

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, August 31, 1999. The following were present:

- County Chairman Mel Martinez
- Commissioners Bob Sindler, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- Deputy County Attorney Jeff Newton
- Deputy Clerk Rosilyn Stapleton

Commissioners Bob Freeman and Mary Johnson joined the meeting where indicated.

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

COUNTY CONSENT AGENDA

Action

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

- deleted Administrative Support Department Item 2;

and further, approved the balance of the County Consent Agenda items as follows, including Growth Management and Environmental Resources Department Addendum 1:

County Comptroller

1. Approval for disposition of tangible personal property as follows:

- a. Dispose of assets through trade for an allowance towards the purchase of new equipment or for no value.
- b. Cannibalize assets for their useable parts.
- c. Dispose of assets that have been demolished in conjunction with a construction contract.
- d. Dispose of a vehicle that was totaled out by the County's self insurance program.
- e. Scrap assets.
- f. Dispose of assets that were abandoned in sealed well sites.

(Property Accounting Department)

2. Acknowledgment of receipt of the following file for the record documents:
 - a. Florida Public Service Commission Notices as follows:
 - Commission Conference Agenda for August 17, 1999; dated August 10, 1999.
 - Notice of hearing and prehearing conference re: Cancellation by Florida Public Service Commission of pay telephone Certificate No. 3905 issued to Mark D. Ridley for violation of Rule 25-4.0161, F.A.C., regulatory assessment fees; dated August 3, 1999.
 - Amended notice of rescheduling of hearing and prehearing re: Adoption of numeric conservation goals by Florida Power and Light Company, Florida Power Corporation, Gulf Power Company, and Tampa Electric Company; dated August 3, 1999.
 - b. Orange County Community Action Board, copy of bylaws as revised and adopted June 23, 1999; dated July 22, 1999.
 - c. Reedy Creek Improvement District, certified copy of Ordinance No. 108, City of Bay Lake annexing certain property; dated July 23 1999.

(Comptroller Clerk of the Board of County Commissioners)

3. Approval of the minutes of the August 3 and August 10, 1999, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners.)

County Chairman

1. Confirmation of the reappointment of Commissioner Ted Edwards and the appointment of Commissioner Homer Hartage as the County's representatives on the East Central Florida Regional Planning Council.

County Administrator

1. Approval for the Sheriff's Office to spend approximately \$8,000 from the Law Enforcement Trust Fund to make a contribution to the 1999 Safe Halloween Program (Office of Management and Budget).

2. Approval of Budget Amendment 99-101 (Office of Management and Budget)

(Budget Amendment 99-101 is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

3. Approval of Budget Transfers 99-659 and 99-668 (Office of Management and Budget).

(Budget Transfers 99-659 and 99-668 are on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

4. Approval of payment of intergovernmental claims for August 12, 1999, totaling \$117,532.29 (Risk Management Division).

Administrative Support Department

1. Approval to award Request for Proposal Y9-1033-HF for legal services for public defender conflict of interest cases ([Court Appointed Attorney Program] Purchasing and Contracts Division).
2. Approval to increase the annual expenditures of the blanket purchase order with Ringhaver Equipment Company for Caterpillar OEM parts and services for fiscal year 1998-99 from \$400,000 to \$470,000 ([Solid Waste Division] Purchasing and Contracts Division).

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

3. Approval to award Invitation for Bid Y9-765-BI to the low responsive and responsible bidder, Metropolitan Construction, Inc., for West Orange Park soccer fields and concession/restroom and Bithlo Park concession/restroom construction. The total contract amount is \$498,900 ([Parks and Recreation Division] Purchasing and Contracts Division).
4. Approval and authorization to record instruments: The Gatherings Apartments, utility easement, subordination of encumbrance to property rights, and partnership affidavit, District 5 (Real Estate Management Division).
5. Approval and authorization to record instruments: Hunter's Creek Tract 355, utility easement, subordination of encumbrance to property rights, and partnership affidavit, District 1 (Real Estate Management Division).
6. Approval and authorization to record instrument: Keene's Pointe golf maintenance facility, utility easement, District 1 (Real Estate Management Division).
7. Approval and authorization to record instrument: Union Park Middle School, master meter utility easement, District 3 (Real Estate Management Division).

8. Approval and execution by County Chairman of a First Lease Amendment: Mercy Drive warehouse, District 6 (Real Estate Management Division).

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

Growth Management and Environmental Resources Department

1. Approval and execution of a HOME Partnership Agreement between Orange County and Orlando Neighborhood Improvement Corporation for the acquisition and rehabilitation of the Hidden Cove housing development project located at 4900 South Rio Grande Avenue, District 6 (Housing and Community Development Division).

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

Growth Management and Environmental Resources Department - Addendum 1

2. Approval and execution of developer's agreement for discounts of impact fees and wastewater capital charges for Seminole Ridge Apartments, Ltd., an affordable housing development (Housing and Community Development 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 Historic Preservation Special Categories Grant Award Agreement SC033 in the amount of \$400,000. This is a 1:1 matching grant and part of the \$33 million project budget. There are no additional budgetary impacts to the County. Term of the agreement is from date of execution by the Department of State through March 31, 2001, all districts (Historical Museum Division).

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

Public Works Division

1. Authorization to record the plat of Clarcona Ridge Phase I, District 2 (Development Engineering Division).
2. Approval to establish a "No Parking" zone on the north side of McCoy Road beginning from the west right-of-way line of Tradeport Drive and extending west 250 feet, District 4 (Traffic Engineering Division).
3. Approval to establish a "No Parking" zone on both sides of Gills Drive beginning 1,600 feet from the north right-of-way line of Landstreet Road and extending east 1,200 feet, District 4 (Traffic Engineering Division).
4. Approval to establish a speed limit of 40 miles per hour on Haas Road from Plymouth-Sorrento Road to Mount Plymouth Road, District 2 (Traffic Engineering Division).
5. Approval to establish: 1) "One Way" westbound traffic on Duskin Avenue from Tampa Avenue to Dollins Avenue; 2) A 15-minute passenger loading and unloading zone on the north side of Duskin Avenue from 160 feet west of Tampa Avenue to Dollins Avenue; and 3) A "No Parking" zone on the south side of Duskin Avenue between Tampa Avenue and Dollins Avenue, with parking restricted from 7:30 a.m. to 3 p.m. on school days, District 6 (Traffic Engineering Division).

Commissioner Johnson joined the meeting.

ECONOMIC, TRADE, AND TOURISM DEVELOPMENT OFFICE DISCUSSION AGENDA

1. Consideration of Economic Development Commission Funding Request for fiscal year 1999-2000.

County Chairman Martinez stated that he requested this item be placed on the discussion agenda in light of additional information the Economic Development Commission (EDC) has brought forward. He explained that the EDC is facing funding difficulties this year that will curtail its programs and mission. County Chairman Martinez said he wanted to give the EDC a chance to address the Board and present the additional information since the budget process is on going.

Commissioner Freeman joined the meeting.

Staff Report

Darrell Kelley, president and chief executive office of the EDC, addressed the Board and reviewed the current, proposed, and requested funding budgets and the impact of the proposed funding reduction. Mr. Kelley stated that Central Florida has the strongest regional economy in Florida and overviewed the situation, competition, and vision of the EDC. He noted that the EDC is looking to the community for a new level of funding from the private sector and that it would benefit the County to be a leader in supporting economic development.

Discussion

The Board discussed average salaries, funding formulas, credibility, audit identified deficiencies, expansion of economic development efforts to outlying areas, and the importance of job diversity. The Board also discussed economic competition, separation of service industry job classifications, and the potential reduction of development programs.

Appearances

The following person addressed the Board:

- George Jackson (no address given).

Action

County Chairman Martinez announced his intent that, at the next scheduled board meeting on September 8, 1999, he will move to rescind the Board's action of August 10, 1999, regarding the fiscal year 1999-2000 budget funding request for the Economic Development Commission.

COMMISSIONERS' REPORT - DISCUSSION AGENDA

1. Commissioner Sindler wishes to discuss funding for the Eatonville Martin Luther King, Jr., parade.

Staff Report

Anthony Grant, mayor of Eatonville, addressed the Board and reviewed the Eatonville Martin Luther King, Jr., celebration. He noted the increasing number of attendees at the celebration and asked that the County partner with Eatonville to sponsor the parade.

Discussion

The Board discussed cash and in-kind contributions, review of an itemized budget list, and private sector funding.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved fiscal year 1999-2000 budget funding in the amount of \$5,000 cash and \$5,000 in-kind services for the Eatonville Martin Luther King, Jr., parade.

2. Commissioner Edwards wishes to make a motion to rescind the Board's action of March 30, 1999, denying the request of Jack Krips, Walton/Wash, Planning and Zoning Commission hearing Z-98-131, January 21, 1999, for a change in zoning from Retail Commercial District (C-1) to General Commercial District (C-2), District 5.

Discussion

Commissioner Edwards explained that the applicant retained counsel to represent him at the Board hearing and that his counsel was unable to attend the hearing because of a family emergency. He stated that he would like to rescind the Board's previous action and allow the applicant another opportunity to be represented at a public hearing.

Action

Upon a motion by Commissioner Edwards, seconded by Hartage, and carried with all members present and voting AYE by voice vote, the Board rescinded its action of March 30, 1999, denying the request of Jack Krips, Walton/Walsh, Planning and Zoning Commission, Case Z-98-131, dated January 21, 1999, for a change in zoning from Retail Commercial District (C-1) to General Commercial District (C-2); and further, authorized staff to schedule a public hearing.

NONAGENDA - ORLANDO UTILITIES COMMISSION

Commissioner Edwards stated that he requested staff schedule a discussion item for today's agenda regarding the Orlando Utilities Commission (OUC). He explained that since making that request he has received correspondence from city mayors who would like an opportunity to address the Board on this issue and that he feels it would be inappropriate to discuss the matter at this time. Commissioner Edwards noted, however, that he would like to update the Board on the matter.

Commissioner Edwards reviewed the worksession held on February 16, 1999, regarding utility rate disparities and deregulation. He reported that he spoke with the City of Orlando rate-study consultant and found that the consultant was directed not to conduct a study at this time and to refer all questions to Orlando Mayor Glenda Hood. Commissioner Edwards also stated that the County recently received a letter from Bob Haven, general manager and chief executive officer of OUC, overruling OUC's justification for the surcharge.

Discussion

The Board discussed utility surcharges, the County's water utility rates, input from all interested parties, fundamental fairness for all citizens, due process of rate reviews, legislative review of utility surcharges, and territorial agreements.

Action

By consensus, the Board directed staff to research Orlando Utility Commission's rate surcharge and the County's water utility rates and schedule a worksession before the Board; and further, to invite all interested parties to participate in the worksession.

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and two alternates to provide engineering services for the Taft-Vineland Road final engineering design, RFP Y9-820-BI ([Public Works Engineering Division] Purchasing and Contracts Division).

Commissioner's Report

Commissioner Edwards, who was present at the August 11, 1999, Procurement Review Committee meeting, reviewed the committee's recommendation on the selection of one firm and two ranked alternates for engineering services for the Taft-Vineland Road final engineering design from the following firms listed alphabetically:

- HNTB Corporation
- Parsons Transportation Group, Inc.
- URS Greiner Woodward Clyde, Inc.

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 following short list ranked as follows:

- #1 HTNB Corporation
- #2 Parsons Transportation Group, Inc.
- #3 URS Greiner Woodward Clyde, Inc.

and further, authorized staff to enter into contract negotiations for engineering services for the Taft-Vineland Road final engineering design, Y9-820-BI.

GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT -
DISCUSSION AGENDA

1. Approval of the proposal to allow builders and developers to place directional signs within rights-of-way on weekends and holidays for a six-month trial period, all districts (Zoning Division).

Staff Report

Zoning Division Manager Melvin Pittman reviewed the proposed temporary rights-of-way sign program and explained that it is oriented towards developers, builders, realtors, and approved special events. Mr. Pittman stated that the proposed program will be in effect for a six-month trial period and that a report on the program's effectiveness will be presented to the Board after that time. Mr. Pittman also overviewed how other local governments are handling this type of signage.

Appearances

The following person addressed the Board:

- Rick McKee (no address given) for the Homebuilders' Association of Mid-Florida.

Discussion

The Board discussed signage fees, approval of temporary signage relating to other events, and garage sale signs.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the placement of directional signage in road rights-of-way on weekends and holidays for a six-month trial period basis; further approved Attachment "C," "Rules and Procedures for

Temporary Directional Signs (Weekends);" and further, approval for temporary signage regarding all other special events shall be designated to the Zoning manager.

(Attachment "C" is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

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

Commissioner Homer Hartage joined the meeting where indicated.

The Board paused for an invocation by the Reverend Father Kerber of the Holy Cross Catholic Church, followed by the Pledge of Allegiance to the Flag.

Presentation of Proclamation to representatives of "Working Through the Community."

County Chairman Martinez presented a proclamation to Father Kerber for the commitments, contributions, and achievements of the organization "Working Through the Community" from Holy Cross Catholic Church in celebration of its fifth anniversary.

Commissioner Hartage joined the meeting.

Presentation of Proclamation designating September 4, 1999, as "Celebrate the Family Day."

County Chairman Martinez presented a proclamation designating September 4, 1999, as "Celebrate the Family Day" to Kim Smith, chairman of the "Celebrate the Family Festival." He noted that this is the fifth annual festival and that the festival, presented by the GFAC Orlando Junior Women's Club, will be held at the Walt Disney World Dolphin Hotel

NONAGENDA - VISITORS

County Chairman Martinez welcomed members of "Leadership UCF," an organization of juniors and seniors from the University of Central Florida, who are here to observe government in action and learn more about the community.

Commissioner Hartage left the meeting.

AUGUST 19, 1999, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of August 19, 1999, with the exception of Case Z-99-064; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Case Z-99-064 in the name of James Hall, Wilderness Creek Planned Development, on October 12, 1999.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under date of August 19, 1999, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

None filed.

Commissioner Hartage rejoined the meeting.

**SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: MR. AND MRS.
DONALD BAILEY, AFTER-THE-FACT PERMIT FOR CONSTRUCTION OF NEW
SEAWALL, LAKE DOWN/WAUSEON BAY, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mr. and Mrs. Donald Bailey for an after-the-fact permit for construction of a new seawall pursuant to Orange County Code Chapter 15, Article VI, on property adjacent to Lake Down/Wauseon Bay Canal, which is located at Two Oakdale Street; District 1; Section 8, 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

Senior Environmental Specialist Beth Jackson outlined the request and recommendation for approval subject to conditions.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved a request by Mr. and Mrs. Donald

Bailey for an after-the-fact permit for construction of a new seawall on Lake Down/Wauseon Bay Canal, which is located at Two Oakdale Street, subject to the following conditions:

1. No filling can be performed except in the actual construction of the seawall. The construction of the seawall where such construction is between and adjoins at both end existing seawalls, follows continuous and uniform construction line with the existing seawalls, does not violate water quality standards, impede navigation, or adversely affect flood control.
2. The permittee must either install rip-rap at a 2H:1V slope at the foot of the new seawall along the length of the seawall or plant 300 native aquatic plants along the shoreline.
3. Construction shall be performed using the criteria set forth in Section 373.14(5). This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: MARK WALTRIP,
PERMIT FOR CONSTRUCTION OF NEW SEAWALL, CANAL OFF FISH LAKE,
DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mark Waltrip for a permit to construct a new seawall pursuant to Orange County Code Chapter 15, Article VI, on property adjacent to the canal of Fish Lake, which is located at 9212 Island Lake Court, District 1; Section 9, 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

Senior Environmental Specialist Beth Jackson outlined the request and recommendation for approval subject to conditions.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved a request by Mark Waltrip for a permit to construct a new seawall on property adjacent to the canal of Fish Lake, which is located at 9212 Island Lake Court, subject to the following conditions:

1. No filling can be performed except in the actual construction of the seawall. The construction of the seawall where such construction is between and adjoins at both ends existing seawalls, follows a continuous and uniform construction line with the existing seawalls, does not violate water quality standards, impede navigation, or adversely affect flood control.
2. The permittee must either install rip-rap at 2H:1V slope at the foot of the new seawall along the length of the seawall or plant 150 native aquatic plants along the shoreline.
3. Construction shall be performed using the criteria set forth in Section 373.14(5). This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

BOAT DOCK PUBLIC HEARING - APPLICANT: DOUGLAS AND KIMBERLY TAYLOR, VARIANCE FOR PRIVATE BOAT DOCK, LAKE CRESCENT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Douglas and Kimberly Taylor for a variance for a private boat dock pursuant to Orange County Code Chapter 15, Article IX, on property adjacent to Lake Crescent, which is located at 2648 Carter Grove Circle; District 1; Section 6, Township 23, Range 28; Orange County, Florida.

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

Staff Report

Senior Environmental Specialist Beth Jackson outlined the request and recommendation for approval subject to conditions.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the request by Douglas and Kimberly Taylor for a variance for a private boat dock pursuant to Orange County Code Chapter 15, Article IX, on the above-described property; subject to the following conditions:

1. Minimum height of the deck must be one foot above the Normal High Water Elevation (NHWE) of 102.8 fmsl for Lake Crescent. Maximum height for the boathouse shall be 13 feet above the NHWE.

2. Minimum height of the deck through the conservation area must be one foot above the ground elevation.
3. Construction shall be in accordance with the stamped approved drawings.
4. Turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that State water quality standards on turbidity are not being violated.
5. This permit must be posted in a conspicuous place on site before activity begins and must remain until completion.
6. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: RICHARD AND RITA MASI, VARIANCE FOR PRIVATE BOAT DOCK, LAKE CRESCENT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Richard and Rita Masi for a variance to construct a private boat dock pursuant to Orange County Code Chapter 15, Article IX, on property adjacent to Lake Crescent, which is located at 2702 Carter Grove Circle, District 1; Section 6, Township 23, Range 28; Orange County, Florida.

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

Staff Report

Senior Environmental Specialist Beth Jackson outlined the request and recommendation for approval subject to conditions.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved a request by Richard and Rita Masi for a variance to construct a private boat dock pursuant to Orange County Code Chapter 15, Article IX, on property adjacent to Lake Crescent, which is located at 2702 Carter Grove Circle, subject to the following conditions:

1. Minimum height of the deck must be one foot (1') above the Normal High Water elevation (NHWE) of 102.8 fmsl for Lake Crescent. Maximum height for the boathouse shall be 13 feet above the NHWE.
2. Minimum height of the deck through the conservation area must be one foot above the ground elevation.
3. Construction shall be in accordance with the stamped approved drawings.
4. Turbidity must be confined to the permitted area of work by the use of appropriate technology (screens, filter cloth, etc.) unless it can be demonstrated that State water quality standards on turbidity are not being violated.
5. This permit must be posted in a conspicuous place on site before activity begins and must remain until completion.
6. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: CALVIN GARRISON,
NO. 99-20, PORTION OF 25.0-FOOT RIGHT-OF-WAY, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Calvin Garrison, Petition to Vacate 99-20, to vacate a portion of a 25.0-foot right-of-way known as Lincoln Avenue adjacent to Lots 12 and 13 in Windermere Heights 2nd Section, which is generally located south of Conroy-Windermere Road approximately one-half of a mile west of the Conroy-Windermere Road/Dr. Phillips Boulevard intersection, which is located at 8450 Sunset Drive; District 1; Section 15, 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

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

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 99-20, vacating a portion of a 25-foot right-of-way known as Lincoln Avenue adjacent to Lots 12 and 13 in Windermere Heights 2nd Section on the above-described property.

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

PETITION TO VACATE PUBLIC HEARING - APPLICANT: THADDEUS SZYMANKIEWICZ, NO. 99-24, PORTION OF 7.5-FOOT UTILITY EASEMENT, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Thaddeus Szymankiewicz, Petition to Vacate 99-24, to vacate a portion of a 7.5-foot utility easement in Lot 4 of Sue Harbor Subdivision, which is generally located north of Corrine Drive and west of East Winter Park Drive approximately 1,200 feet north of the Woodlawn Drive/Corrine Drive intersection, which is located at 2043 Sue Harbor Cove; District 5; Section 18, Township 22, Range 30; Orange County, Florida.

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

Staff Report

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

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 99-24, vacating a portion of a 7.5-foot utility easement in Lot 4 of Sue Harbor Subdivision on the above-described property.

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

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - BELMERE PLANNED DEVELOPMENT/BELMERE PARCELS 1, 2, AND 3 PRELIMINARY SUBDIVISION; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Belmere Planned Development/Belmere Parcels 1, 2, and 3 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 Roberson Road and west of Maguire Road; District 1; Section 6, Township 23, Range 28; and Section 31, Township 22, Range 28; Orange County, Florida.

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

Staff Report

Public Works Department Director Bill Baxter reviewed the plan and the Development Review Committee's recommendation of approval subject to conditions.

Mr. Baxter requested that two additional conditions be added as follows:

- Prior to subdivision platting a developers agreement addressing an additional ten (10) feet of right-of-way on the west side of Maguire Road and 25 feet of right-of-way on the south side of Roberson Road shall be executed. The agreement shall address the impact fee credits for the right-of-way, the cost of which shall not exceed \$50,000 per acre.
- At the time of platting, deed restrictions shall be developed that restrict the use of Lake Rhea to nonmotorized watercraft.

Court Reporter

A court reporter, Victoria Millonig, Victoria Millonig and Associates, was present.

Appearances

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

- Hal Kantor, Esquire; Lowndes, Drosdick, Doster, Kantor, and Reed, P.A. (no address given); for the developer.

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

- Marty Rich, 12008 Walker Pond Road, Winter Garden, Florida.
- H. Raymond Kellett, Jr., 2122 Willow Lauren Lane, Windermere, Florida.
- Joanie Charles, 1540 Windermere Road, Winter Garden, Florida.
- George Mezo, 11312 Willow Gardens Drive, Windermere, Florida.
- Drew Pramik, 11242 Willow Gardens Drive, Windermere, Florida.

The following person addressed the Board with general comments:

- R.P. Mohanacky, 1820 Prairie Lake Boulevard, Ocoee, Florida.

Discussion

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

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

- Clerk's Exhibit 1, document composite.
- Clerk's Exhibit 2, videotape of City of Ocoee public hearing regarding subject property.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hartage, 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 approved the Belmere Planned Development/Belmere Parcels 1, 2, and 3 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Belmere Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Belmere Parcels 1, 2, and 3 Preliminary Subdivision Plan (PSP), dated "Received July 29, 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 August 31, 2000, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a master stormwater management plan and master utility plan including preliminary calculations shall be submitted to the County for review and approval.
3. Approval of this PSP voids previous PSP approval.
4. Billboards and pole signs shall be prohibited on the commercial lots.
5. Development shall comply with Resolution 96-M-22 concerning gated communities.

6. Section 34-171(g) of the subdivision regulations is waived to allow a seven-foot-wide (7') sidewalk along the north side of Boulevard "A" in lieu of a sidewalk on both sides of the street.
7. CC&Rs for single-family residential lots will declare that Unit H is approved for 180 multi-family residential units.
8. Prior to subdivision platting a developer's agreement addressing an additional ten (10) feet of right-of-way on the west side of Maguire Road and 25 feet of right-of-way on the south side of Roberson Road shall be executed. The agreement shall address the impact fee credits for the right-of-way, the cost of which shall not exceed \$50,000 per acre.
9. At the time of platting, deed restrictions shall be developed that restrict the use of Lake Rhea to non-motorized watercraft.

NONAGENDA - VISITORS

Commissioner Sindler welcomed his daughter, Julie Sindler, a teacher at Colonial High School, and several students from her Humanities and History classes who are visiting to see how county government works.

NONAGENDA - STAFF REPORTS

County Chairman Martinez stated that public hearing staff reports supplied to Board members are often difficult to read and understand. He directed staff to review the current format and work on developing a new format that summarizes the project history and clearly identifies the issues to be considered by the Board.

Commissioner Hoenstine left the meeting.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: JEFFREY SHERRIN, ISLES OF BUENA VISTA; CASE Z-99-063,
JULY 15, 1999; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jeffrey Sherrin, Isles of Buena Vista, to rezone from Farmland Rural (A-2) (1957) to Planned Development, on property which is generally located 1,000 feet northeast of the S.R. 535/Osceola County Line intersection; 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

Senior Planner John Smogor 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

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

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Hoenstine was absent; the Board approved the request by Jeffrey Sherrin, Isles of Buena Vista to rezone from Farmland Rural (A-2) (1957) to Planned Development, on the above-described property; subject to the following conditions:

1. Development shall conform to the Isles of Buena Vista Planned Development; Orange County Board of County Commissioners' (BCC) approvals; LUP Amendment 1999, dated "Received June 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, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. The developer shall obtain wastewater and water services from the County subject to the County's rate resolutions and ordinances.
3. Revised master water and wastewater plans, including preliminary calculations, shall be required to be submitted for review and approval prior to submission of construction plans.
4. Billboards and pole/pylon signs shall be prohibited.
5. To the extent required to comply with the consistency provision of the Growth Management Act, the following additional conditions shall apply:
 - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Center (Plan).
 - b. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction programs, access management controls, transit access design standards, building orientation, and location of parking lots.

- c. The property owner shall be required to participate in a property owners' association upon its creation (within the International Drive Activity Center).
 - d. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - e. The development plan shall provide for interconnection of adjacent developments either by cross-access easement or public right-of-way.
 - f. Electrical distribution lines shall be underground.
 - g. Participation in a shuttle service connection to area attractions, major transportation centers, and on-site development shall be required.
6. When warranted, the developer shall contribute a fair share of the cost of signalization at S.R. 535 and Buena Vista Parkway (the project entrance roadway).
7. Phase 2 of this project shall comply with the Housing Linkage Agreement approved by the BCC on March 22, 1999;

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

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: BOWYER-SINGLETON & ASSOCIATES, ALAFAYA TRAILS
PROPERTY; CASE Z-98-123, JULY 15, 1999; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bowyer-Singleton & Associates, Alafaya Trails Property, to rezone Farmland Rural District (A-2) (1957) to Planned Development, on property which is generally located on the west side of Alafaya Trail one-half of a mile north of S.R. 50 (Colonial Drive); District 4; Section 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

Senior Planner John Smogor outlined the request and identified the location of the subject property and the surrounding zoning classifications.

Appearances

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

- Judy Stewart; Bowyer Singleton & Associates; 520 South Magnolia Avenue, 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.

Commissioner Hoenstine rejoined the meeting.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by Bowyer-Singleton & Associates, Alafaya Trail Property, to rezone Farmland Rural District (A-2) (1957) to Planned Development, on the above-described property; subject to the following conditions:

1. Development shall conform to the Alafaya Trail Property Land Use Plan, dated "Received May 26, 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 Orange County Board of County Commissioners (BCC), or by action of the BCC.

2. The developer shall obtain wastewater and water services from the County subject to the County's rate resolutions and ordinances. No construction plans will be approved until capacity has been reserved or obtained.
3. Prior to construction plan approval a master utilities plan must be approved.
4. Billboard and pole signs shall be prohibited.
5. At development plan submittal, the interconnection (of the driveway) with the post office shall be reviewed;

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

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: CHARLES PASCH;
APPLICANT: FAITH ASSEMBLY CHURCH OF GOD, INC.; ITEM 4, JULY 1,
1999; DISTRICT 2

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Charles Pasch of the recommendation of the Board of Zoning Adjustment, dated July 1, 1999, on a request by Faith Assembly Church of God for a special exception in Single-family Dwelling District (R-1) for church use and a variance to provide unpaved parking on property which is generally located on the northeast corner of Rose Avenue and Pinto Way; District 2; Section 32, 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.)

Commissioner's Report

Commissioner Sindler stated that area residents are concerned about the proposed project and requested that the Board continue the public hearing to allow time for a community meeting.

Appearances

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

Discussion

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

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by Charles Pasch of the recommendation of the Board of Zoning Adjustment, dated July 1, 1999, on a request by Faith Assembly Church of God for a special exception in Single-family Dwelling District (R-1) for church use and a variance to provide unpaved parking, until September 28, 1999, at 3 p.m.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE CHAPTER 38, ZONING REGULATIONS (1st HEARING)

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

AN ORDINANCE AFFECTING THE USE OF LAND IN UNINCORPORATED ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE; AMENDING DEFINITION FOR "AUTOMOBILE SERVICE STATION"; AND CREATING DEFINITIONS FOR "CORD OF WOOD" AND "DUAL REAR WHEEL VEHICLE"; AMENDING THE USE TABLE; CREATING PROVISIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS RELATING TO DUAL REAR

WHEEL VEHICLES AND SALE OF FIREWOOD; AMENDING PROVISIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS RELATING TO AUTOMOBILE TOWING SERVICES; AMENDING PROVISION RELATING TO BED AND BREAKFAST HOMESTAYS, BED AND BREAKFAST INNS, AND COUNTRY INNS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Zoning Division Manager Melvin Pittman reported that this is the first of two public hearings to consider the proposed ordinance. Code Enforcement Supervisor Joanne McMurray reviewed the proposed ordinance and outlined its provisions.

Appearances

The following persons addressed the Board in opposition to the proposed ordinance:

- James Taylor; 126 East Jefferson Street, Orlando, Florida; for Materials Recycling.
- Robert Kupke; 19733 Lake Pickett Road, Orlando, Florida; for Private Farmers' Association of East Orange County.

No one appeared in favor of the proposed ordinance.

Commissioners Johnson and Hartage left the meeting.

Discussion

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

County Chairman Martinez announced the second of two public hearings to consider the proposed ordinance will be held on September 21, 1999.

MEETING ADJOURNED

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

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator

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