clyde

and further, authorized staff to enter into contract negotiations to provide continuing general transportation manager services for the Orange County Convention Center expansion, RFP Y9-905-MK.

Commissioner Freeman joined the meeting.

WORKSESSION - IMPACT FEE DISCOUNTS FOR NONPROFIT GROUPS

Staff Report

Planning Division Manager David Heath explained that the purpose of this worksession is to discuss exempting certain nonprofit groups from impact fees and to consider formalizing a process for exemptions.

Mr. Heath reviewed past Board actions and practices and instances where the Board has authorized payment of impact fees for several nonprofit groups. He stated that a task force was formed and

concluded that organizations defined under 501(c)(3) of the Tax Code should be eligible for impact fee discounts; and further, the County should establish dedicated funding for these groups.

Jim Duncan of Duncan Associates, an impact fee consulting firm, addressed the Board and described how other communities handle impact fees. Mr. Duncan stated that issues to be considered are defining eligibility, standardization of criteria, and identifying funding amounts.

Mr. Heath stated that staff recommends instituting a two-year pilot project as part of the budget process and may consider allocating \$50,000 to \$100,000 per year to pay for impact fees. He noted these fees should be capped to prevent any one project from using the entire budgeted amount. Mr. Heath concluded his presentation by stating that the next step is for staff to draft an administrative regulation which will be reviewed by the task force and then to schedule a Board hearing in the future.

The Board discussed impact fee discounts applying only to new construction; the definition of nonprofit groups; granting impact fee discounts to churches; and the benefit of the proposed pilot program.

County Comptroller Martha Haynie reminded the Board that taxes need to be viewed in legal terms and how staff and the County Comptroller can use them. She further advised against overcommitting County audit resources and stressed the need for accountability of any transactions.

County Comptroller Haynie emphasized the importance of public disclosure of the County's business practices and avoiding netting transactions where impact fees appear reduced when the fees are in fact being paid and the County is increasing its social services expenditures.

**Action**

The Board did not take any action.

**JUNE 17, 1999, PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

**Action**

Upon a motion by County Chairman Martinez, seconded by Commissioner Hartage, 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 June 17, 1999, with the exception of Cases Z-99-042, Z-99-043, and Z-99-052; 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-99-042 in the name of Archstone Communities Trust, The Fountains at Waterford Lakes, on July 27, 1999.
- Case Z-99-043 in the name of Bridgewater Development Company, Inc., Stillwater Crossings/Center Bridge, on July 27, 1999.
- Case Z-99-052 in the name of Transeastern Homes, Windermere Ridge, on July 27, 1999.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under date of June 17, 1999, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant/Applicant: Charles Davis; Case Z-98-103; public hearing date: July 27, 1999.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - BOULEVARD TRUST  
PLANNED DEVELOPMENT/LOTS 1-5 PRELIMINARY SUBDIVISION, DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Boulevard Trust Planned Development/Lots 1-5 Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of University Boulevard and west of Alafaya Trail; District 5; 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**

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

#### 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 Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the Boulevard Trust Planned Development/Lots 1-5 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Boulevard Trust Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Lots 1-5 Preliminary Subdivision Plan, dated "Received May 17, 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 BCC, or by action of the BCC.

This Preliminary Subdivision Plan approval automatically expires on June 29, 2000, in accordance with Orange County Subdivision Regulations, as amended.

2. Prior to construction plan approval, a master stormwater management system for the Planned Development shall be submitted to the County engineer for review and approval per Development Review Committee condition of approval from March 25, 1999.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - GRANADA PLANNED DEVELOPMENT(PD)/TRACT D SE/LOTS 2-7/PLAZA VENEZIA PRELIMINARY SUBDIVISION AND GRANADA PD DEVELOPER'S AGREEMENT, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Granada Planned Development (PD)/Tract D SE/Lots 2-7/Plaza Venezia Preliminary Subdivision

Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of Sand Lake Road and east of the Esplanade; and approval of the Granada Planned Development Developer's Agreement as provided for in the Orange County Code, Article II, Section 34-27; District 1; Section 35, 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 reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

#### Appearances

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

- Charlie True, McIntosh & Associates; 2200 Park Avenue North, Winter Park, Florida; for the developer.
- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.; 215 North Eola Drive, Orlando, Florida; for Marcent Development Company, Inc.

The following persons addressed the Board with general comments:

- Jim Younglove, 8025 Bronte Court, Orlando, Florida; for the local residents.
- Bethany Prendergast, director of Dr. Phillips Preservation Association, 8269 Burgos Court, Orlando, Florida.

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 Granada Planned Development (PD)/Tract D SE/Lots 2-7 Plaza Venezia Preliminary Subdivision on

the above-described property, subject to the following conditions:

1. Development shall conform to the Granada Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Lots 2-7 Plaza Venezia Preliminary Subdivision/Development Plan, dated "Received March 25, 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 BCC, or by action of the BCC.

This Preliminary Subdivision Plan approval automatically expires on June 29, 2000, in accordance with Orange County Subdivision Regulations, as amended.

2. Orange County will not own, operate, or maintain on-site wastewater systems.
3. Property shall be platted prior to issuance of any certificates of occupancy.
4. No renting of/or commercial watercraft uses are permitted.
5. If wetlands are impacted by the development, then prior to construction plan approval a conservation area impact permit must be submitted to and approved by the Environmental Protection Division.
6. The March 11, 1999, Granada Planned Development Developer's Agreement among Bilbao, Inc.; Tortosa, Inc.; Marcent Development Company, Inc.; and the County is approved with this Preliminary Subdivision Plan.
7. There shall be no visible flat roofs or visible machinery thereon from any side of erected structures. Machinery is defined as air conditioners, antennas, air handlers, duct work or other similar devices to include pipes.
8. All trash containers be enclosed and not be visible.
9. Signage is to be restricted to the five (5) new ground signs for the entire project.

10. Prior to any development plan approval on Lots 2 and 3, a neighborhood meeting shall be held.
11. A joint access driveway on Sand Lake Road shall be centered on the common property line with the property to the west. Cross-access easements shall be provided.

(Developer's agreement is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -  
APPLICANT: APOPKA WINE AND SPIRITS; CONTINUED ITEM 5, MAY 6, 1999;  
DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Apopka Wine and Spirits for a variance in Retail Commercial District (C-1) zone to allow alcoholic package sales 3,100 feet in lieu of 5,000 feet from another alcoholic package sales business (Albertson's at 2400 East Semoran Boulevard), on property generally located on the southeast corner of Semoran Boulevard and South Lake Pleasant Road; District 2; Section 12, Township 21, Range 28; Orange County, Florida.

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

#### Staff Report

Zoning Division Manager Melvin 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.

#### Appearances

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

- Kurt Ardaman, Esquire; 170 Washington Street, Orlando, Florida;  
for ABC Liquors, Inc.

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

- Alex Germa (no address given).

#### Discussion

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

#### Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with Commissioners Freeman, Sindler, Johnson, Edwards, and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioner Hoenstine voting NO by voice vote; the Board approved the request by Apopka Wine and Spirits for a variance in Retail Commercial District (C-1) zone to allow alcoholic package sales 3,100 feet in lieu of 5,000 feet from another alcoholic package sales business (Albertson's at 2400 East Semoran Boulevard), on the above-described property; subject to the following condition:

1. The applicant shall secure documented approval from the owner of the property where his current store is located agreeing to prevent any further use of said property for package sales in exchange for the variance to allow the same use on the subject property. If the applicant secures said agreement, a legal document shall be prepared by the County Attorney's office to memorialize the agreement in perpetuity on the land. The applicant shall secure the documented agreement within 90 days from the date of Board of Zoning Adjustment approval; if said agreement is not received within this time frame, the variance approval becomes null and void.

**BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: LEAH BANK;  
APPLICANT: NEW APOSTOLIC CHURCH; ITEM 7, MAY 6, 1999; DISTRICT 4**

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Leah Bank of the recommendation of the Board of Zoning Adjustment, dated May 6, 1999, on a request by New Apostolic Church for a special exception in Single-Family Dwelling District (R-1A) zone to expand existing church use (new 3,539 square-foot church building to replace existing church building), on property located at 4685 Lake Holden Hills Drive; District 4; Section 11, Township 23, Range 29; Orange County, Florida.

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

#### Staff Report

Zoning Division Manager Melvin Pittman outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended approval of the request.

#### Appearances

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

- John Barbieri, 1530 Amherst Lane, Kissimmee, Florida; for the applicant.

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

- Leah Bank, the appellant, 4681 Lake Holden Hills Drive, Orlando, Florida.
- Raymond Bank, 4681 Lake Holden Hills Drive, Orlando, Florida.

#### Discussion

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

Commissioner Freeman left the meeting.

#### Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board upheld the decision of the Orange County Board of Zoning Adjustment and approved the request by New Apostolic Church for a special exception in Single-Family Dwelling District (R-1A) zone to expand existing church use (new 3,539 square-foot church building to replace existing church building, subject to the following conditions:

1. Development is in accordance with site plan, dated March 19, 1999, and all other applicable regulations.
2. No outdoor bells, chimes, speakers, or other such devices shall be permitted.

3. Parking areas shall be unpaved except for handicap spaces and driveways and located on the south one-half of the subject site.
4. The satellite dish shall be relocated to the south side of the church building and shall be outside the front yard setback.
5. A minimum of seven-foot-high (7') masonry wall shall be constructed along the entire length of the north property line. Said wall shall have stucco on both sides and be maintained by the applicant.
6. The proposed structure shall maintain a design and exterior coloration that is compatible with the residential homes in the area.
7. Church building shall not exceed 21 feet in height. The church steeple shall not exceed 35 feet in height.
8. No light poles shall be permitted within the north one-half of the site. Lighting shall be designed to direct to the interior of the property as much as possible and be shut off when not necessary.
9. Landscaping shall be provided in accordance with Chapter 24 of the Orange County Code.
10. The size of the church building shall not exceed 3,539 square feet.
11. Permits shall be obtained within one (1) year of this approval or this approval becomes void.
12. No further expansion or additional uses of the site.

Commissioner Freeman rejoined the meeting.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: TIMOTHY R. O'CONNOR; APPLICANT: WEKIVA SPRINGS SELF STORAGE; CONTINUED ITEM 6, MAY 6, 1999 (CONTINUED FROM DECEMBER 3, 1998); DISTRICT 2

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Timothy R. O'Connor of the

recommendation of the Board of Zoning Adjustment, dated May 6, 1999, on a request by Wekiva Springs Self Storage for a special exception in Retail Commercial District (C-1) zone for a personal self storage facility, continued from the December 3, 1998, Board meeting.

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

#### Staff Report

Zoning Division Manager Melvin Pittman outlined the request, identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended approval of the request.

#### Court Reporter

A court reporter, Debra Alf, Zacco and Associates, was present.

#### Appearances

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

- Bridgette Lane, 2368 Park Village Place, Apopka, Florida.
- Bill Smith, 1609 Green Cricket Court, Apopka, Florida.
- Van Bogan, president and chief executive officer of Southtrust Bank, 135 West Central Boulevard, Orlando, Florida.
- Dean Cannon, Esquire; Gray, Harris & Robinson, P.A.; 201 East Pine Street, Orlando, Florida; for the applicant.

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

- Timothy O'Connor, the appellant, 2376 Park Village Place, Apopka, Florida.
- John Dottore, 1602 Owl Ridge Court, Apopka, Florida.
- Lucille Allen, 2225 Park Village Place, Apopka, Florida.
- Gary Griffin, 2329 Park Village Place, Apopka, Florida.
- Dimitrios Kioukis, 2201 Park Village Place, Apopka, Florida.

- Joni Keams, 2376 Park Village Place, Apopka, Florida.
- David Allen, 2225 Park Village Place, Apopka, Florida.
- Lisa Dottore, 1602 Owl Ridge Court, Apopka, Florida.
- Jim Robertson, 1529 Majestic Oak Drive, Apopka, Florida.

County Chairman Martinez accepted the following exhibit from Ms. Lane:

- Clerk's Exhibit 1, two letters from area residents in support of the request.

County Chairman Martinez accepting the following exhibits from Mr. Cannon:

- Clerk's Exhibit 2, letter from Tipton Associates Inc.
- Clerk's Exhibit 3, building and operational guidelines for the proposed Wekiva Springs Self Storage.

#### Discussion

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

#### Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, with Commissioners Freeman, Sindler, Johnson, Edwards, and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioner Hoenstine voting NO by voice vote; the Board overruled the decision of the Orange County Board of Zoning Adjustment and denied the request by Wekiva Springs Self Storage for a special exception in Retail Commercial District (C-1) zone for a personal self storage facility based on the Findings of Fact and staff recommendation to the Board of Zoning Adjustment outlined on pages three through five of the June 29, 1999, Zoning Division Agenda.

#### ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE CHAPTER 37, ARTICLE XVI, DOMESTIC WASTEWATER RESIDUAL MANAGEMENT

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

AN ORDINANCE AMENDING THE ORANGE COUNTY DOMESTIC WASTEWATER

RESIDUAL MANAGEMENT ORDINANCE; PROVIDING FOR UPDATES AND AMENDMENTS TO THE ORANGE COUNTY CODE, CHAPTER 37, ARTICLE XVI, DOMESTIC WASTEWATER RESIDUAL MANAGEMENT TO MAKE THE ORDINANCE CONSISTENT WITH THE FLORIDA STATUTES, THE FLORIDA ADMINISTRATIVE CODE AND OTHER PROVISIONS OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

**Staff Report**

Environmental Protection Division Manager Anna Hacha-Long reviewed the proposed ordinance and outlined its amendments.

**Appearances**

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

- Fred Dietrich, 10 Seminole Trail, Orlando, Florida; for the Farm Bureau.

No one appeared in opposition to the proposed ordinance.

**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 the proposed ordinance amending Orange County Code Chapter 37, Article XVI, Domestic Wastewater Residual Management.

(Ordinance 99-15 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTIONS 32-211 THROUGH 32-223, THE SOLID WASTE ORDINANCE**

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

**AN ORDINANCE PERTAINING TO SOLID WASTE IN ORANGE COUNTY, FLORIDA, AMENDING ORANGE COUNTY ORDINANCE NO. 92-19 AS CODIFIED AT SECTION 32-211 THROUGH SECTION 32-223 OF THE ORANGE COUNTY CODE;**

MODIFYING AND ADDING DEFINITIONS, MODIFYING TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS AND OPERATIONS, MODIFYING SETBACK AND LANDSCAPING REQUIREMENTS, REGULATING VEHICULAR ACCESS TO SOLID WASTE MANAGEMENT FACILITIES, MODIFYING WASTE-HANDLING AND COVER REQUIREMENTS, PROVIDING FOR GROUNDWATER MONITORING PLANS, PROVIDING FOR ENFORCEMENT, PROVIDING OTHER RELATED TERMS, CONDITIONS, LIMITATIONS AND REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

#### Staff Report

Environmental Protection Division Manager Anna Hacha-Long reviewed the proposed ordinance and outlined its amendments.

#### Appearances

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

- Steve Clarke, 2410 Poces Ferry Place, Atlanta, Georgia; for Waste Management, Inc.
- Carolyn McCreedy, 10800 NE 128th Avenue, Okeechobee, Florida; for Waste Management, Inc.

No one appeared in opposition to the proposed ordinance.

#### Discussion

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

#### Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted the proposed ordinance amending Orange County Code, Sections 32-211 through 32-223, the Solid Waste Ordinance.

(Ordinance 99-16 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:20 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk      County Chairman

Assistant Deputy Clerk

Minutes Coordinator

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