

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, June 6, 2000. The following were present:

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

Commissioner Bob Freeman was absent.

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

The Board paused for an invocation by Commissioner Sindler followed by the Pledge of Allegiance to the Flag.

COUNTY CONSENT AGENDA

Action

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

- Deferred Administrative Support Department Item 2 for discussion (see page 181 for discussion and subsequent approval).
- Deleted Administrative Support Department Item 7;

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

County Comptroller

1. Approval to pay Clerk of the Courts' invoices in the total amount of \$332,090.89 for services rendered for the month of April 2000 (Administrative/Fiscal Division).
2. Acknowledgment of receipt of the following file for the record documents:
 - a. Orange Blossom Trail Development Board, Inc., 1999 Annual Report; dated May 8, 2000.
 - b. Orlando/Orange County Convention and Visitors Bureau, Inc., 1999 Annual Report; dated May 10, 2000.
 - c. Florida Department of Revenue, copy of letter to Earl K. Wood, Tax Collector re: instructions and schedules for development of the fiscal year 2000-2001 budget request; dated May 3, 2000.
 - d. Orange Soil and Water Conservation District 1999 Annual Financial Report and fiscal year 1999 financial statements; dated March 29, 2000.
 - e. State of Florida Auditor General Operational Audit re: acquisition and disposition of equipment related to the Lake Apopka restoration by the St. John's River Water Management District and the Florida Department of Management Services; dated May 3, 2000.
 - f. City of Orlando, notice dated May 5, 2000, of ordinances annexing the following properties located at the following locations:
 - 10802, 10808, and 10814 Boggy Creek Road.
 - The southwest corner of Grant Street and Semoran Boulevard.

- 4880 Hoffner Avenue.

g. Public Official Bonds for members of the Board of Trustees of the West Orange Healthcare District from Marsh USA, Inc.; dated May 5, 2000, as follows:

- A. Kurt Ardaman
- Carolyn H. Sawyer
- Gretchen O. Boyd
- Gary F. Allington
- Julia Ann S. Fain
- Charles H. True
- Douglas P. Trovillion
- Alice M. Williams
- Derek J. Blakeslee
- Denis Quintana
- Samuel E. Mathis, Jr.

(Comptroller Clerk of the Board of County Commissioners)

3. Approval of the minutes of the May 9, 16, and 23, 2000, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
4. Approval of the disposition of tangible personal property as follows:
 - a. Donate to a nonprofit organization or sell to a surplus vendor furniture that is surplus to the County's needs.
 - b. Abandon assets in sealed wells.
 - c. Scrap assets.
 - d. Cannibalize assets for their useable parts.
 - e. Trade in an asset for an allowance towards the purchase of a new asset.

f. Return an asset to the vendor for a replacement under a maintenance agreement.

g. Dispose of assets that were sold at public auction.

(Property Accounting Department)

5. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:

- Period from May 19, 2000, to May 24, 2000; total of \$25,321,650.88.

- Period from May 25, 2000, to May 31, 2000; total of \$8,470,350.23.

- Period from June 1, 2000, to June 1, 2000; total of \$12,004,798.85.

(Finance and Accounting Department)

County Administrator

1. Approval of Budget Amendments 00-53, 00-54, 00-55, and 00-56 (Office of Management and Budget).

(Budget Amendments 00-53 through 00-56 are on file in the Comptroller Finance and Accounting Department.)

2. Approval of Budget Transfers 00-346, 00-350, 00-356, 00-357, 00-358, and 00-359 (Office of Management and Budget).

(Budget Transfers 00-346, 00-350, and 00-356 through 00-359 are on file in the Comptroller Finance and Accounting Department.)

3. Approval of CIP Amendments 28-00, 29-00, 30-00, and 32-00 (Office of Management and Budget).

(CIP Amendments 28-00 through 30-00 and 32-00 are on file in the Office of Management and Budget.)

4. Adoption of Resolution 2000-M-24 regarding the Little Econ Greenway Phase 1A Local Agency Program Agreement between the State of Florida Department of Transportation and the County, District 3 (Parks and Recreation Division).
5. Adoption of Resolution 2000-M-25 regarding the West Orange Trail Phase 3 Local Agency Program Agreement between the State of Florida Department of Transportation and the County, District 2 (Parks and Recreation Division).
6. Approve payment of intergovernmental claims for May 11 and May 18, 2000, totaling \$368,285.90 (Risk Management Division).
7. Receipt and filing of minutes for May 4 and May 11, 2000, meetings of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
8. Approval of Resolution 2000-B-05 authorizing the issuance of Capital Projects Finance Authority Student Housing Revenue Bonds (Capital Projects Loan Program) in one or more series in a principal amount not to exceed \$160,000,000 and approving execution of an Interlocal Agreement between Capital Projects Finance Authority and the County.

Administrative Support Department

1. Approval to award Invitation for Bid Y0-705-MK to the low responsive and responsible bidder, Bowers Electric, Inc., for Phase II dimming system upgrade at Orange County

Convention Center. The total contract award amount is \$486,000 ([Convention Center Construction Division] Purchasing and Contracts Division).

2. Approval to award Invitation for Bid Y0-727-PH to the low responsive and responsible bidder, Garney Companies, Inc., for Eastern Regional Transmission System Improvements, Contract 5. The total contract award amount is \$5,752,100 ([Utilities Engineering Division] Purchasing and Contracts Division).

(As stated in the above motion, this item was deferred for discussion; see page 181 for subsequent approval).

3. Approval of utility easement and subordination of encumbrance to property rights and authorization to record instruments for Alexandria Apartments, District 1 (Real Estate Management Division).
4. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings for Apopka-Vineland Road (S.R. 50 to A.D. Mims Road), District 2 (Real Estate Management Division).
5. Approval and execution by County Chairman of lease agreement between Pyramid Properties VI and Orange County, Florida, for Facilities Management West District office and warehouse space at 611 Parkway Center Court, Orlando, Florida, District 2 (Real Estate Management Division).
6. Approval and execution by County Chairman of agreement related to facility use between The Christ School, Inc., and Orange County, Florida, to provide an area for recreational activities for the students on the County Administration lawn at the corner of Rosalind Avenue and Jackson Street, Orlando, Florida, District 3 (Real Estate Management Division).
7. Approval and execution by County Chairman of site lease and

memorandum of Site Lease Agreement between SpectraSite Communications, Inc., and Orange County, Florida, and authorization to record instrument for telecommunication tower site development at the Sand Lake Road Wastewater Treatment Facility, District 6 (Real Estate Management Division).

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

8. Approval and execution by County Chairman of County deed and any related closing documents and authorization to conduct closing, disburse warrant to pay appropriate closing costs, and record instrument for the Convention Center Expansion, Phase V Mitigation, District 1 (Real Estate Management Division).

Fire Rescue Department

1. Approval of Modification to Agreement 00CP-07-16-58-01-118 between the State of Florida Department of Community Affairs and Orange County, Florida, extending the due date from June 30, 2000, to December 31, 2000, to perform renovations to the former 911 Center (Office of Emergency Management).
2. Approval of a competitive Grant Agreement 00CP-07-06-58-00-118 in an amount not to exceed \$8,585 from the State of Florida Department of Community Affairs awarded to the Orange County Amateur Radio Emergency Service/Radio Amateur Civil Emergency Service (ARES/RACES) (Office of Emergency Management).
3. Approval of the Wildfire Hazard Information and Prevention Project Grant Agreement 00CP-07-06-58-01-119 from the State of Florida Department of Community Affairs for \$69,053 with a County match of at least 4.8 percent (\$3,314.55) and an in-kind match of at least 38.2 percent (\$26,378.25) of the total project costs and 25 percent Advance Payment Agreement between the State of Florida Department of Community Affairs and Orange County.

Growth Management and Environmental Resources Department

1. Approval of Consent Agreement between Pulte Home Corporation and Orange County, Florida, that sets forth the corrective actions to be taken by Pulte to resolve a violation of the County's Conservation Ordinance and Air and Water Pollution Control Act, District 1 (Environmental Protection Division).
2. Approval of Consent Agreement between Massey Cadillac and Orange County, Florida, that sets forth the corrective actions to be taken by Massey to resolve a violation of the County Code and State and Federal Regulations concerning illegal discharge, District 2 (Environmental Protection Division).
3. Approval to advertise Resolutions 2000-ZON-101 and 2000-ZON-147 through 2000-ZON-174 to place amended special assessment liens and special assessment liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions for amended special assessment liens and special assessment liens:

LC 00-213; LC 00-239; LC 99-071; LC 99-134; LC 99-128;
 LC 99-072; LC 99-109; LC 99-133; LC 00-211; LC 99-050;
 LC 99-135; LC 99-064; LC 99-065; LC 99-079; LC 99-032;
 LC 99-100; LC 99-097; LC 99-082; LC 00-207; LC 99-122;
 LC 99-067; LC 00-220; LC 00-187; LC 99-049; LC 99-016;
 LC 99-086; LC 00-171; LC 00-182; LC 99-056

all districts (Code Enforcement Division).

Health and Family Services Department

1. Approval of the application to license the Callahan Head Start Center between the State of Florida Department of Children and Families and Orange County, Florida. The

effective date of this license is from July 7, 2000, through July 7, 2001. This application is only executed by Orange County. There is no cost to the County (Head Start Division).

2. Approval of Contract/Agreement G9011 between the State of Florida Department of Juvenile Justice and Orange County, Florida, for the operation of the Children and Family Intervention Services Program. The contract is in the amount of \$3,320,351.28. There is a cash contribution from the County in the amount of \$437,595.29. The term of the contract is from July 1, 2000, through June 30, 2003. There will be no additional cost to the County (Youth and Family Services Division).

Public Works Department

1. Approval to establish a "No Parking" zone on the north side of Gatlin Avenue beginning from the west right-of-way line of Kennedy Avenue and extending west 1,300 feet, District 4 (Traffic Engineering Division).
2. Approval and execution of Resolution 2000-M-26 and Agreement among State of Florida Department of Transportation, Florida Central Railroad, and the County, "Railroad Reimbursement Agreement, Grade Crossing and Crossing Traffic Control Devices," for traffic control improvements at the CSX grade crossing on Mott Avenue, District 2 (Traffic Engineering Division).

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Administrative Support Department

2. Approval to award Invitation for Bid Y0-727-PH to the low responsive and responsible bidder, Garney Companies, Inc., for Eastern Regional Transmission System Improvements,

Contract 5. The total contract award amount is \$5,752,100 ([Utilities Engineering Division] Purchasing and Contracts Division).

Discussion

Commissioner Hartage requested this item be deferred for discussion to review the company's noncompliance with the County's Minority/Women Business Enterprise (M/WBE) Ordinance.

The Board discussed the bid process, compliance with the Purchasing Ordinance, and the integrity of the process.

Action

A motion by Commissioner Hartage to reject the bid by Garney Companies, Inc., and to rebid the contract for Eastern Regional Transmission System Improvements, Contract 5, died for the lack of a second.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with County Chairman Martinez and Commissioners Sindler, Hoenstine, and Edwards voting AYE by voice vote; Commissioners Johnson and Hartage voting NO by voice vote; Commissioner Freeman was absent; the Board awarded Invitation for Bid Y0-727-PH to the low responsive and responsible bidder, Garney Companies, Inc., for Eastern Regional Transmission System Improvements, Contract 5, total contract award amount is \$5,752,100.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Legislative Outcomes (Public Affairs).

Staff Report

Staff presented the 2000 legislative update on the following items:

- Florida Retirement System
- Option 7

- Intangible tax reduction and revenue sharing
- Growth Management Study Commission
- Wetlands mitigation

- Simplified telecommunications tax
- Nuisance Abatement Board fines
- Transportation package
- Orange County appropriations requests

Discussion

The Board discussed scrutiny of the legislative agenda by the Board, upcoming vacancies on the Lynx Board of Directors, consideration of "Save Our Seniors" reform, school concurrency, and gas tax revenues.

Action

The Board did not take any action.

GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT
DISCUSSION AGENDA

1. Safe Neighborhood Program.

Staff Report

Staff presented a report on the Safe Neighborhood Program for crime prevention and revitalization of older and transitioning neighborhoods.

Discussion

The Board discussed prioritizing funding for implementation of the plan's schedule and seeking additional funding sources.

Action

The Board did not take any action.

NONAGENDA - VISIT BY GOVERNOR BUSH

The County Chairman announced that Governor Jeb Bush was in Orange County last week to visit some of the local high-technology industries.

OFFICE OF ECONOMIC, TRADE AND TOURISM DEVELOPMENT DISCUSSION AGENDA

1. Approval of Lockheed Martin TADS/PNVS Qualified Defense Contract Tax Refund Resolution.

Staff Report

Staff presented a report and requested that the Board adopt the proposed Lockheed Martin TADS/PNVS Qualified Defense Contract Tax Refund Resolution.

Discussion

The Board discussed the importance of Lockheed Martin obtaining the defense contract, local job opportunities, keeping employees in the area and the influx of their monies into the community, and the possibility that this could set a precedent for incentives.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with County Chairman Martinez and Commissioners Sindler, Johnson, and Hartage voting AYE by voice vote; Commissioners Hoenstine and Edwards voting NO by voice vote; Commissioner Freeman was absent; the Board adopted Lockheed Martin TADS/PNVS Qualified Defense Contract Tax Refund Resolution 2000-M-23.

NONAGENDA - UPDATE ON FIRES

Fire Rescue Department Director Mike Iacona updated the Board on the local wildfires and smoke at the Hunter's Creek community in south Orange County.

PUBLIC SAFETY DISCUSSION AGENDA

1. Hurricane Preparedness Update (Office of Emergency Management).

Staff Report

Staff presented a report on hurricane season storm projections, the need for overall community preparedness, and the County's preparation for the hurricane season.

Discussion

The Board discussed pet shelters and locations for medical services.

Action

The Board did not take any action.

The County Chairman 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:

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

Commissioner Bob Sindler joined the meeting where indicated. County Chairman Mel Martinez was absent.

Presentation of Proclamation recognizing Trinity Preparatory School Girls' Softball Team.

Commissioner Edwards presented a proclamation to the Trinity Preparatory School Girls' Softball Team in recognition of their outstanding softball season.

NONAGENDA - MEMO TO THE COUNTY CHAIRMAN

Commissioner Freeman read a memo he sent to the County Chairman on June 1, 2000, thanking the Fire Department and other County departments for their efforts in fighting the local wildfires. Commissioner Freeman also thanked the Community Emergency Response Team (CERT) volunteers in the Hunter's Creek area for their help with the fires.

Commissioner Sindler joined the meeting.

Presentation regarding Leadership Institute Class 2000 Project: "Orange Cares 4 U" Program.

Human Resource Administrator of Benefits and Records Tracy Simpson gave a presentation regarding the Leadership Institute Class 2000 Project "Orange Cares 4 U" Program.

MAY 18, 2000, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of May 18, 2000, with the exception of Cases Z-98-115 and Z-00-055; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling public hearings as follows:

- Case Z-98-115, in the name of Kenneth W. Wright, Valencia College Lane, on July 18, 2000.

- **Case Z-00-055, in the name of John Morris, Orange County Convention Center Phase V, on June 27, 2000.**

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commission under date of May 18, 2000, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

CONSERVATION AREA IMPACT PUBLIC HEARING - APPLICANT: BREEDLOVE, DENNIS & ASSOCIATES, INC.; LAKE HART, INC., PROJECT; PERMIT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Breedlove, Dennis & Associates, Inc.; Lake Hart, Inc., Project; for a conservation area impact permit; pursuant to Section 15, Article X; on property generally located off Kirby Smith Road and adjacent to Lake Hart; District 4, Sections 8, 9, 10, 15, 16, 17, and 21; Township 24; Range 31; Orange County, Florida (the legal property description is on file).

Staff Report

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

Appearances

No one addressed the Board regarding the request.

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 Edwards, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the

request by Breedlove, Dennis & Associates, Inc.; Lake Hart, Inc., Project; for a conservation area impact permit, on the above-described property; subject to the following conditions:

1. Monitoring plan includes three components; onsite review of the wetland preservation area; baseline report detailing site conditions, photographic documentation, and recommendations for maintenance activities; and maintenance activities per recommendations.
2. Onsite reviews will be conducted in July for a period of five consecutive years.
3. A report outlining the onsite review will be submitted to the Environmental Protection Division within 30 days of the site inspection.
4. Nuisance and exotic species shall be maintained at a level less than baseline coverage.
5. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions are not met, the permit becomes null and void.

BOAT DOCK PUBLIC HEARING - APPLICANT: DR. WILLIAM FIRMAN, PERMIT AND VARIANCE TO SETBACK, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by William Firman 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, District 1; Section 3, Township 24, 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

No one addressed the Board regarding the request.

Discussion

The Vice-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 present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the request by William Firman 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. The boat dock is to be constructed so that the minimum setback distance of zero feet (0') be located directly adjacent to the property described as Bay Vista Estates Unit 1, Tract A, and currently occupied by a retention pond system.
2. The boat dock is to be constructed so that the maximum setback distance of five feet (5') is adjacent to the property at 8641 Vista Point Cove.
3. Minimum height of the deck must be one foot (1') above the Normal High Water Elevation (NHWE) of 90 feet above mean sea level for Big Sand Lake. Maximum height for the boathouse shall be 13 feet above the NHWE.
4. Minimum height of the deck through a conservation area must be one foot (1') above the ground elevation.
5. Construction shall be in accordance with the stamped approved drawings.
6. 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.

7. This permit must be posted in a conspicuous place onsite before activity begins and must remain until completion.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 9, BUILDING & CONSTRUCTION REGULATIONS; AND ADOPTION OF THE 1999 EDITION, NATIONAL ELECTRICAL CODE, AND CENTRAL FLORIDA CODE NOTICE "M"

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

AN ORDINANCE REGARDING BUILDING AND CONSTRUCTION REGULATIONS APPLICABLE TO THE AREAS OF ORANGE COUNTY, FLORIDA, OUTSIDE THE BOUNDARIES OF THE MUNICIPALITIES; ADOPTING THE 1999 EDITION OF THE NATIONAL ELECTRICAL CODE, AND CENTRAL FLORIDA ADVISORY CODE NOTICE "M"; MAKING VARIOUS OTHER MISCELLANEOUS AMENDMENTS TO CHAPTER 9 OF THE ORANGE COUNTY CODE REGARDING BUILDING AND CONSTRUCTION REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Staff reviewed the proposed ordinance and outlined its provisions.

Appearances

No one addressed the Board regarding the proposed ordinance.

Discussion

The Vice-chairman closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board adopted proposed Ordinance 2000-12 amending Orange County Code, Chapter 9, Building and Construction Regulations; and adoption of the 1999 Edition, National Electrical Code, and Central Florida Code Notice "M."

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: SCOTT HENDERSON, PIZZUTI LITTLE SAND LAKE PLANNED
DEVELOPMENT; CASE Z-00-004, APRIL 20, 2000; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Scott Henderson, Pizzuti Little Sand Lake Planned Development, to rezone Retail Commercial District (C-1)(1970) to Planned Development (PD), on property which is generally located on the south side of Sand Lake Road, one-eighth of a mile west of Turkey Lake Road; District 1; Section 35, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff 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. Staff requested the following condition be added: Serial performance attractions, theme parks, and dinner theaters are prohibited.

Appearances

No one addressed the Board regarding the request.

Discussion

The Vice-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 present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the request by Scott Henderson, Pizzuti Little Sand Lake Planned Development, to rezone Retail Commercial District (C-1)(1970) to Planned Development (PD); on the above-described property; subject to the following conditions:

1. Development shall conform to the Pizzuti Sand Lake Road Land Use Plan, dated "Received March 10, 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 Board of County Commissioners (BCC), or by action of the BCC.

2. A master wastewater plan, including preliminary calculations, shall be submitted and approved prior to construction plans.
3. Billboards and pole signs shall be prohibited.
4. There shall be no visible flat roofs or visible machinery thereon from any side of erected structures. Machinery is defined as air conditioners, antennas, air handlers, ductwork, pipes, or other similar devices.
5. No outside storage or display shall be permitted.
6. The new western access on Sand Lake Road shall be limited to a right-in only, not a right-in/right-out.
7. Serial performance attractions, theme parks, and dinner theaters are prohibited;

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

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -
APPLICANT: C.H. ENTERPRISES, LLC; SHOPS OF LAKE AVENUE; CASE Z-
00-016, APRIL 20, 2000; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by C.H. Enterprises, LLC; Shops of Lake Avenue; to rezone Rural Country Estate (RCE) (1968) to Planned Development (PD), on property generally located east of

Apopka-Vineland Road, 200 feet north of Lake Street on South Apopka-Vineland Road; District 1; Section 15, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff 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. Staff modified Condition 7 as follows: Prior to construction plan submittal, a developer's agreement addressing the ownership, maintenance, and landscaping of the retention system shall be approved.

Appearances

The following persons addressed the Board regarding the request:

- Roy Messinger, 10005 Oakside Court, Orlando, Florida.
- Kay Whitehouse, 3338 Johio Shore Road, Ocoee, Florida.
- Jami Reedle, 11345 Apopka-Vineland Road, Orlando, Florida.
- Mike Holbrook; Miller, McCoy, Einhouse and Associates; 918 Lucerne Terrace, Orlando, Florida; for the developer.

Discussion

The Vice-chairman closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the request by C.H. Enterprises, LLC; Shops of Lake Avenue; to rezone Rural Country Estate (RCE) (1968) to Planned Development (PD); on the above-described property; subject to the following conditions:

1. Development shall conform to the Shops of Lake Avenue Land Use Plan, dated "March 10, 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 Board of County Commissioners (BCC), or by action of the BCC.

2. Master water and wastewater plans including preliminary calculations shall be approved prior to approval of construction plans.
3. Billboards and pole signs shall be prohibited.
4. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center.
 - b. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon either the development of residential units within the area designated Activity Center Residential on the Future Land Use Map or the payment into the housing linkage fund.
 - c. The development guidelines of Orange Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards,

building orientation, and location of parking lots. If the foregoing guidelines are in conflict with the guidelines for the Shops of Lake Avenue as set forth herein, then the Shops of Lake Avenue guidelines shall apply.

- d. The property shall be required to participate in a property owners' association upon its creation.
 - e. Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - f. A ten-foot-wide (10') pedestrian/landscape/utility easement shall be provided along C.R. 435 and shall be included in the development plan.
 - g. The development plan shall provide for interconnection of existing adjacent commercial development by either cross-access easement or public right-of-way.
 - h. Electrical distribution lines shall be underground.
 - i. Participation in a shuttle service connecting area attractions, major transportation centers, and on site development shall be required.
5. There shall be a 20-foot setback on Lake Ruby Road, a ten-foot (10') setback on 10th Street, and a ten-foot (10') setback from the southeast corner.
6. A master stormwater drainage system shall be submitted and approved prior to construction plan approval.
7. Prior to construction plan submittal, a developer's agreement addressing the ownership, maintenance, and landscaping of the retention system shall be approved.
8. The following design standards shall be incorporated into this project:

- a. No visible flat roofs shall be permitted.
- b. No visible equipment on the roofs, i.e., duct work, antennas, machinery, or air conditioning units shall be permitted within 100 feet of a public right-of-way.
- c. Dumpsters shall be fully enclosed and hidden from view by block enclosures.
- d. All illumination shall be limited to nine-foot (9') candles at storefronts, gradually decreasing to two-foot (2') candles at the perimeter.
- e. All visible roofs shall be tile.
- f. Exterior lighting shall be directed away from street traffic lanes. No lights in excess of 25 feet shall be permitted.
- g. A comprehensive landscape plan shall be required upon development plan submittal.
- h. Loading platforms shall be reasonably obstructed from view by landscaping.
- i. No overnight parking of trucks or motor vehicles defined as exceeding 24-hour period, no free-standing storage-type containers, and no free-standing concession stands or building structures of less than 750 square feet shall be permitted.
- j. No portable blinking curbside signs shall be used anywhere on the development due to their potential hazard to traffic.
- k. No cellular telephone towers, microwave towers, or other transmission towers shall be permitted within the Planned Development.

- l. Notice of any proposed Comprehensive Plan Amendment, Planned Development Amendment, or Development Plan Application shall be provided to the Dr. Phillips Preservation Association, Southwest Orange County Homeowners' Association, Emerald Forest Homeowners' Association, Diamond Cove Homeowners' Association, and Turtle Creek Homeowners' Association.

- m. The following signage standards drawn from the Hilton Head, Longboat Key, and Sanibel Land Development Code Signage Design Standards shall be implemented:
 - (1) The amount of information on signs shall be no more than necessary to provide reasonable identification of the business.
 - (2) The signage design shall be included in the Planned Development. The signage design must ensure that signs are similar in shape and consistent in material.
 - (3) Pole signs are prohibited. Ground signs must be monument style.
 - (4) Ground signs shall not exceed eight feet (8') in height over the average grade elevation of the nearest public right-of-way. Ground signs shall not exceed 60 square feet in the copy area.
 - (5) A Master Sign Plan shall be submitted at the time of Development Plan submittal.
 - (6) Signs on the building facade may be internally lighted. However, there shall be no external neon signs. The total area of facade sign shall occupy no more than 25 percent of the area facade. Facade signs must be contained within a single wall panel, window, door, or

other architectural components upon which they are placed. No facade sign shall be on or over the roof of any building.

- (7) No part of any sign shall move or give the appearance of movement or emit any sounds, odors, or visible matter such as smoke or vapor.
- (8) There shall be no billboards, "community boards," or any other form of off-site advertising.
- (9) There shall be no inflatable sign or balloons of any type;

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

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -
APPLICANT: SBA, INC.; ITEM 1, APRIL 6, 2000; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by SBA, Inc., for a special exception in Citrus Rural Zone (A-1) to erect non-located communications tower (170 feet tall monopole) in lieu of colocated on property generally located on the east side of Avalon Road (C.R. 545), two miles north of U.S. 192; District 1; Section 30, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

Staff Report

Staff stated that the applicant has withdrawn the request.

Appearances

No one addressed the Board regarding the request.

Discussion

The Vice-chairman closed the public hearing and opened the matter for Board discussion.

Action

By consensus, the Board accepted the applicant's withdrawal of the request for a special exception in Citrus Rural Zone (A-1) to erect non-colocated communications tower (170 feet tall monopole) in lieu of colocated.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, SECTION 9-626, AND ORANGE COUNTY CODE CHAPTER 38 (ZONING) REPEALING THE REQUIREMENT THAT A SWIMMING POOL BE ENCLOSED BY A SCREEN ENCLOSURE OR A SECURITY FENCE AT LEAST FIVE FEET (5') IN HEIGHT

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

AN ORDINANCE AFFECTING THE USE OF LAND IN UNINCORPORATED ORANGE COUNTY, FLORIDA; AMENDING THE 1994 EDITION OF THE STANDARD SWIMMING POOL CODE, AS PREVIOUSLY ADOPTED, AMENDED AND CODIFIED AT SECTION 9-626 OF THE ORANGE COUNTY CODE, BY MODIFYING THE DEFINITION OF "BARRIER" TO PROVIDE THAT A BARRIER FOR PURPOSES OF A WATERFRONT SWIMMING POOL MEANS ENCLOSED ON ALL SIDES EXCEPT THE WATERFRONT; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE BY REPEALING THE REQUIREMENT THAT A SWIMMING POOL BE ENCLOSED BY A SCREEN ENCLOSURE OR A SECURITY FENCE AT LEAST FIVE (5) FEET IN HEIGHT; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Staff reviewed the proposed ordinance and outlined its provisions. Staff further outlined recommended changes to the proposed ordinance as follows:

Option 1

Section 38-79, delete Zoning Code requirement for five-foot-high (5') fence enclosure.

Section 9-626, change definition of barrier as follows: a fence, wall, building wall or a combination thereof which, with the exception of a waterfront swimming pool, completely

surrounds the swimming pool. For the purposes of a waterfront pool, the term "barrier" means enclosed on all sides except the waterfront, with such enclosure extending to the normal high water line of the body of water or seawall, whichever is applicable.

Option 2

Section 38-79, delete Zoning Code requirement for five-foot-high (5') enclosure enclosure.

Maintain Building Codes - Building Director can allow alternate methods.

Option 3

Section 38-79, delete Zoning Code requirement for five-foot-high (5') fence enclosure.

Section 9-626, change definition of barrier as follows: barrier - a fence, wall, building wall or a combination thereof which, with the exception of a waterfront swimming pool existing on or before June 6, 2000, without a waterfront barrier, completely surrounds the swimming pool and obstructs access to the swimming pool. For purposes of a waterfront swimming pool existing on or before June 6, 2000, without a waterfront barrier, the term "barrier" means enclosed on all sides except the waterfront, with such enclosure extending to the normal high water line of the body of water or seawall, whichever is applicable.

Appearances

The following persons addressed the Board regarding the proposed ordinance:

- Richard Spears, president of the Orange County Homeowners' Association; 9132 Ridge Pine Trail, Orlando, Florida.
- Andrea Coudriet Batchelor, 8995 Crichton Wood Drive, Orlando, Florida.

- Debbi Toohey, 8993 Crichton Wood Drive, Orlando, Florida.
- Jim Lytle, 9017 Crichton Wood Drive, Orlando, Florida.
- Rick McKee, 544 Mayo Avenue, Maitland, Florida; for the Orange County Homebuilders' Association.
- Larry Brown, 714 Franklin Lane, Orlando, Florida.
- Thomas Sawyer, 8947 Bay Cove Court, Orlando, Florida.
- Jim Powers, 1870 Laurel Road, Winter Park, Florida.

Discussion

The Vice-chairman closed the public hearing and opened the matter for Board discussion.

Action

A motion by Commissioner Edwards, seconded by Commissioner Sindler; with Commissioners Freeman, Sindler, and Edwards voting AYE by voice; Vice-chairman Hartage and Commissioners Johnson and Hoenstine voting NO by voice vote; County Chairman Martinez was absent; to adopt the proposed ordinance amending Orange County Code, Section 9-626, and Orange County Code Chapter 38 (Zoning) repealing the requirement that a swimming pool be enclosed by a screen enclosure or a security fence at least five feet (5') in height; to include revisions as outlined by staff as follows:

- Section 38-79, delete Zoning Code requirement for five-foot-high (5') fence enclosure.
- Section 9-626, change definition of barrier as follows: a fence, wall, building wall or a combination thereof which, with the exception of a waterfront swimming pool existing on or before June 6, 2000, without a waterfront barrier, completely surrounds the swimming pool and obstructs access to

the swimming pool. For purposes of a waterfront swimming pool existing on or before June 6, 2000, without a waterfront barrier, the term "barrier" means enclosed on all sides except the waterfront, with such enclosure extending to the normal high water line of the body of water or seawall, whichever is applicable;

failed.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board adopted Ordinance 2000-13 amending Orange County Code, Section 9-626, and Orange County Code Chapter 38 (Zoning) repealing the requirement that a swimming pool be enclosed by a screen enclosure or a security fence at least five feet (5') in height; to revisions as outlined by staff as follows:

- Section 38-79, delete Zoning Code requirement for five-foot-high (5') enclosure.
- Maintain Building Codes - Building Director can allow alternate methods.

COMPREHENSIVE POLICY PLAN AMENDMENT PUBLIC HEARING - FUTURE LAND USE MAP AMENDMENT 2000-1-D-4-1 MOSS PARK DEVELOPMENT OF REGIONAL IMPACT, TRANSMITTAL HEARING

Notice was given that the Board of County Commissioners would hold a public hearing regarding transmittal of proposed amendments to the 1990-2010 Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for Future Land Use Map Amendment 2000-1-D-4-1 Moss Park Development of Regional Impact.

(The following reference materials are on file: Amendment Booklet and map(s); parcels of property that are subject to possible land

use changes identified by the general location descriptions, acres, and tax parcel identification numbers; currently adopted land uses and requested land use changes.)

Staff Report

Staff reviewed the location, the request, and the recommended land uses; and further, noted that the Local Planning Agency recommended transmittal with a land use designation of Low Density Residential/Low-Medium Density Residential/Medium Density Residential/Industrial/Office/Institutional/Commercial/Conservation/Urban Service Area/Planned Development.

Staff recommended transmittal with deletion of the Urban Service Area land use and subject to the following issues being resolved prior to adoption hearings:

- Determination of the appropriate phasing of the project relative to transportation improvements for Wewahootee Road and the Alafaya Trail Extension.
- Additional consideration of appropriate land uses for Parcels A, E, N, and O; subject to adequate public facilities.
- Approval and execution of an agreement between the applicant and the Orange County School Board for a school site.
- Address community concerns regarding project impacts.

Appearances

The following persons addressed the Board regarding the request:

- Jay Berlinsky, the applicant; CNL Group, Inc.; 450 South Orange Avenue, Orlando, Florida.
- Tom Carter, 12617 Broleman, Orlando, Florida.
- Barbara Eagan, Esquire; 13835 Kirby Smith Road, Orlando, Florida.

- Peter Betterman, 12232 Lake Mary Jane Road, Orlando, Florida.
- Brett Osborne, 14135 Conifer Drive, Orlando, Florida.
- John Rinehart; Glatting, Jackson, et al.; 33 East Pine Street, Orlando, 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 transmitting Future Land Use Map Amendment 2000-1-D-4-1 Moss Park Development of Regional Impact to the Florida Department of Community Affairs based upon staff recommendation that addresses the roadways, land uses, and community issues; and further, that the applicant provide a plan prior to adoption that constructs a school to serve the development.

NONAGENDA - FINES FOR SWIMMING POOL VIOLATIONS

In response to Commissioner Freeman's concern for residents who had fines imposed for swimming pool violations, Code Enforcement Division Manager Melvin Pittman stated that all fines would be suspended.

MEETING ADJOURNED

There being no further business, the Vice-chairman adjourned the meeting at 5:15 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator

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