

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 22, 2000. The following were present:

- County Chairman Mel Martinez
- Commissioners Bob Freeman, Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- 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 Roderick Zak, pastor of Carter Tabernacle CME Church, followed by the Pledge of Allegiance to the Flag.

COUNTY CONSENT AGENDA**Action**

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

- deleted County Comptroller Items 1 and 3(d) pertaining to computers from 1997 and forward only;
- deleted County Administrator Item 4;
- revised Administrative Support Department Item 1 as follows:
add "second," before "low responsive";

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

County Comptroller

1. Acknowledgment and filing of the follow-up audit of the Orange County Sheriff's Office (Administrative/Fiscal Division).

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

2. Acknowledgment and filing of the audit of the Air Pollution Control Trust Fund for fiscal year 1998-99 (Administrative/Fiscal Division).

3. Approval of the disposition of tangible personal property:

- a. Cannibalize assets for their useable parts.
- b. Dispose of an asset that was returned to the vendor for a refund.
- c. Dispose of an asset that was abandoned.
- d. Dispose of assets that were scrapped.
- e. Dispose of assets that were sold at public auction.
- f. Dispose of assets as follows:
 - Through public auction
 - Donation to non-profit organizations
 - Scrapping at the County landfill

(As stated in the above motion, computers from 1997 forward were deleted from Item 3d.)

(Property Accounting Department)

4. Acknowledgment of receipt of the following file for the record documents:
 - a. Orange County Educational Facilities Authority Financial Statements and Supplementary Information and Independent Auditors Report; year ended September 30, 1999; dated December 20, 1999.

- b. Valencia Water Control District Meeting Schedule; dated January 19, 2000.
- c. State of Florida Department of Community Affairs copy of letter re: Urban Orlando Community Development District; dated January 26, 2000.
- d. Stoneybrook West Community Development District meeting minutes; dated December 1, 1999.
- e. Orange County Research and Development Authority General Purpose Financial Statements and Compliance Requirements; year ended September 30, 1999; dated January 4, 2000.
- f. Orange County Industrial Development Authority Meeting Schedule; dated January 27, 2000.
- g. Florida Public Service Commission notice of rescheduled need determination and prehearing conference re: Petition for determination of need for an electrical plant in Okeechobee County by Okeechobee Generating Company, L.L.C.; dated January 27, 2000.
- h. West Orange Healthcare District Audited Financial Statements and District Map; fiscal year ended September 30, 1999; dated January 4, 2000.

(Comptroller Clerk of the Board of County Commissioners)

County Administrator

1. Approval of Budget Amendments 00-35, 00-36, 00-37 (Office of Management and Budget).

(Budget Amendments 00-35 through 00-37 are on file in the Office of the Comptroller Finance and Accounting Department.)

2. Approval of payment of intergovernmental claims for January 27, 2000, and February 3, 2000, totaling \$525,499.23 (Risk Management Division).
3. Receipt and filing of minutes for January 20, 2000, and January 27, 2000, meetings of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
4. Approval of the Blanchard Park YMCA Committee members as follows:
 - Tony Benge
 - Sandra Randolph
 - Dave McCumber
 - Joe Wallace
 - Chris Bernier
 - Jim White
 - Michael Kloznick

(Parks and Recreation Division)

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

Administrative Support Department

1. Approval to award Invitation for Bid Y0-133-JS to the low responsive and responsible bidder, Bar-Mac Construction Company for limerock road base. The estimated annual contract amount is \$750,000 ([Roads and Drainage Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was revised as follows: add "second," before "low responsive.")
2. Approval and authorization to record instruments for Eban's Preserve IV off-site easements: drainage easement and utility easement, District 3 (Real Estate Management Division).

3. Approval and execution by County Chairman of Notice of Reservation and authorization to record instrument and disburse warrant to pay recording fees for Azalea Park surplus utility site (Capehart Drive), District 3 (Real Estate Management Division).

County Attorney

1. Approval of the proposed First Amendment to V.A. Hospital Litigation Settlement Agreement and Mutual Release among Howard R. Scharlin, as Trustee; Ralph Fisch, as Trustee; Robert A. Yeager, as Trustee; FOT, L.C., a Florida limited liability company; Terrabrook Vista Lakes, L.P., a Delaware limited partnership; and the County (County Attorney).

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

Growth Management and Environmental Resources Department

1. Approval to file Claim of Special Assessment Liens by Resolution against the following properties: (a) 821 East Story Road, \$2,215.48, District 1; (b) 5200 Patricia Drive, \$5,796.30, District 1; and (c) 649 Bethune Avenue, \$2,071.88, District 1 (Building Division).

(Resolutions 2000-BUI-04 through 2000-BUI-06 are on file in the Office of the Comptroller Clerk of the Board of County Commissioners.)

2. Receipt and filing of the minutes of the Lake Conway Water and Navigation Control District Advisory Board meeting of November 9, 1999, for the official County record, District 4 (Environmental Protection Division).
3. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meetings of October 21, November 10, November 23, and December 16, 1999, for the official County record, District 4 (Environmental Protection Division).

4. Receipt and filing of the minutes of the Lake Killarney Advisory Board meeting of November 18, 1999, for the official County record, District 5 (Environmental Protection Division).
5. 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 00-132; LC 00-131; LC 00-112; LC 00-110; LC 00-136;
LC 00-109; LC 00-142; LC 00-147; LC 00-152; LC 00-153;
LC 00-141; LC 00-154; LC 00-143; LC 00-103; LC 00-119;
LC 00-116; LC 00-115; LC 00-117; LC 00-118; LC 00-144;
LC 00-145; LC 00-146; LC 00-129; LC 00-130; LC 00-135;
LC 00-100; LC 00-015; LC 00-128;

all districts (Code Enforcement Division).

(Resolutions 2000-ZON-036 through 2000-ZON-063 are 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 Nonemergency Transportation License for Dor-Sar Patient Transport Services to provide wheelchair/stretchers service. Term of the license is from March 1, 2000, through March 1, 2002. There is no cost to the County, all districts (Office of Emergency Medical Services).
2. Approval and execution of the Community Services Block Grant (CSBG) Agreement Modification between the State of Florida Department of Community Affairs, and Orange County, Florida. The modification allows Orange County to receive additional funding in the amount of \$133,872, which will increase the total CSBG budget from \$602,936 to \$736,808. This is a cost

reimbursement agreement not to exceed \$736,808. There will be no additional cost to the County, all districts (Office of Community Action).

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

3. Approval and execution of the application to license the Bithlo Head Start Center between the State of Florida Department of Children and Families and Orange County, Florida. The effective date of this license is March 26, 2000, through March 26, 2001. There will be no cost to the County, District 5 (Head Start Division).

Public Works Department

1. Approval to issue Excavation/Fill Permit 99-EF1-291, District 1 (Development Engineering Division).
2. Approval of "Stop" and "Yield" sign installations in the Wekiva Club Subdivision, District 2 (Traffic Engineering Division).
3. Approval of "Stop" and "Yield" sign installations in the Pine Creek Subdivision, District 5 (Traffic Engineering Division).
4. Approval to establish a "No Parking" zone on the east side of Town Loop Boulevard beginning 950 feet from the north right-of-way line of Huntwick Drive and extending north 300 feet, District 1 (Traffic Engineering Division).
5. Approval to establish a "No Parking" zone on both sides of Deerfield Boulevard from the east right-of-way line of John Young Parkway and extending 800 feet east to Marsfield Avenue/Topsfield Drive, District 4 (Traffic Engineering Division).
6. Approval to establish a "No Parking" zone on the south side of La Quinta Drive beginning 170 feet from the east right-

of-way line of South Orange Blossom Trail and extending east 230 feet, District 4 (Traffic Engineering Division).

7. Approval to establish a "Bus Loading and Unloading" zone on the south side of Lake Forest Drive beginning 100 feet from the west right-of-way line of Grand Magnolia Avenue and extending west 315 feet, District 1 (Traffic Engineering Division).

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide architectural/engineering services for Bear Creek Recreational Complex Recreational Building, RFP Y0-805-BI ([Parks and Recreation Division] Purchasing and Contracts Division).

Commissioner's Report

Commissioner Edwards stated that he was present at the February 2, 2000, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm and two ranked alternates to provide architectural/engineering services for Bear Creek Recreational Complex Recreational Building, from the following firms listed alphabetically:

- GTA Design Group, Inc.
- Kha Le-Huu & Partners
- The Scott Partnership Architects, 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 Kha Le-Huu & Partners
- #2 The Scott Partnership Architects, Inc.
- #3 GTA Design Group, Inc.

and further, authorized staff to enter into contract negotiations to provide architectural/engineering services for Bear Creek Recreational Complex Recreational Building, Contract Y0-805-BI.

2. Selection of the following firm to provide design-build services for Fire Stations 33 and 43, RFP Y9-822-JO ([Construction Administration Division] Purchasing and Contracts Division).

Commissioner's Report

Commissioner Edwards stated that he was present at the February 9, 2000, Procurement Review Committee meeting and reviewed the committee's recommendation on the selection of one firm, Wharton-Smith, Inc., to provide design-build services for Fire Stations 33 and 43.

Construction Administration Manager Tony Aguerrevere outlined permit, design, and construction costs for Fire Stations 58, 63, 65, and 70 which were constructed between 1997 and 1998 and noted that the average cost for these fire stations was \$162 per square foot.

Discussion

The Board discussed alternate building materials other than brick, the necessity for additional square footage for the new fire stations, and the locations being compatible with the neighborhoods.

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 one firm, Wharton-Smith, Inc., and further, authorized staff to enter into contract negotiations to provide design-build services for Fire Stations 33 and 43, Contract Y9-822-JO, as amended below.

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 amended the above motion to approve one firm, Wharton-Smith, Inc.; and further, authorized staff to enter into contract negotiations to provide design-build services for Fire Stations 33 and 43, Contract Y9-822-JO, subject to final design approval by the Board.

GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT
DISCUSSION AGENDA

1. Approval of an administrative regulation entitled "Impact Fee Grant Guidelines for Nonprofit Organizations" and determine a desired funding level for fiscal year 1999-2000 and Fiscal year 2000-2001, all districts (Planning Division).

Staff Report

Planning Division Manager David Heath presented a summary of the Impact Fee Grant Guidelines for Nonprofit Organizations and outlined the objectives. Mr. Heath reviewed trip generation rates for nonprofit organizations and commercial entities. He outlined the policy history and stated that eligible organizations must be classified as 501(c)(3) and must provide services which are already funded by the County through the Citizens Commission for Children.

Mr. Heath stated that a task force was formed last year to review the impact fee grant program. He noted that the Board recommended a two-year pilot program be initiated, there be a cap on funding amounts, and that all applications be reviewed by the Board. Mr. Heath explained that the County's Capital Improvement Projects are funded from road, fire, and sheriff's impact fees.

Mr. Heath concluded his presentation by outlining the following task force recommendations:

- creation of a two-year pilot impact fee grant program;
- one application per organization per fiscal year with a maximum funding amount of \$10,000 or 10 percent of available funds at the beginning of the year;
- the maximum amount of funding for any organization shall be limited to \$20,000.

Discussion

The Board discussed waiver programs, contacting the Florida Association of Counties to compare other counties' programs; monitoring the two-year pilot program; past and current impact fees; credit for value services; increasing the amount of grants and yearly funding amounts; and the fact that impact fees may only be used in the zone in which they are collected.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved Administrative Regulation No. 9.01.11, Impact Fee Grant Guidelines for Nonprofit Organizations, with approved funding of \$100,000 per year, as amended below.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board amended the above motion to increase the funding amount to \$200,000 per year; and further, revised the proposed Administrative Regulation as follows:

- delete the following sentence: "that nonprofit organizations' services must be provided at no cost to the recipient, except for nominal client fees and/or administrative fees."
- that the Administrative Regulation shall include, but not be limited to, the list of services;

- funds not awarded during each fiscal year shall be returned to the Impact Fee Grant Fund and rolled into the next fiscal year;

and further, by consensus, the Board approved the following:

- limit individual grants to \$10,000 and drop the 10% cap;
- reserve the Board's right to approve more than the \$10,000 maximum on a case by case basis.

WORKSESSION - GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT

1. Census 2000 Update, all districts (Planning Division).

Staff Report

Neighborhood Services Section Senior Planner Terry Thill presented an update on promotional activities for "Census 2000." Ms. Thill reviewed the history and purpose of the census and its affect on Orange County.

Reginald McGill, chairman of the Orlando and Orange County Complete Count Committee, noted that it is important for all citizens to complete their questionnaires so the County may receive its fair share of funds.

Discussion

The Board discussed citizens' concerns regarding privacy when completing the census form, miscounting individuals for funding purposes, and the possibility of including seasonal residents in the census count.

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
- Deputy County Administrator Byron Brooks
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Presentation of Proclamation

County Chairman Martinez presented a proclamation to Linda Sutherland, Orange County School Board member, and Marge LaBarge, senior administrator for the Safe and Drug Free School Program, designating March 2000 as "Violence Free Community Month."

RESOLUTION PUBLIC HEARING - NOTICE OF INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, DECLARING THE BOARD'S INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-ADVALORM ASSESSMENTS AS AUTHORIZED BY SECTION 197.3632, FLORIDA STATUTES; AS THE METHOD OF PROVIDING STREETLIGHTING, RETENTION POND DRAINAGE SERVICES, SPEED HUMP INSTALLATION, UTILITY INFRASTRUCTURE IMPROVEMENTS AND ASSOCIATED FEES, WALL CONSTRUCTION AND ASSOCIATED FEES, AND/OR COMMON AREA MAINTENANCE; DECLARING THE NEED FOR SUCH NON-AD VALOREM ASSESSMENTS; AND DESCRIBING THE BOUNDARIES OF THE LAND THAT WILL BE SUBJECT TO SUCH NON-AD VALOREM ASSESSMENTS.

Staff Report

MSTU Supervisor Elizabeth Godwin reviewed the proposed resolution and outlined its provisions.

Appearances

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

Discussion

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

Commissioner Hartage requested that staff schedule a public hearing for a streetlighting MSTU for Holden Heights.

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 adopted the proposed resolution authorizing the Orange County Board of County Commissioners to use the uniform ad valorem method of collecting non-ad valorem assessments.

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

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: BILL KRIENKE, PERMIT, LAKE IRMA CANAL, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Bill Krienke for a shoreline alteration permit pursuant to Orange County Code Chapter 15, Article VI, on property located adjacent to Lake Irma, District 5; Section 12, 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

Acting Ecosystems Management Program Manager 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 Edwards, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved a request by Bill Krienke for a shoreline alteration permit on Lake Irma, subject to the following conditions:

1. The construction of a seawall at its previous location, or upland of, or within one foot (1') waterward of its previous location.
2. No filling can be performed except in the actual restoration of the seawall. The construction of the seawall, where such construction is between and adjoins at both ends of 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.
3. 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 150 native aquatic plants along the shoreline.
4. Restoration and repair 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.

**DREDGE/FILL PUBLIC HEARING - APPLICANT: ARMAN HEDAYAT, PERMIT,
LAKE DOWN CANAL, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Arman Hedayat for a dredge and fill permit pursuant to Orange County Code Chapter 15, Article VI, on property located adjacent to Lake Down, District 1; Section 25, 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

Acting Ecosystems Management Program Manager 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 Arman Hedayat for a dredge and fill permit on Lake Down, subject to the following conditions:

1. No filling can be performed except in the actual restoration of the seawall. The construction of the seawall, where such construction is between and adjoins at both ends of 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 a 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. The permittee must install a berm and swale system along the length of the entire property behind the seawall.
4. 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.

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: ELEANOR MATARAZZO;
NO. 99-46, 15.0-FOOT UTILITY EASEMENT; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Eleanor Matarazzo, Petition to Vacate 99-46, to vacate a portion of a 15.0-foot utility easement in Lot 31, Bay Harbour, Dr. Phillips, on property which is generally located east of Apopka-Vineland Road and south of Sand Lake Road; 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

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 Hartage, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 99-46, vacating a portion of a 15.0-foot utility easement in Lot 31, Bay Harbour, Dr. Phillips, 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 - CORNER LAKE ESTATES PLANNED DEVELOPMENT/CORNER LAKE ESTATES PHASE I-VI PRELIMINARY SUBDIVISION, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Corner Lake Estates Planned Development/Corner Lake Estates Phase I-VI Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property which is generally located north of S.R. 50 and west of C.R. 419; District 5; Sections 16, 17, 20, and 21, Township 22, Range 32; Orange County, Florida.

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

Staff Report

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

Appearances

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

- Charles Madden, Madden Engineering, Inc.; 431 East Horatio Avenue, Maitland, Florida; for the applicant.

No one appeared in opposition to the plan.

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the Corner Lake Estates Planned Development/Corner Lake Estates Phase I-VI Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Corner Lake Estates Planned Development; Board of County Commissioners' (BCC) approvals; Corner Lakes Estates Phase I-VI Preliminary Subdivision Plan, dated "Received January 5, 2000"; 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.

This Preliminary Subdivision Plan approval automatically expires on February 22, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a master stormwater management wastewater and water plan for the planned development shall be submitted to Orange County for review and approval.

3. Prior to construction plan approval, a drainage study to establish the 100-year/24-hour flood elevation shall be submitted to the County engineer for review and approval.
4. Prior to construction plan approval, the Orange County Environmental Protection Division must approve a Conservation Area Impact Permit. There are wetland impacts at the entrance road.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - WATER'S EDGE
PRELIMINARY SUBDIVISION, DISTRICT 5 (CONTINUED FROM FEBRUARY 1,
2000)

By consensus, the Board of County Commissioners reopened the public hearing to consider the Water's Edge Preliminary Subdivision Plan, continued from the February 1, 2000, Board meeting.

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

Staff Report

Planning Division Manager David Heath explained that the public hearing was continued to allow a meeting with adjoining property owners. Mr. Heath reviewed the plan and the Development Review Committee's recommendation of approval subject to conditions.

Court Reporter

A court reporter, Donna Cimino, Seminole Reporting, was present.

Appearances

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

- Tom Ross, Esquire; Akerman, Senterfitt & Eidson, P.A.; 255 South Orange Avenue, Orlando, Florida; for the developer.
- Martin Rosato (no address given).

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

- Robert Murant; president of Lake Price Homeowners' Association; 3637 Percival Road, Orlando, Florida.
- Bill Price, 4000 North Tanner Road, Orlando, Florida.
- Rosalind Calyon, 14048 Lake Price Drive, Orlando, Florida.
- Chris DeGregory (no address given).
- Dorothy Segool, 3733 Percival Road, Orlando, Florida.

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

- Clerk's Composite Exhibit 1 (index of documents is on file in the office of the Comptroller Clerk of the Board of County Commissioners).
- Clerk's Exhibit 4, area map of Lake Price.
- Clerk's Exhibit 5, map of preliminary site plan for Water's Edge.

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

- Clerk's Exhibit 2, Lake Price lot size estimates and list of proposed conditions.
- Clerk's Exhibit 3, petitions in opposition to the proposed plan.

Discussion

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

Commissioner Edwards requested the following conditions be added:

- There shall be no more than 13 lakefront lots.
- There shall be no common or community access to the lake.

- There shall be no common ownership of land adjacent to or in the lake.
- A six-foot-high (6') masonry wall shall be constructed along Percival Road.
- Prior to platting, the Lake Price MSTU shall be amended to include this property, if needed.

Commissioner Sindler requested the following condition be added:

- Prior to the issuance of a Certificate of Completion, up to three additional speed humps may be required on Lake Price Drive as determined by the Public Works Director.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, 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 approved the Water's Edge Preliminary Subdivision Plan on the above-described property subject to the following conditions:

1. Development shall conform to the Water's Edge Preliminary Subdivision Plan, dated "Received November 10, 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.

This Preliminary Subdivision Plan approval automatically expires on February 22, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan submittal approval, documentation with supporting calculations shall be submitted which demonstrates that the existing outfall system has the capacity to accommodate this project.
3. This project shall comply with Resolution 96-M-22 for gated communities.
4. Prior to construction plan approval, a Conservation Area Impact Permit must be approved by the Orange County Environmental Protection Division.
5. There shall be no more than 13 lakefront lots.
6. There shall be no common or community access to the lake.
7. There shall be no common ownership of land adjacent to or in the lake.
8. A six-foot-high (6') masonry wall shall be constructed along Percival Road.
9. Prior to platting, the Lake Price MSTU shall be amended to include this property, if needed;

and further as amended below.

Action

Upon a motion by Commissioner Sindler, 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 amended the above motion to include the following condition:

10. Prior to the issuance of a Certificate of Completion, up to three additional speed humps may be required on Lake Price Drive as determined by the Public Works Director.

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -
APPLICANT: IRVIN L. SMITH; ITEM 17, JANUARY 6, 2000; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Irvin L. Smith for a special exception in Industrial District (I-4) zone to construct a Class III solid waste material recycling facility on property which is generally located on the east side of Boggy Creek Road, one-half of a mile north of Tradeport Drive, and one-quarter of a mile south of Fourth Street; District 4; Section 6, 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

Acting Zoning Division Manager Mitch Gordon 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.

Court Reporter

A court reporter, Donna Cimino, Seminole Reporting, was present.

Appearances

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

- Sid Vihlem, Jr.; BFI, Inc.; 1099 Miller Drive, Altamonte Springs, Florida; for the applicant.
- Michael Wadley; Marion I. Skilling Planners; 832 Thornton Avenue, Orlando, Florida.
- Sid Vihlem, III, Esquire (no address given); for the applicant.
- David Ziegler; Hartman & Associates; 201 East Pine Street, Orlando, Florida.
- Tony Luke, Luke Transportation Consultants (no address given).

- James Golden; Hartman & Associates; 201 East Pine Street, Orlando, Florida.
- Charles Vigiano (no address given).
- Steve Marshall; Clayton, Marshall and Roper; 246 Westmonte Drive, Altamonte Springs, Florida.
- Alicia Oller; Hartman & Associates; 201 East Pine Street, Orlando, Florida.
- Larry Smith, the applicant (no address given).

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

- Esie Ward, 3000 Cashmere Drive, Orlando, Florida.
- Terry Clark, 9881 4th Avenue, Orlando, Florida; for Take Action for Taft.
- Bill Cleary, 3240 Oak Bluff Drive, Orlando, Florida; for the Board of Directors of the Villages of Southport.
- Bert Chuleb (no address given).
- Christine Noe de Luna, 9244 Great Sound Drive, Orlando, Florida.
- Tom Allport (no address given).

The County Chairman accepted the following exhibit from Mr. Vihlem, III:

- Clerk's Composite Exhibit 1 (index of documents is on file in the office of the Comptroller Clerk of the Board of County Commissioners).

The County Chairman accepted the following exhibit from Mr. Marshall:

- Clerk's Exhibit 2, appraisal of property.

The County Chairman accepted the following exhibit from Mr. Clark:

- Clerk's Exhibit 3, petitions in opposition to the proposed plan.

The County Chairman accepted the following exhibit from Mr. Cleary:

- Clerk's Exhibit 4, petitions in opposition to the proposed plan.

The County Chairman accepted the following exhibit from Mr. Chuleb:

- Clerk's Exhibit 5, petitions in opposition to the proposed plan.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with County Chairman Martinez and Commissioners Freeman, Sindler, Johnson, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; the Board denied the request by Irvin L. Smith for a special exception in Industrial District (I-4) zone to construct a Class III solid waste material recycling facility, on the above-described property.

Commissioners Freeman and Sindler left the meeting.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: JAMES MEADE, MATERIALS RECYCLING, INC.; ITEM 17, AUGUST 5, 1999, AND ITEM 23, JANUARY 6, 2000; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider appeals by James Meade of the following:

- Recommendation of the Board of Zoning Adjustment, dated August 5, 1999, on a request by James Meade; Materials Recycling, Inc.; for an appeal of the Zoning Manager's determination that the inclusion of certain equipment and uses constitute an expansion of the approved low-tech compost operation and requires a special exception.
- Recommendation of the Board of Zoning Adjustment, dated January 6, 2000, on a request James Meade, Materials Recycling, for a special exception in Farmland Rural (A-2) zone for wood chipping and mulching operation in conjunction with existing composting business, to include cantmil, woodsplitter, and other mulching-related equipment;

on property which is generally located on the east side of Young Pine Road, one and one-half miles south of Curry Ford Road; District 4; Section 17, Township 23, Range 31; Orange County, Florida.

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

Staff Report

Acting Zoning Division Manager Mitch Gordon outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request. Mr. Gordon stated that the applicant/appellant, James Meade, has requested an indefinite continuance.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Freeman and Sindler were absent; the Board denied the applicant's request to continue the public hearing for consideration of the appeals.

Commissioner Sindler rejoined the meeting.

Court Reporter

A court reporter, Molly J. Wolk; MJC Reporting, Inc.; was present.

Staff Report

Orange County Environmental Protection Division Landfill Engineer Jim McDonald reviewed the applicant's permit for a recycling business. Mr. McDonald concluded that applicant's business is clearly within the County definition of a landfill; therefore, a County landfill permit would be required.

Appearances

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

- John Leklem, P.A.; 15 South Magnolia Avenue, Orlando, Florida; for the applicant.
- James Meade, Materials Recycling, Inc.; the applicant /appellant; 5361 Young Pine Road, Orlando, Florida.
- Chris Kohl (no address given).

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

- James Maher (no address given).
- Scottie Simone, 226 West Illiana Street, Orlando, Florida; for her father, Daniel Saterfield.

The County Chairman accepted the following exhibit from Mr. Meade:

- Clerk's Composite Exhibit 1, letters in favor of the proposed request.

The County Chairman accepted the following exhibit from Mr. Leklam:

- Clerk's Exhibit 2, letter to applicant.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board upheld the decisions of the Orange County Board of Zoning Adjustment and denied the requests by James Meade; Materials Recycling, Inc.; as follows:

- An appeal of the Zoning Manager's determination that the inclusion of certain equipment and uses constitute an expansion of the approved low-tech compost operation and requires a special exception.
- Request for a special exception in Farmland Rural (A-2) zone for wood chipping and mulching operation in conjunction with existing composting business, to include cantmil, woodsplitter, and other mulching-related equipment.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: BOWYER-SINGLETON & ASSOCIATES, INC.; CHANCELLOR COMMONS PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Bowyer-Singleton & Associates, Inc.; Chancellor Commons Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change

the approved uses from 140,000 square feet of office to 50,000 square feet of office and 100,000 square feet of commercial. Additionally, the commercial uses shall be consistent with Retail Commercial District (C-1) uses; self-storage shall be permitted; and outdoor storage and display, gas stations, and convenience stores are prohibited; pursuant to Orange County Code, Section 38-1207. The property is generally located north of University Boulevard, one-quarter of a mile east of Rouse Road; District 5; Section 2, Township 22, Range 31; Orange County, Florida.

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

Staff Report

Planning Division Manager David Heath reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

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

- 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.

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 request by Bowyer-Singleton & Associates, Inc.; Chancellor Commons Planned Development/Land Use Plan (PD/LUP); to amend the LUP to change the approved uses from 140,000 square feet of office to 50,000 square feet of office and 100,000 square feet of commercial. Additionally, the commercial uses shall be consistent

with Retail Commercial District (C-1) uses; self-storage shall be permitted; and gas stations and convenience stores are prohibited; self-storage shall be permitted if screened by the buildings or by a wall and covered; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Chancellor Commons Planned Development (PD); Board of County Commissioners' (BCC) approvals; Land Use Plan (LUP) Amendment, dated Received "January 19, 2000"; 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. Pole/pylon signs and billboards shall be prohibited.
3. Uses shall be limited to Retail Commercial District (C-1) uses only; convenience stores and gas stations shall be prohibited.
4. A 25-foot landscape buffer shall be required along University Boulevard;

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: FLORIDA ENGINEERING GROUP, INC.; AMEND HOLDEN COVE PRELIMINARY SUBDIVISION PLAN TO COMPLY WITH COURT ORDER REGARDING ACCESS; DISTRICT 4 (CONTINUED FROM FEBRUARY 15, 2000)

By consensus, the Board reopened the public hearing to consider a substantial change request by Florida Engineering Group, Inc.; Holden Cove Preliminary Subdivision Plan (PSP); to modify the PSP changing the access from Holden Avenue to Telfair Drive in order

to be in compliance with a court order issued by the Ninth Judicial Circuit on October 8, 1999, denying the access onto Holden Avenue, continued from the February 15, 2000, meeting.

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

Staff Report

Planning Division Manager David Heath stated that the public hearing was continued to allow the parties time to address the issues. Mr. Heath reviewed the change request and recommended the public hearing be continued to allow staff time to readvertise the public hearing because of the proposed road closings of Telfair Drive and Tinsley Drive.

Legal Counsel

Senior County Attorney Joel Prinsell stated that revised conditions of approval would necessitate closing two streets which access the Holden Cove Subdivision and recommended the public hearing be continued to allow staff time to notify residents about the street closings. Mr. Prinsell noted that representatives from the City of Edgewood and the Holden Avenue Inter-Neighborhood Council, Inc., support the revised conditions.

Court Reporter

A court reporter, Molly J. Wolk; MJC Reporting, Inc.; was present.

Appearances

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

- John Leklam, P.A.; 15 South Magnolia Avenue, Orlando, Florida; for the Holden Avenue Inter-Neighborhood Council, Inc. (HAINC).
- Ron Black, 222 South Westmonte Drive, Altamonte Springs, Florida; for the developer.
- John Gray, 900 Springwood Drive, Orlando, Florida.
- Fred Langston, 801 Springwood Drive, Orlando, Florida.

No one appeared in opposition to the request.

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

- Clerk's Exhibit 1, letter from HAINC in favor of the proposed plan.
- Clerk's Exhibit 2, letter from the City of Edgewood in favor of the proposed plan.

The County Chairman accepted the following exhibit from Mr. Leklam:

- Clerk's Composite Exhibit 3, letters from HAINC in favor of the proposed plan.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Freeman was absent; the Board continued the public hearing to consider a request by Florida Engineering Group, Inc.; Holden Cove Preliminary Subdivision Plan (PSP); to modify the PSP changing the access from Holden Avenue to Telfair Drive to be in compliance with a court order issued by the Ninth Judicial Circuit on October 8, 1999, denying the access onto Holden Avenue, until March 21, 2000, at 3 p.m.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:40 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator