

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 9, 2000. The following were present:

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

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

The Board paused for an invocation by Kelvin Bodley, with Code Enforcement Division, followed by the Pledge of Allegiance to the Flag.

Presentation of Proclamation designating the week of May 14 through May 20, 2000, as Emergency Medical Services Week.

The County Chairman presented a proclamation to Emergency Medical Services Manager Dave Freeman designating May 14 through 20, 2000, as Emergency Medical Services Week.

COUNTY CONSENT AGENDA

Action

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

- Deferred County Comptroller Item 1 for discussion (see page 76 for discussion and subsequent approval).
- Deferred Utilities Department Items 1 and 3 for discussion (see pages 76 and 77 for discussion and subsequent actions).

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

County Comptroller

1. Approval of the disposition of tangible personal property: (a) Sell assets through sealed bid (Property Accounting).

(As stated in the above motion, this item was deferred for discussion; see page 76 for subsequent approval.)

County Administrator

1. Approval for the Sheriff's Office to spend \$4,300 from the Law Enforcement Trust Fund to sponsor the Nonviolence Month Contest (Office of Management and Budget).

2. Approval of Budget Amendments 00-43 and 00-44 (Office of Management and Budget).

(Budget Amendments 00-43 and 00-44 are on file in the Comptroller Finance and Accounting Department.)

3. Approval of Budget Transfer 00-297 (Office of Management and Budget).

(Budget Transfer 00-297 is on file in the Comptroller Finance and Accounting Department.)

4. Approval of CIP Amendment 27-00 (Office of Management and Budget)

(CIP Amendment 27-00 is on file in the Office of Management and Budget.)

5. Approval of Contract GZ802 for service of process between the State of Florida Department of Revenue and Orange County, administered by the Sheriff's Office, for fiscal year 2000/2001 to fiscal year 2002/2003 in the amount of \$386,724 (Office of Management and Budget).
6. Approval of payment of intergovernmental claims for April 13 and April 20, 2000, totaling \$824,753.01 (Risk Management Division).
7. Receipt and filing of minutes for April 6 and April 13, 2000, meetings of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).

Administrative Support Department

1. Approval to award Invitation for Bid Y0-736-DB to the low responsive and responsible bidder, L.I. and Company, Inc., for Orange County Landfill McLeod Road Transfer Station and Porter Transfer Station truck scales and site modification. The total contract award amount is \$1,072,580 ([Solid Waste Division] Purchasing and Contracts Division).
2. Approval of Task Authorization 2, Contract Y9-902B, with SGM Engineers, Inc., for professional engineering services to design new hot water boiler systems for Buildings D, E, and F and the central energy plant along with the replacement of the chiller, control system, and cooling tower at the central energy plant located at the Orange County 33rd Street Corrections Complex in the amount of \$120,583.10 ([Construction Administration Division] Purchasing and Contracts Division).
3. Approval and execution by County Chairman of lease agreement for office facilities between Church Street Investment Properties and Orange County, Florida, for office and

parking space located at Magnolia Place, 109 East Church Street, Orlando, District 3, (Real Estate Management Division).

4. Approval of quit-claim deed and authorization to disburse warrants to pay purchase price and appropriate recording fees and record instrument for Old Winter Garden Road (Apopka-Vineland to Hiawassee Road), District 1 (Real Estate Management Division).
5. Approval and execution by County Chairman of utility easements and authorization to record instruments for the pump station site at Old Winter Garden Road and restroom facilities at 150 Windermere Road (park site), District 6 (Real Estate Management Division).

Growth Management and Environmental Resource Department

1. Approval to file claim of special assessment liens by Resolutions 2000-BUI-011 and 2000-BUI-012 against properties located at: (a) 5021 Steyr Street, \$4,669.40, District 6; and (b) 5213 Balboa Drive, \$4,384.60, District 6 (Building Division).

Public Works Department

1. Approval to establish a "No Parking" zone on the east side of Apopka-Vineland Road beginning at the south right-of-way line of Promenade Drive and extending south 500 feet. District 1 (Traffic Engineering Division).
2. Approval for Westgate Lake Resort to design, construct, and install a traffic signal at the north entrance to Westgate Lake Resort on Turkey Lake Road, District 1 (Traffic Engineering Division).
3. Authorization for the Public Works Director or his designee to approve lighting service application/agreement with Florida Power Corporation for individual roadway segments of

the arterial/collector roadway lighting program as approved in the Capital Improvement Program budget, all districts (Public Works Engineering Division).

4. Approval of the Joint Participation Agreement between the State of Florida Department of Transportation and the County for the Conway Road Project and authorization for the expenditure of \$1,000,000 as the County's full payment for the project, District 4 (Public Works Engineering Division).

Utilities Department

1. Approval of Interlocal Agreement between Orange County and the City of Orlando for the billing and collection of wastewater charges from the customers of the Hidden Beach Subdivision, District 1 (Utilities Customer Service Division).

(As stated in the above motion, this item was deferred for discussion; see pages 76 and 77 for subsequent approval.)

2. Approval of Change Order 2 (final project closeout) for Landfill Gas Management and Cell 7B Phase II Sequential Closure Contract Y8-704-CT with Grubbs Construction Company in the amount of \$592,978.37. The total of all change orders on this project is \$1,097,305.65, which represents 19.6 percent of the original contract amount, District 4 (Utilities Solid Waste Division).
3. Approval of second amendment to Orange County/Ocoee Water Service Territorial Agreement (Contract W-88-06) and third amendment to Orange County/Ocoee Sewer Service Territorial Agreement (Contract S-87-8), District 1 (Utilities Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see page 77.)

COUNTY CONSENT AGENDA ITEMS - DEFERRED FOR DISCUSSION

County Comptroller

1. Approval of the disposition of tangible personal property: (a) Sell assets through sealed bid (Property Accounting).

Discussion

Commissioner Edwards stated the vehicle radio modems included on the asset list were purchased in 1998. He pointed out the cost of the items and that the County will incur a financial loss in selling the items at this time.

The Board discussed investigating all options prior to purchasing technological equipment.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the disposition of tangible personal property: (a) Sell assets through sealed bid.

Utilities Department

1. Approval of Interlocal Agreement between Orange County and the City of Orlando for the billing and collection of wastewater charges from the customers of the Hidden Beach Subdivision, District 1 (Utilities Customer Service Division).

Discussion

Commissioner Freeman requested that staff update the Board on the Orlando Utilities Commission rate surcharge study.

The Board discussed utility rate surcharges and the benefits of the County providing a water and wastewater billing and collection service for area residents.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the Interlocal Agreement between Orange County and the City of Orlando for the billing and collection of wastewater charges from the customers of the Hidden Beach Subdivision.

3. Approval of second amendment to Orange County/Ocoee Water Service Territorial Agreement (Contract W-88-06) and third amendment to Orange County/Ocoee Sewer Service Territorial Agreement (Contract S-87-8), District 1 (Utilities Engineering Division).

Discussion

Commissioner Edwards asked the Board to consider capping utility charges collected under territorial agreements.

The Board discussed local municipality utility rates, utility surcharges, and capping utility rates.

Legal Counsel

County Attorney Wilkes clarified that some municipalities assess utility rates that are lower than those of the County even when surcharges are added. Mr. Wilkes advised that capping utility rates under territorial agreements may result in one or more municipalities asking the County to match its rates.

Action

The Board did not take any action.

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

4. Approval of Change Order 1 in the amount of \$395,410 to Allen E. Smith, Contract C99801, for the Sheriff's firing range relocation. The revised contract amount is \$3,115,410

(a 14.5 percent increase from the original contract of \$2,720,000), District 4 (Construction Administration).

Staff Report

Staff and Sheriff Kevin Beary presented a report and requested approval of the change order.

Discussion

The Board discussed contractor fines and the County's financial obligation to assist with those costs, offering the contractor the opportunity to purchase a portion of the Henson property for wetland mitigation, and future change orders and budgetary concerns of the project.

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 Change Order 1 in the amount of \$395,410 to Allen E. Smith, Contract C99801, for the Sheriff's firing range relocation; the revised contract amount is \$3,115,410 (14.5 percent increase from the original contract of \$2,720,000).

1. Consideration of Membership and Mission Review Board recommendations for appointments to the following advisory boards (General Services Department/Agenda Development):

Staff Report

Lee Chira, chairman of the Membership and Mission Review Board (MMRB), presented the recommendations of the MMRB. The Board took the following actions:

Children and Family Services Advisory Board

Action

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

S. Ubinas to the Children and Family Services Advisory Board, to succeed Amy R. Maguire, for a term expiring December 31, 2001.

Industrial Development Authority Advisory Board

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board appointed Tanya Teresa Juarez to the Industrial Development Authority Advisory Board, to succeed James Jennings, for a term expiring December 31, 2003.

Tourist Development Council Advisory Board

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board appointed James B. Brown to the Tourist Development Council Advisory Board, to succeed Allen Eberly, for a term expiring April 30, 2001.

Mr. Chira reported that there are two vacancies in the Elected Municipal Officials category on the Tourist Development Council Advisory Board. He explained that the Membership and Mission Review Board historically has left these appointments to the Board's discretion and asked the Board to consider filling the vacancies. Mr. Chira noted that the elected official appointed to replace Joe Terranova, former mayor of Winter Park, will serve the remainder of the term and the elected official appointed to succeed Glenda Hood, mayor of the City of Orlando, will serve a complete term.

The Board discussed representation from Universal Studios and Sea World, the members attending all meetings, terms served by elected officials, vacancies created by elections, and future appointments of other municipal leaders.

Legal Counsel

In response to a question from Commissioner Freeman regarding meeting attendance, County Attorney Wilkes stated that attendance requirements do not apply to this board.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with County Chairman Martinez and Commissioners Sindler, Johnson, and Hartage voting AYE by voice vote; Commissioner Freeman, Hoenstine, and Edwards voting NO by voice vote; the Board:

- Appointed Terry Hotard, III, mayor of Winter Park, to replace Joe Terranova in the Elected Municipal Official category, for a term expiring April 30, 2001.
- Reappointed Glenda Hood, mayor of the City of Orlando, in the Elected Municipal Official category, for a term expiring April 30, 2004;

to the Tourist Development Council Advisory Board.

County Chairman Martinez directed the Membership and Mission Review Board to forward letters to the members of the Tourist Development Council Advisory Board reviewing the importance of attendance at the meetings.

2. Selection of one firm and two alternates to provide emergency medical services medical direction, RFP Y0-132-JS

([Emergency Medical Services Division] Purchasing and Contracts Division).

Staff Report

Staff presented a report and requested that the Board rank the proposed firms.

Commissioner's Report

Commissioner Hartage, who was unable to attend the March 29, 2000, Procurement Review Committee meeting, reviewed the committee's recommendation on the selection of one firm and two ranked alternates to provide emergency medical services medical direction from the following firms listed alphabetically:

- Advanced Medical Direction, Inc.
- Institute of Emergency Medical Services Education & Research, Inc.
- Orange County EMS Associates

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, 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 approved the following short list ranked as follows:

- #1 Institute of Emergency Medical Services Education & Research, Inc.
- #2 Orange County EMS Associates
- #3 Advanced Medical Direction, Inc.

and further, authorized staff to enter into contract negotiations for emergency medical services medical direction, RFP Y0-132-JS.

3. Selection of one firm and two alternates to provide communications consulting services for the Convention Center Expansion Phase V, RFP Y0-501-HF ([Convention Center Marketing Division] Purchasing and Contracts Division).

Commissioner's Report

Commissioner Freeman, who was present at the April 19, 2000, Procurement Review Committee meeting, reviewed the committee's recommendation on the selection of one firm and two ranked alternates to provide communications consulting services for the Convention Center Expansion Phase V from the following firms listed alphabetically:

- Conventional Wisdom Corporation
- Gilbert & Manjura Marketing, Inc.
- ZHA, Inc.

Action

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

- #1 ZHA, Inc.
- #2 Conventional Wisdom Corporation
- #3 Gilbert & Manjura Marketing, Inc.

and further, authorized staff to enter into contract negotiations to provide communications consulting services for the Convention Center Expansion Phase V, RFP Y0-501-HF.

County Chairman Martinez adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

- County Chairman Mel Martinez
- Commissioners Bob Freeman, Bob Sindler, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Presentation of Proclamation recognizing Orlando Regional Healthcare System for being named one of the "100 Best Companies to Work for in America" by Fortune Magazine.

The County Chairman presented a proclamation to John Hillenmeyer, president of the Orlando Regional Health Care System, recognizing the Orlando Regional Healthcare System as being named one of the "100 Best Companies to Work for in America" by *Fortune Magazine* and acknowledging May 9, 2000, as Orlando Regional Health Care System Day.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 84 FOR APPEARANCES, DISCUSSION, AND ACTION.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: CORPOREX DEVELOPMENT SERVICES, INC.; NO. 00-05, 10.0-FOOT PORTION OF TWO 40.0-FOOT-WIDE UTILITY EASEMENTS; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Corporex Development Services Inc., Petition to Vacate 00-05, to vacate a 10.0-foot portion of two (2) 40.0-foot-wide drainage easements; on property generally located east of Gills Drive and south of the Beeline Expressway; District 4; Section 35, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

and

PETITION TO VACATE PUBLIC HEARING - APPLICANT: MARGARET DELL WESTERMAN; NO. 00-08, PORTION OF 30.0-FOOT RIGHT-OF-WAY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Margaret Dell Westerman, Petition to Vacate 00-08, to vacate a portion of a 30.0-foot right-of-way known as Astro Street; on property located at 3523 Astro Street which is generally located south of University Boulevard and west of the North Goldenrod Road; District 5; Section 11, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reviewed the requests and the recommendations for approval of the petitions to vacate as submitted.

Appearances

The following person addressed the Board regarding the requests:

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

Discussion

The County Chairman closed the public hearings and opened the matters for Board discussion.

Legal Counsel

In response to a question from Commissioner Edwards regarding easements and rights-of-way, County Attorney Tom Wilkes clarified that the County does not hold fee simple title to property within easements and rights-of-way unless those rights are purchased. Mr. Wilkes explained that the petitions before the Board for consideration concern rights originally donated by the property owner for County and public use.

Action

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

- Granting Petition to Vacate 00-05, vacating a 10.0-foot portion of two (2) 40.0-foot-wide drainage easements on the above-described property.
- Granting Petition to Vacation 00-08, vacating a 30.0-foot right-of-way known as Astro Street on the above-described property.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: WILLIAM IREY, DREDGE CANAL ADJACENT TO FISH CANAL, DISTRICT 1 (CONTINUED FROM MARCH 28, 2000)

By consensus, the Board reopened the public hearing to consider a request by William Irey for a permit to dredge a canal for purposes of access pursuant to Orange County Code Chapter 15, Article VI, continued from the March 28, 2000, Board meeting (the legal property description is on file).

Staff Report

Staff outlined the request and recommendation for approval subject to conditions.

Appearances

The following persons addressed the Board regarding the request:

- William Irey, the applicant (no address given).
- Mark Waltrip, 9212 Island Lake Court, Orlando, Florida.

Discussion

The County Chairman 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 William Irey for a permit to dredge a canal for navigational purposes on Fish Canal, subject to the following conditions:

1. The permittee must replant with native aquatic plants along the newly created shoreline. The number of plants to be replanted will be determined by Environmental Protection Division (EPD) staff upon completion of the dredging project.
2. The permittee must install a berm and swale system along the length of the entire property behind the existing and newly-created shoreline.
3. The permittee is required to obtain a Lakeshore Vegetation Removal Permit to remove any vegetation from Fish Canal.
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, division, or agency, the permittee must comply with the most stringent conditions.
5. Turbidity must be confined to the permitted area of work by the use of best management practices, such as screens, filter cloth, etc.
6. An as-built survey must be supplied to EPD after completion of the project.
7. EPD must be notified by the applicant of the start and completion dates of the project.

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: CANIN ASSOCIATES, INC.; AVALON PARK PLANNED DEVELOPMENT/AVALON PARK VILLAGE III PRELIMINARY SUBDIVISION PLAN (PSP); AMEND THE PSP; DISTRICT 4 (CONTINUED FROM APRIL 11, 2000)

By consensus, the Board reopened the public hearing to consider a substantial change request by Canin Associates, Inc.; Avalon Park

Planned Development/Avalon Park Village Preliminary Subdivision Plan; to consider a modification to the Avalon Park Preliminary Subdivision by increasing the number of lots from 309 to 325 and to have a street width of 40 feet in lieu of 50 feet between Lots L and M and Lot B, continued from the April 11, 2000, Board meeting (the legal property description is on file).

Staff Report

Staff 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 regarding the request:

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

Discussion

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

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 Canin Associates, Inc.; Avalon Park Planned Development/Avalon Park Village Preliminary Subdivision Plan; for modification to the Avalon Park Preliminary Subdivision by increasing the number of lots from 309 to 325 and to have a street width of 40 feet in lieu of 50 feet between Lots L and M and Lot B; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Avalon Park Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Village 3 Preliminary Subdivision Plan, dated "Received January 26, 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 regulation] are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. In order to promote traditional neighborhood development, Section 34-152(b) of the subdivision regulations shall be waived to allow corner lots to be only eight feet (8') wider in lieu of ten feet (10') wider.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master stormwater and utility plans for the planned development.
4. Prior to the first Certificate of Occupancy, the pool and cabana shall be completed.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 89 AND 90 FOR APPEARANCES, DISCUSSION, AND ACTION.)

BOAT DOCK PUBLIC HEARING - APPLICANTS: MICHAEL/DEBORAH HICKS, PERMIT/VARIANCE TO SETBACK, BIG SAND LAKE, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Michael and Deborah Hicks for a variance to construct a boat dock with a 10.0-foot setback requirement pursuant to Orange County Code, Chapter 15, Article IX, on property located adjacent to Big Sand Lake, located at 8723 Sand Lake Shores Drive; District 1; Section 3, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

and

**BOAT DOCK PUBLIC HEARING - APPLICANTS: GARY/MYRA JENSON, PERMIT,
BIG SAND LAKE, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gary and Myra Jenson for a variance to construct a boat dock with a 10.0-foot setback requirement pursuant to Orange County Code, Chapter 15, Article IX, on property located adjacent to Big Sand Lake, located at 8615 and Lake Shores Drive; District 1; Section 3, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the requests and recommendations for approval subject to conditions.

Appearances

The following persons addressed the Board regarding the requests:

- Gary Jenson, the applicant (no address given).
- Judy Kagel, 8631 Sand Lake Shores Drive, Orlando, Florida.

Discussion

The County Chairman closed the public hearings and opened the matters for Board discussion.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Edwards, and carried with all members present and voting AYE by voice vote, the Board approved a request by Michael and Deborah Hicks for a variance to construct a boat dock with a 10.0-foot setback requirement, on the above-described property; subject to the following conditions:

1. Minimum height of the deck must be one-foot (1') above the Normal High Water Elevation (NHWE) of 90 feet mean sea level for Big Sand Lake. Maximum height for the boathouse shall be 13 feet above the NHWE.

2. Construction shall be in accordance with the stamped approved drawings.
3. Turbidity must be confined to the permitted area of work by the use of best management practices such as screens, filter cloth, etc., unless it can be demonstrated that the State water quality standards on turbidity are not being violated.
4. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
5. A separate permit from the State of Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

and further, approved the request by Gary and Myra Jenson for a variance to construct a boat dock with a 10.0-foot setback requirement, on the above-described property; subject to the following conditions:

1. Minimum height of the deck must be one-foot (1') above the Normal High Water Elevation (NHWE) of 90 feet mean sea level for Big Sand Lake. Maximum height for the boathouse shall be 13 feet above the NHWE.
2. Construction shall be in accordance with the stamped approved drawings.
3. Turbidity must be confined to the permitted area of work by the use of best management practices such as screens, filter cloth, etc., unless it can be demonstrated that the State water quality standards on turbidity are not being violated.
4. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
5. A separate permit from the State of Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

BOAT DOCK PUBLIC HEARING - APPLICANT: JERRY CAMERO, PERMIT, LAKE DOWN, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jerry Camero for a permit to construct a boat dock pursuant to Orange County Code, Chapter 15, Article IX, on property located adjacent to Lake Down, located at 9720 Nearwater Place; District 1; Section 5, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request and recommendation for approval subject to conditions.

Appearances

The following persons addressed the Board regarding the request:

- John Hodgskin; Hodgskin Outdoor Living, Inc. (no address given); for the applicant.
- Daniel Webb, 9708 Clearwater Place, Windermere, Florida.

Commissioner Freeman requested that the Board add the following condition to comply with the applicant's revised plans: The boat dock shall be 85 feet from the NHWE.

Commissioner Hoenstine requested that the following condition also be added: The roof of the boathouse shall be constructed with a 3 on 12 pitch.

Discussion

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

Action

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

voice vote, the Board approved the request by Jerry Camero for a permit to construct a boat dock, on the above-described property; subject to the following conditions:

1. Minimum height of the deck must be one-foot (1') above the Normal High Water Elevation (NHWE) of 99.5 feet mean sea level for Lake Down. Maximum height for the boathouse shall be 13 feet above the NHWE.
2. Turbidity must be confined to the permitted area of work by the use of best management practices such as screens, filter cloth, etc., unless it can be demonstrated that the State water quality standards on turbidity are not being violated.
3. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
4. A separate permit from the State of Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.
5. The boat dock shall be 85 feet from the NHWE.
6. The roof of the boathouse shall be constructed with a 3 on 12 pitch.
7. The applicant shall submit revised drawings to the Environmental Protection Division for review and approval. Construction shall be in accordance with the revised stamped approved drawings.

County Chairman Martinez left the meeting.

DREDGE/FILL PUBLIC HEARING - APPLICANT: STEVE GRIMSHAW, VENETIAN CANAL FUND GROUP, PERMIT, LAKE CONWAY, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Steve Grimshaw for a dredge and fill permit pursuant to Orange County Code, Chapter 15,

Article VI, on property located adjacent to Lake Conway, generally located in Venetian Garden's Subdivision/Venetian Canal running from Belle Isle Avenue, Hoffner Road, and Parkway Drive; District 4; Section 19, Township 23, Range 30; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request and recommendation for approval subject to conditions.

Appearances

The following persons addressed the Board regarding the request:

- Steve Grimshaw, the applicant, 2228 Hoffner Avenue, Orlando.
- Gene Takash, 5428 Parkway Drive, Orlando, Florida.
- Chuck Hill, 2224 Hoffner Avenue, Orlando, Florida.
- Mrs. Fred Medlock, Jr., 1903 Hoffner Avenue, Belle Isle, Florida.

Discussion

The Vice-chairman 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 all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the request by Steve Grimshaw for a dredge and fill permit, on the above-described property; subject to the following conditions:

1. Dredging shall be in accordance with the stamped approved drawings.
2. Turbidity must be confined to the permitted area of work by the use of best management practices, such as screens,

filter cloth, etc., unless it can be demonstrated that State water quality standards on turbidity are not being violated.

3. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
4. The Environmental Protection Division must be notified prior to the start of the project.
5. The spoil material must be properly disposed of in the County Class 1 landfill.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 95 THROUGH 103 FOR APPEARANCES, DISCUSSION, AND ACTION.)

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -
APPLICANT: MID-FLORIDA MATERIALS COMPANY; ITEM 3, FEBRUARY 3,
2000; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mid-Florida Materials Company for a special exception in Citrus Rural (A-1) zone to expand a Class III construction and demolition debris landfill, on property generally located on the west side of Golden Gem Road, one mile south of Kelly Park Road and one-half mile north of Poncan Road; District 2; Section 14, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request; identified the subject property; and further, noted that staff recommended approval of the request.

and

LANDFILL PUBLIC HEARING - APPLICANT: MID-FLORIDA MATERIALS COMPANY, MODIFY PERMIT, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mid-Florida Materials Company, Mid-Florida Materials Construction and Demolition Debris Landfill, for a permit modification to allow a horizontal expansion into parcels to the north and south of the current site, on property generally located on the west side of Golden Gem Road, one mile south of Kelly Park Road and one-half mile north of Poncan Road; District 2; Section 14, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request; identified the subject property; and further, noted that staff recommended approval of the request.

Court Reporter

Court reporters, Kathleen Cerretani, R.P.R., and Ann Mendenhall, Accurate Orlando Reporters, Inc., were present.

County Chairman Martinez rejoined the meeting.

Appearances

The following persons addressed the Board regarding the requests:

- Jim Seay; Holland and Knight, LLP; 200 South Orange Avenue, Orlando, Florida; for the applicant.
- Reggie Sterns; Hubbard Construction; 1936 Lee Road, Winter Park, Florida; for the applicant.
- Jim Golden, P.G.; Hartman and Associates, Inc.; 201 East Pine Street, Suite 1000, Orlando, Florida.
- Marvin Barrett, president of the Northwest Orange County Improvement Association; 5003 Poncan Road, Zellwood, Florida.

- Cecelia Bonifay, Esquire; Akerman, Senterfitt, & Eidson, P.A.;
255 South Orange Avenue, Orlando.

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

- Clerk's Exhibit 1, Points in Favor of Granting the Permits and Special Exception for Hubbard Construction Company Application for Expansion of Plymouth Landfill.

Discussion

The County Chairman closed the public hearings and opened the matters for Board discussion.

Legal Counsel

County Attorney Wilkes clarified that the applicant, Mid-Florida Materials, is a division of Hubbard Construction Company.

Commissioner Sindler requested that the proposed conditions be revised as follows:

- Delete proposed "Additional Condition 2" and replace as follows:

"Mid-Florida Materials will bear at least 50 percent of the cost for additional deputies as the Sheriff may determine are necessary to enforce the previous condition (Condition 20), unless other arrangements acceptable to the County Administrator are made between Mid-Florida Materials and Florida Road Base Materials."

- Delete proposed "Additional Condition 4" and replace as follows:

"Within 180 days of approval of this special exception, Mid-Florida Materials will enter into an agreement with the County to deed the southerly 120 acres of the site (the "Park Site") to Orange County after post-closure of the site is completed according to the post-closure plan. The terms of the agreement shall include the following:

- a. Within an agreed-upon time period after post-closure of the landfill is completed, Mid-Florida Materials shall offer to donate the park site to the County, and the offer shall remain in effect for no fewer than 270 days.
- b. Upon the County's receipt of the offer to donate, the County staff shall have 180 days to review the status of the park site and submit a report to the Board of County Commissioners (BCC) as to its suitability as park land.
- c. The County shall accept donation of the park site after post-closure and submission of the staff report unless the BCC decides at that time not to accept the site.
- d. Mid-Florida Materials shall indemnify the County, hold the County harmless from all liability arising out of any site conditions which occur or were caused prior to conveyance to the County and liability arising from any site conditions occurring after conveyance to the County, the cause of which conditions can be traced to the time the applicant was operating the landfill or to the post-closure time period, except for liability arising out of settling of the land.
- e. Should the County accept donation of the park site, the County shall use the site for park or recreational purposes only, failing which, the park site shall be reconveyed to Mid-Florida Materials."

- Additional Conditions 5 and 6, delete, "necessary," and add, "appropriate."

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 the request by Mid-Florida Materials, a division of Hubbard Construction Company, for a special exception in Citrus Rural (A-1) zone to expand a Class III construction and demolition debris landfill, on the above-described property; subject to the following conditions:

1. Approval is subject to the recommendation of approval by the Development Review Committee rendered January 13, 2000.
2. The applicant shall obtain a Landfill Permit within one (1) year from the date of Board of Zoning Adjustment approval or the Special Exception approval is void.
3. Subject to all applicable governmental rules and regulations, as may be amended from time to time.
4. Approval is for this applicant only.

and further, approved a request by Mid-Florida Materials Company, a division of Hubbard Construction Company, Mid-Florida Materials Construction and Demolition Debris Landfill, for a permit modification to allow a horizontal expansion into parcels to the north and south of the current site, on the above-described property; subject to the following conditions:

1. Landfill operations shall conform to the Mid-Florida Materials Company Construction and Demolition (C&D) Debris Landfill Permit Modification Application, prepared by Hartman & Associates, Inc., of Orlando, Florida, dated December 1999, and to the following conditions of approval.

Landfill operations based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, County issued Permit 85-F23-12500 and State of Florida Department of Environmental Protection issued Permit SO48-0023167-003, which are all incorporated herein by reference, except to the extent that these laws, ordinances, and regulations are expressly modified by these conditions or by direct or approved action of the Board of County Commissioners.

2. Operations shall be conducted in accordance with the Orange County Solid Waste Ordinance (99-16); the approved application prepared by Roderick K. Cashe, P.E., and James E. Golden, P.G., of Hartman & Associates, Inc., dated December 1999; and all applicable State of Florida Department of Environmental Protection regulations.
3. Financial assurance in the amount of \$1,914,363.34 will be provided for closure and long term care by performance bond prior to permit issuance. The face amount is to be updated annually on the anniversary date to the County's satisfaction, based on the then current cost estimate for closure and long term care and on the then present conditions of the landfill.
4. The disturbed and unclosed portion of the landfill shall not exceed the size used as a basis for cost estimates within the closure/post-closure estimates for any corresponding year without first amending the closure/post-closure instrument to include such additional acreage. The north 100-acre parcel may remain unfenced as long as it is undisturbed from any excavation or landfill operation. The area shall remain so undisturbed until such time as the parcel has been fenced and the fencing accepted by the County.

5. Side slopes will be 5H:1V during the excavation except, up to 100 lineal perimeter feet will be allowed to be steeper than 5H:1V, but never steeper than 2H:1V, to allow backfill at the slopes with C&D debris in accordance with the approved operation plan during the landfill operation.
6. The "Notice of Prior Use as a Landfill" form is to be executed and recorded prior to permit issuance.
7. All monitoring wells described in the approved groundwater monitoring plan will be installed within 90 days of permit issuance. A groundwater monitoring report, sealed by a State of Florida Registered Professional Engineer or Professional Geologist, is to be submitted with each sampling event to the Environmental Protection Division (EPD).
8. Only the paved portion of Golden Gem Road is to be used to access the site from Ponkan Road. No landfill traffic will be allowed on the unpaved portion of Golden Gem Road.
9. The haul route from Plymouth-Sorrento Road to Golden Gem Road shall be cleaned by the landfill operator weekly of any debris falling from landfill bound trucks.
10. The pit floor is to be graded in accordance with the approved interim stormwater management plan prior to accepting waste. Pounding of water at the pit floor is not allowed, except in appropriate operation phase ponds; it must be graded progressively to cause stormwater runoff to flow away from the debris. The approved post closure plan is to be constructed progressively as the site is closed.
11. A visual buffer shall be maintained in place at all times. All required landscaping in the buffers shall be completed within four (4) months of permit issuance.

12. Offsite migration of odors, which are determined by the County to be objectionable, is not permitted and may be grounds for revoking this permit.
13. A random load inspection test will be established per the approved operation plan.
14. A certified updated topographic survey of the disturbed area is to be submitted annually on the anniversary date to EPD.
15. Scales are to be operational and calibrated on a regular basis. Accurate records quantifying material excavated, debris received (by weight, origin, and transfer location), and debris landfilled must be maintained in a log of approved format, on site, made available for inspection, and reported to EPD quarterly. Materials recycled must be quantified and reported to the Solid Waste Department monthly.
16. Operating hours will be as follows:
 - Monday through Friday: 7 a.m. to 5 p.m.
 - Saturday: 7 a.m. to 2 p.m.
17. A copy of the County landfill permit will be posted on site at all times and a copy of the Mid-Florida Materials Construction and Demolition Debris Permit Modification Application, dated December 1999, will be kept on site and made available for reference by landfill and County personnel.
18. The applicant shall provide EPD a copy of a fire fighting agreement signed by the site operator and the Orange County fire chief covering the line of responsibility for fighting fires at the site within 60 days after the permit issuance.
19. Stockpiling of materials to be recycled longer than six (6) months is not permitted.

20. Mid-Florida Materials will cooperate with appropriate Orange County agencies, including the Orange County Sheriff's Department concerning posting of both the Orange County right-of-way on Golden Gem Road and appropriate locations on the Mid-Florida Materials property to make clear that early arrival of trucks prior to commencement of landfill operations at 7 a.m.; and stopping, standing, or parking of vehicles either within the Golden Gem Road right-of-way or on Mid-Florida Materials property are prohibited and will result in the issuance of traffic citations by the Orange County Sheriff's Department.
21. Mid-Florida Materials will bear at least 50 percent of the cost for additional deputies as the Sheriff may determine are necessary to enforce the previous condition (Condition 20), unless other arrangements acceptable to the County Administrator are made between Mid-Florida Materials and Florida Road Base Materials.
22. Mid-Florida Materials will continue its good neighbor policy relating to surrounding residents, including acceptance of appropriate construction and demolition debris in small quantities, donation of small quantities of clay for the private use of surrounding residents, and continuing assistance in connection with the Zellwood Corn Festival operations.
23. Within 180 days of approval of this special exception, Mid-Florida Materials will enter into an agreement with the County to donate the southerly 120 acres of the site (the "Park Site") to Orange County after post-closure of the site is completed according to the post-closure plan. The terms of the agreement shall include the following:
 - a. Within an agreed-upon time period after post-closure of the landfill is completed, Mid-Florida Materials shall offer to donate the park site to the County, and the offer shall remain in effect for no fewer than 270 days.

- b. Upon the County's receipt of the offer to donate, the County staff shall have 180 days to review the status of the park site and submit a report to the Board of County Commissioners (BCC) as to its suitability as park land.
 - c. The County shall accept donation of the park site after post-closure and submission of the staff report unless the BCC decides at that time not to accept the site.
 - d. Mid-Florida Materials shall indemnify the County, hold the County harmless from all liability arising out of any site conditions which occur or were caused prior to donation to the County and liability arising from any site conditions occurring after donation to the County, the cause of which conditions can be traced to the time the applicant was operating the landfill or to the post-closure time period, except for liability arising out of settling of the land.
 - e. Should the County accept donation of the park site, the County shall use the site for park or recreational purposes only, failing which, the park site shall be reconveyed to Mid-Florida Materials.
24. If deemed appropriate by Orange County EPD, Mid-Florida Materials shall provide an additional monitoring well at a location to be determined by Mid-Florida Materials and EPD.
25. If deemed appropriate by Orange County EPD, in addition to the groundwater sampling events required by this permit, EPD shall conduct an additional annual sampling event at the owner's expense.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 5:15 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator