

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, August 8, 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 the Reverend Willie Barnes, pastor of Victorious Living Fellowship Church of Tildenville, followed by the Pledge of Allegiance to the Flag.

Presentation of Florida Association of Counties "County Champion" award to Senator Daniel Webster.

The County Chairman presented the Florida Association of Counties "County Champion" award to Senator Daniel Webster.

Presentation by Dennis Freytes, Hunter's Creek Community Association Board of Directors, to the Orange County Fire Rescue Department.

John Mongoven, president of Hunter's Creek Community Association Board of Directors, presented commendations to the County Fire Rescue Department in appreciation of the County's efforts during the recent wildfires.

Fire Rescue Department Chief Mike Iacona recognized the County's key people involved in the effort. Mr. Iacona recognized 10-year-old Diedre Flaco, who coordinated efforts to provide supplies to the firefighters.

Chief Iacona presented an automatic external defibrillator (AED), which was donated by Medtronics, Inc., to the Hunter's Creek Certified Emergency Response Team (CERT).

#### **NONAGENDA - RECOGNITION**

The County Chairman recognized Thomas J. Lyon who has been selected for appointment of Deputy Chief of Operations of the Fire Rescue Department.

Presentation of resolution to Fire Rescue Department commemorating efforts in fighting wildfires during May and June 2000.

The County Chairman presented a resolution to the Fire Rescue Department in appreciation of its efforts in fighting the wildfires of May and June 2000.

#### **NONAGENDA - RECOGNITION**

The County Chairman welcomed Stephanie Serravezza who is job shadowing him for the day.

#### **COUNTY CONSENT AGENDA**

##### **Action**

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

- Deleted County Administrator Items 4 and 7;
- Deleted Administrative Support Item 3;

and further, approved the balance of the County Consent Agenda items as follows (see page 381 for reconsideration of Utilities Department Item 1):

**County Chairman**

1. Confirmation of the appointment of Thomas J. Lyon to the position of Deputy Chief of Operations of the Fire Rescue Department.

**County Comptroller**

1. Approval to pay Clerk of the Courts' invoices in the total amount of \$339,060.81 for services rendered for the month of June 2000 (Administrative/Fiscal Division).
2. Acknowledgment of receipt of the following file for the record documents:
  - a. City of Orlando Ordinance Notice annexing property located at the east and west sides of South John Young Parkway, north and south of Interstate 4 and north of Americana Boulevard.
  - b. Copy of letter from the State of Florida Department of Revenue to the Property Appraiser acknowledging the tentative budget for the period October 1, 2000, through September 30, 2001.
  - c. I-Drive Master Transit and Improvement District Amended and Restated Trolley Service Agreement.
  - d. Minutes of the Orange Blossom Trail Development Board, dated June 5, 2000.

(Comptroller Clerk of Board of County Commissioners)

3. Approval of the minutes of the July 18, 2000, meeting of the Board of County Commissioners (Comptroller Clerk of Board of County Commissioners).
4. Approval of the disposition of tangible personal property as follows:
  - a. Dispose of an asset that was returned to vendor under maintenance agreement.
  - b. Scrap assets.

(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 July 20, 2000, to July 26, 2000, total of \$26,440,463.58.
  - Period from July 27, 2000, to July 28, 2000, total of \$10,146,554.73.
  - Period from July 28, 2000, to August 2, 2000, total of \$13,863,182.92.

(Finance and Accounting Department)

#### **County Tax Collector**

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for 1999 (DR-502) and corresponding certification of errors, double assessments, discounts, and insolvencies.

#### **County Administrator**

1. Approval for the Sheriff's Office to spend \$8,000 from the Law Enforcement Trust Fund to purchase items needed for the Orange County Sheriff's Office "2000 Safe Halloween Program" (Office of Management and Budget).

2. Board acknowledgment and filing of the Audit of the Orange County Comptroller's Performance in Administering the Property Accounting Function (Office of Management and Budget) (see page 381 for further discussion).

3. Approval of Budget Amendments 00-66, 00-67, 00-68, 00-69, and 00-70.

(Budget Amendments 00-66 through 00-70 are on file in the Comptroller Finance and Accounting Department).

4. Approval of Budget Transfers 00-424 and 00-429 (Office of Management and Budget).

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

5. Approval of CIP Amendments 44-00, 46-00, 47-00, 48-00, 49-00, and 50-00.

(CIP Amendments 44-00 and 46-00 through 50-00 are on file in the Office of Management and Budget).

6. Approval of payment of intergovernmental claims July 13, 2000, totaling \$82,994.75 (Risk Management Division).

7. Receipt and filing of minutes for the July 6, 2000, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).

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

8. Approval of authorizing Resolution 2000-B-09 to ratify issuance of Multi-family Housing Revenue Refunding Bonds, not to exceed \$5,115,000 for the Coral Bay Apartments; \$5,315,000 for Harbour Cove Apartments; and \$7,650,000 for Misty Oaks Apartments (Orange County Housing Finance Authority).

9. Approval of Resolution 2000-B-10 authorizing the issuance by the Orange County Health Facilities Authority of its revenue bonds (Adventist Health System/Sunbelt) in an aggregate principal amount not to exceed \$1,000,000,000 in one or more series over the longest period permitted by law for the benefit of Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation, and certain affiliated not-for-profit corporations (Orange County Health Facilities Authority).
10. Approval of Resolution 2000-B-11 approving the issuance by the Highlands County Health Facilities Authority of revenue bonds (Adventist Health System/Sunbelt) in an aggregate principal amount not to exceed \$1,000,000,000 in one or more series over the longest period permitted by law for the benefit of Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation and certain affiliated not-for-profit corporations (Orange County Health Facilities Authority).
11. Approval of Resolution 2000-B-12 approving the issuance by the Highlands County Health Facilities Authority of its revenue bonds (Adventist Health System/Sunbelt, Inc., Accounts Receivable Program) in one aggregate principal amount not to exceed \$600,000,000 in one or more series over the longest period permitted by law for the benefit of Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation and certain affiliated not-for-profit corporations (Orange County Health Facilities Authority).
12. Approval of the Interlocal Agreement between Orange County and Orlando Urban Area Metropolitan Planning Organization (dba Metroplan Orlando) which provides that the County's health insurance plans be made available to Metroplan Orlando (Human Resources Division).

**County Attorney**

1. Approval and execution of the Settlement Agreement and Mutual Release between Eagle Amalgamated Services, Inc., and Orange County in Case No. CI99-6378 resolving all claims by either party relating to the asbestos abatement and demolition relating to the Orange County Courthouse/Historical Museum project.

**Administrative Support Department**

1. Approval to award Invitation for Bid Y0-174-RW to the low responsive and responsible bidder, Apex Air Conditioning & Refrigeration, Inc., for heating, ventilating, and air conditioning (HVAC) repair/replacement countywide. The estimated contract award amount is \$300,000 ([Facilities Management Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y0-189-SI to the low responsive and responsible bidder, Onesource Landscape and Golf Services, Inc., a one-year term contract with renewal options for landscape maintenance for OrangeScape projects. The estimated contract award amount is \$884,517.54 [Roads and Drainage Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y0-725-PH to the low responsive and responsible bidder, Maxwell Contracting, Inc., for Riverside Service Area/Meadowbrook Water Distribution System - Phase 4. The total contract award amount is \$573,000 ([Utilities Engineering Division] Purchasing and Contracts Division).

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

4. Approval to award Invitation for Bid Y0-734-PH to the low responsive and responsible bidder, Ryan Incorporated Eastern, for Azalea Park and Pinar Heights water and wastewater system improvements. The total contract award amount is \$1,899,245 ([Utilities Engineering Division] Purchasing and Contracts Division).

5. Approval to award Invitation for Bid Y0-752-PH to the low responsive and responsible bidder, Prime Construction Group, Inc., for Conway Acres water and wastewater distribution system. The total contract award amount is \$1,293,135 ([Utilities Engineering Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bid Y0-759-BI to the low responsive and responsible bidder, ERC General Contracting Services, Inc., for Long Lake stormwater pump station improvements. The total contract award amount is \$185,100 ([Highway Construction Division] Purchasing and Contracts Division).
7. Approval to award Invitation for Bid Y0-763-DB to the low responsive and responsible bidder, All Seasons Heating and Cooling, Inc., for Orange County Health Department air distribution system replacement. The total contract award amount is \$699,000 ([Construction Administration Division] Purchasing and Contracts Division).
8. Approval to award Contract Y0-1018-SI to the low responsive and responsible bidder, Centro De Diagnostico y Tratamiento, Inc., for primary care medical services in the Semoran/Curry Ford area. The estimated contract award amount is not to exceed \$300,000 ([Health Services Division] Purchasing and Contracts Division).
9. Approval to award a proprietary Contract Y0-2078 to Orlando Regional Healthcare System for indigent patient care. The total contract amount is \$500,000 ([Health Services Division] Purchasing and Contracts Division).
10. Approval of a sole source contract with Central Florida Health Care Coalition for the provision of services under Title I of the Ryan White Care Act at the contract amount of

\$246,342 for services as fiscal agent and \$142,007 to perform data collection and program evaluation ([Health and Family Services Department] Purchasing and Contracts Division).

11. Approval to purchase builders' risk insurance for the South Water Reclamation Facility Phase IV Improvement Project under Contract Y9-198F-SI with Zurich Insurance as provider through Arthur J. Gallagher & Company as the agent. The total contract amount is \$130,100 ([Risk Management Division] Purchasing and Contracts Division).
12. Approval and execution by County Chairman of resolution and authorization to initiate condemnation proceedings for Hiawasse Road (Clarcona-Ocoee Road to U.S. 441), District 2 (Real Estate Management Division).
13. Approval of utility easement and authorization to record instrument and disburse warrant to pay appropriate recording fees for Eastern Regional Transmission System, Contract 5, District 4 (Real Estate Management Division).

#### **Growth Management and Environmental Resources Department**

1. Approval to file claim of special assessment lien by Resolution 2000-BUI-19 against the property at 18170 Cedarhurst Road, \$4,569.10, District 5 (Building Division).
2. Approval of Alternative Road Impact Fee Agreement between Demetree Alpha Trust and Orange County for Collegiate Village Square, District 5 (Building Division).
3. Approval of a Memorandum of Understanding Agreement between Orange County and the City of Winter Park for Carver Street and Carver Court improvements, District 5 (Housing and Community Development Division).

4. Approval of 2000-2003 Housing and Community Development Consolidated Plan and the incorporated 2000-2001 One-Year Action Plan, approval of required certifications, and subsequent grant agreements and reporting documents, all districts (Housing and Community Development Division).
5. Approval of the Billboard Agreement among Andre Francois Hickman; Harold A. Miller, as Co-Trustees of the James W. Hickman Marital Trust Under Agreement Article VIII ("Trust"); Impact Communications of Central Florida II, Inc.; and Orange County for the Hickman Planned Development, District 6 (Planning Division).
6. Approval of the Interlocal Agreement between Orange County and the City of Ocoee for aquatic plant control, District 1 (Environmental Protection Division).
7. Approval to advertise Resolutions 2000-ZON-333 through 2000-ZON-354 to place special assessment liens and amended special assessment liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions for special assessment liens and amended special assessment liens:

LC 99-131; LC 99-132; LC 99-214; LC 99-265; LC 99-159;  
 LC 99-160; LC 99-163; LC 99-166; LC 99-182; LC 99-195;  
 LC 99-279; LC 99-284; LC 99-289; LC 99-322; LC 99-183;  
 LC 99-324; LC 99-290; LC 99-291; LC 99-292; LC 99-281;  
 LC 99-198; LC 99-263

all districts (Code Enforcement Division).

#### **Health and Family Services Department**

1. Approval of the public convenience and necessity certificate request for Orange County Fire Rescue Department to provide advanced life support air ambulance transport service. The

term of this certificate is from August 31, 2000, through August 31, 2002. There is no cost to the County (Emergency Medical Services Office).

2. Approval of the Contract/agreement for Off-site Preparation of Meals between the Orange County School Board and Orange County. The effective date of the contract is from August 14, 2000, through September 30, 2000. There will be no cost to the County (Head Start Division).
3. Approval of the Contract/agreement for Off-site Preparation of Meals between the Orange County School Board and Orange County. The effective date of the contract is from October 1, 2000, through September 30, 2001. There will be no cost to the County (Head Start Division).
4. Approval of Contract/agreement GH838 between the State of Florida Department of Children and Families and Orange County for the provision of alcohol, drug abuse, and mental health services at Great Oaks Village and the Youth Assessment and Stabilization Center. The contract in the amount of \$76,595. The term of the contract is from July 1, 2000, through June 30, 2001. There is no additional cost to the County (Youth and Family Services Division).

#### **Public Works Department**

1. Approval to establish a "No Parking" zone on both sides of Furey Drive beginning at Autumnvale Drive and extending to the south right-of-way line of Hollis Drive, District 3 (Traffic Engineering Division).

#### **Utilities Department**

1. Approval of the Second Amendment to Orange County/City of Ocoee Water Service Territorial Agreement and Third Amendment to Orange County/City of Ocoee Sewer Service Territorial Agreement (Contract No. W-88-06), District 1 (Engineering Division).

**(As stated in the above motion, the Board reconsidered and deleted this item. See page 381.)**

2. Approval of Lisa T. Munyon as Hearing Officer for appeals of Mandatory Refuse Collection Program and Recycling Assessment and Polly McIntyre as the Alternate Hearing Officer, all districts (Solid Waste Division).
3. Approval of the commercial hauler refuse license application for Central Florida Refuse, Inc., to provide commercial collection services in Orange County, all districts (Solid Waste Division).

**Commissioner Johnson left the meeting.**

**ADMINISTRATIVE SUPPORT DIVISION DISCUSSION AGENDA**

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

Staff Report

Staff presented the recommendations of the Membership and Mission Review Board (MMRB). The Board took the following actions:

**Civic Facilities Authority**

**Action**

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board appointed S. Scott Vandergrift, mayor of Ocoee, to the Civic Facilities Authority for a term expiring December 31, 2001.

Community Development Advisory Board

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Johnson was absent; the Board reappointed Louise Johnson-Wright and Mary C. Jackson to the Community Development Advisory Board for terms expiring June 30, 2002.

Commissioner Johnson rejoined the meeting.

Development Advisory Board

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:

- Reappointed Scott Sokol in the Environmental Conservation Organization category.
- Appointed Carmen Dominguez to succeed William Sullivan and Robert Thomas Shutts to succeed Richard Van Slyke in the Builder or Developer category.
- Appointed Stephen Loren Precourt to succeed J. Scott Henderson in the Development Related Discipline category;

to the Development Advisory Board for terms expiring June 30, 2002.

Nuisance Abatement Board

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Johnson, and carried with all members present

and voting AYE by voice vote, the Board appointed Gail Renee Booker to the Nuisance Abatement Advisory Board, to succeed Michael Grindstaff, for a term expiring January 1, 2003.

Orange County/Lake Apopka Enterprise Zone Development Agency

Action

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

- Reappointed Lonnie A. Thompson, Patricia Renae Evans, Herbert Auirresaenz, Corey Lee Warner, William James Cooper, and Joanne McMurray for terms expiring June 30, 2004.
- Appointed Evelyn Y. Nash in the Orange County Enterprise Zone resident category for a term expiring June 30, 2003.
- Appointed Lt. Roland J. LaCroix to succeed Sgt. Robert Hadsall for a term expiring June 30, 2004;

to the Orange County/Lake Apopka Enterprise Zone Development Agency Advisory Board.

Orange County Research and Development Authority

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:

- Appointed Ellen M. Avery-Smith to succeed Sandra Wilkening; Mercedes J. Gomez to succeed Yvonne Opfell; and Brenda Kay Jackson to succeed Allen Arthur;

to the Orange County Research and Development Authority Advisory Board for terms expiring August 24, 2004.

Parks and Recreation Advisory Board

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:

- Reappointed John Herman Nystrom.
- Appointed O'Ann E. Christiansen to succeed Robert J. Shephard; Thomas F. Lang to succeed Christian Swann; and Douglas Beach Elsworth to succeed Alice Nichols-Chavis as the representative of the Area Agency on Aging;

to the Parks and Recreation Advisory Board for terms expiring June 30, 2002.

2. Selection of one firm and three alternates to provide financial advisory services, RFP Y0-197-EW ([Fiscal and Business Services Division] Purchasing and Contracts Division)

Staff Report

Commissioner Hoenstine, present at the Procurement Review Committee meeting of July 17, 2000, reviewed the Committee's selection recommendation from the following firms listed alphabetically:

- Hanifen, Imhoff/Fidelity Financial Services, LC
- Public Financial Management & P.G. Corbin & Company
- Public Resources Advisory Group/DeLara Associates
- William R. Hough & Company/Washington Economics Group

Appearance

The following person addressed the Board:

- Dick Montalbano; William R. Hough & Company; 100 Second Avenue South, St. Petersburg, Florida.

Discussion

The Board discussed minority participation and the team member companies.

For the record, Commissioner Hoenstine submitted a letter from William R. Hough & Company announcing that they are resigning as financial advisor with the City of Orlando to avoid a conflict of interest.

County Comptroller Haynie clarified that the ranking of the firms for this request included consideration of the qualifications of all firms on a proposed team. She added that the County has the right to designate the co-financial advisors.

**Action**

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

- #1 William R. Hough & Company/Washington Economics Group**
- #2 Hanifen, Imhoff/Fidelity Financial Services, LC**
- #3 Public Financial Management & P.G. Corbin & Company**
- #4 Public Resources Advisory Group/DeLara Associates**

and further, authorized staff to enter into contract negotiations to provide financial advisory services, RFP Y0-197-EW.

**COUNTY CONSENT AGENDA - REQUEST TO RECONSIDER**

**Action**

Upon a motion by Commissioner Sindler, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved reconsideration of County Consent Agenda Utilities Department Item 1 as follows:

- Approval of the Second Amendment to Orange County/City of Ocoee Water Service Territorial Agreement and Third Amendment to Orange County/City of Ocoee Sewer Service Territorial Agreement (Contract No. W-88-06), District 1 (Engineering Division);

and further, deleted the item (see page 366 for previous action).

**NONAGENDA - SAFETY OF ADVISORY BOARD MEMBERS**

Commissioner Freeman said that windows of a Code Enforcement Board member were recently destroyed and asked staff to address the issue of protection for appointed advisory board members.

The County Administrator explained that these types of conflicts are handled on a case-by-case basis and that he would contact the Code Enforcement manager regarding the matter.

**NONAGENDA - AUDIT OF COMPTROLLER'S OFFICE**

County Comptroller Haynie advised the Board that with the Board of County Commissioners' completed audit of the Comptroller's Property Accounting Department, the County has met the provisions of the 1996 Charter amendment that expanded the Comptroller's audit authority and requires the Board to periodically audit the Comptroller (see page 369 for Consent Agenda County Administrator Item 2).

**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:

- 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 Employee Service Awards**

Service awards and pins were presented to the following employees:

- Virginia W. Herring of the Health and Family Services Department, Head Start Community Project; Margaret A. Hamilton, Health and Family Services Department, Head Start CSBG Services; Candice L. Nadeau, Fire Rescue Department, Communications; and William H. Miller, Wastewater/Water Treatment, Utilities Department for 20 years of service.
- Glen D. Richardson and Sheila K. Anderson, Fire Rescue Department, Fire Field Services for 25 years of service.

**JULY 20, 2000, PLANNING AND ZONING COMMISSION RECOMMENDATIONS****Action**

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of July 20, 2000, with the exception of Case Z-00-063; subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling public hearings for Case Z-00-063, in the name of Henderson Planning Group, Inc., Black Alafaya, on September 12, 2000.

For the record, appeals of the recommendations of the Orange County Planning and Zoning Commissioner under date of July 20, 2000, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 384 FOR APPEARANCES, DISCUSSION, AND ACTION.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: E.J. COTTRELL, NO. 00-24; 0.5-FOOT PORTION OF 6.0-FOOT UTILITY EASEMENT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by E.J. Cottrell, Petition to Vacate 00-24, to vacate a 0.5-foot portion of a 6.0-foot utility easement on Lot 8, Dommerich Hills, on property located at 2142 Chippewa Trail which is generally located west of Lake Howell Road and south of Derbyshire Road; District 5; Section 29, Township 21, Range 30; Orange County, Florida (the legal description is on file).

and

PETITION TO VACATE PUBLIC HEARING - APPLICANT: ANDREW H. BLUM FOR ROYAL CUSTOM BUILDERS; NO. 00-21; 10.0-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Andrew H. Blum for Royal Custom Builders, Petition to Vacate 00-21, to vacate a 10.0-foot utility easement on Lot 10, Reserve at Cypress Point Subdivision; on property located at 8884 Grey Hawk Pointe which is generally located south of Cypress Point Drive and west of Kilgore Road; District 1; Section 33, Township 23, Range 28; Orange County, Florida (the legal description is on file).

Staff Report

Staff reviewed Petition to Vacate 00-24 and the recommendation for approval of the request as submitted. Staff stated that the applicant has requested that Petition to Vacate 00-21 be \*continued (\*revised 9-9-00).

Appearances

No one addressed the Board regarding the requests.

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 00-24, vacating a 0.5-foot portion of a 6.0-foot utility easement on Lot 8, Dommerich Hills, on the above-described property.

Action

Upon a motion by Commissioner Freeman, seconded by County Chairman Martinez, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Andrew H. Blum for Royal Custom Builders, Petition to Vacate 00-21 to vacate a 10.0-foot utility easement on Lot 10, Reserve at Cypress Point Subdivision on the above-described property, until September 12, 2000, at 2 p.m.

RESOLUTION PUBLIC HEARING - TRANSFER CONTROL OF CABLE TV FRANCHISE OF CONSTEL COMMUNICATIONS, L.P. TO MALLARD CABLEVISION, L.L.C. AND AGREEMENTS

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, APPROVING THE ASSIGNMENT AND TRANSFER OF

CONTROL OF THE CABLE TELEVISION FRANCHISE FROM CONSTEL COMMUNICATIONS, L.P., TO MALLARD CABLEVISION, L.L.C.; AND PROVIDING AN EFFECTIVE DATE.

and

an agreement between Mallard Cablevision, L.L.C., and Orange County, Florida, Regarding the Nonexclusive Cable Television Franchise.

and

an agreement amending the Nonexclusive Cable Television Franchise Agreement dated, August 8, 2000.

#### Staff Report

Staff reviewed the proposed resolution and agreements and outlined their provisions.

#### Appearances

No one addressed the Board regarding the proposed resolution and agreements.

#### Discussion

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

#### Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board adopted proposed Resolution 2000-M-30 for the assignment and transfer of control of the cable television franchise from Constel Communications, L.P., to Mallard Cablevision, L.L.C.; further, approved an agreement between Mallard Cablevision, L.L.C., and Orange County, Florida, regarding the nonexclusive cable television franchise; and further, approved an agreement amending the Nonexclusive Cable Television Franchise Agreement dated August 8, 2000.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 386 FOR APPEARANCES, DISCUSSION, AND ACTION.)

**DREDGE AND FILL PUBLIC HEARING - APPLICANT: MARIO PRIETO, ADJACENT TO LAKE CONWAY, PERMIT, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mario Prieto for a dredge and fill permit, on property located at 6532 The Landings Drive, adjacent to Lake Conway; District 4; Section 20, Township 23, Range 30; Orange County, Florida (the legal property description is on file).

and

**DREDGE AND FILL PUBLIC HEARING - APPLICANT: DANIEL DAWSON, ADJACENT TO LAKE CONWAY, PERMIT, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Daniel Damson for a dredge and fill permit, on property located at 6524 The Landings Drive, adjacent to Lake Conway; District 4; Section 20, Township 23, Range 30; Orange County, Florida (the legal description is on file).

Staff Report

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

Appearances

No one addressed the Board regarding the requests.

Discussion

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

**Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the following:

- A request by Mario Prieto for a dredge and fill permit.
- A request by Daniel Dawson for a dredge and fill permit.

on the above-described properties, 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. 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 agency, department, or division, the permittee must comply with the most stringent conditions;

**NONAGENDA - VISITOR**

The Board recognized Circuit Court Judge Daniel Dawson who was in attendance at the meeting.

**SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: RICHARD GRIFFITH, LAKE WHIPPOORWILL, SEAWALL CONSTRUCTION PERMIT, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Richard Griffith for a shoreline alteration permit to construct a seawall pursuant to Orange County Code, Chapter 15, Article VI, on property located adjacent to Lake Whippoorwill, located at 10367 Tyson Road; District 4; Section 20, Township 24, Range 31; Orange County, Florida (the legal 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 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 a request by Richard Griffith for a shoreline alteration permit to construct a seawall on Lake Whippoorwill, subject to the following conditions:

1. The construction of a seawall at its previous location, or upland of, or within one foot (1') waterward of its previous location.
2. No filling can be performed except in the actual restoration of the seawall. The construction of the seawall where such construction is between and adjoins at both ends existing

seawalls, and follows a continuous and uniform construction line with the existing seawalls, does not violate water quality standards, impede navigation, or adversely affect flood control.

3. The permittee must either install rip-rap at a 2H:1V slope at the foot of the new seawall along the length of the seawall or plant 150 native aquatic plants along the shoreline.
4. Restoration and repair shall be performed using the criteria set forth in Section 373.14.
5. No fill shall be placed in the boat slip area.
6. Revegetation of the shoreline along the seawall will be required.
7. 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 agency, department, or division, the permittee must comply with the most stringent conditions.

BOAT DOCK PUBLIC HEARING - APPLICANTS: MR. AND MRS. DAVID KORNREICH, LAKE SERENE, PERMIT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Mr. and Mrs. David Kornreich for a permit to construct a boat dock pursuant to Orange County Code, Chapter 15, Article XV, on property adjacent to Lake Serene, located at 8153 Lake Serene Drive; District 1; Section 34, Township 23, Range 28; Orange County, Florida (the legal description is on file).

Staff Report

Staff stated that this request is being withdrawn because the adjacent property owner removed his objections. Staff explained that the permit can be approved administratively.

Discussion

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

**Action**

**By consensus, the Board accepted staff's withdrawal of the public hearing on a request by Mr. and Mrs. David Kornreich for a permit to construct a boat dock.**

**BOAT DOCK PUBLIC HEARING - APPLICANT: RICHARD D'AURORA, ADJACENT TO LAKE CONWAY, PERMIT, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Richard D'Aurora for a permit to construct a boat dock pursuant to Orange County Code, Chapter 15, Article XV, on property adjacent to Lake Conway, located at 4318 Waterfront Parkway; District 4; Section 7, Township 23, Range 30; Orange County, Florida (the legal 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:

- David J. Barrales, 4314 Waterfront Parkway, Orlando, Florida.
- Richard D'Aurora, the applicant, 4318 Waterfront Parkway, Orlando, Florida.
- Mike Carey, Custom Docks, Inc.; 505 East Michigan Street, Orlando, Florida.

Discussion

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

Commissioner Hoenstine requested that conditions be added, as follows:

- The location of the boat dock shall be 75-foot south of the proposed location.
- The pitch of the roof shall be 3:12.

#### Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with Commissioners Freeman, Sindler, Hoenstine, Edwards, and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioner Johnson voting NO by voice vote; the Board approved a request by Richard D'Aurora for a permit to construct a boat dock pursuant to Orange County Code 16, Chapter 15, Article XV, on property adjacent to Lake Conway, subject to the following conditions:

1. Minimum height of the deck must be one foot (1') above the normal high water elevation (NHWE) of 86.90 feet above mean sea level for Little Lake Conway. Maximum height of the boathouse shall be 13 feet above the NHWE.
2. The removal of any cypress trees is prohibited.
3. Construction shall be in accordance with stamped, approved drawings.
4. 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.
5. The permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
6. If Environmental Protection Division (EPD) determines at any time that activities are not in accordance with the conditions of the permit, the permit shall be revoked.

7. The permitted work must be completed within one (1) year from the date of issuance of the permit.
8. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.
9. The location of the boat dock shall be 75-foot south of the proposed location.
10. The pitch of the roof shall be 3:12.

(See motion below for reconsideration.)

**Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with Commissioners Freeman, Sindler, Hoenstine, Edwards, and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioner Johnson voting NO by voice vote; the Board approved reconsideration of the approval of the request by Richard D'Aurora for a boat dock permit (see motion below for approval).

**Discussion**

Commissioner Hoenstine requested the following condition be added:

- The location of the boat dock shall be in a 75-foot setback from the property line.

**Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with Commissioners Freeman, Sindler, Hoenstine, Edwards, and Hartage voting AYE by voice vote; County Chairman Martinez and Commissioner Johnson voting NO by voice vote; the Board approved a request by Richard D'Aurora for a permit to construct a boat dock pursuant to Orange County Code 16, Chapter 15, Article XV, on property adjacent to Lake Conway, subject to the following conditions:

1. Minimum height of the deck must be one foot (1') above the normal high water elevation (NHWE) of 86.90 feet above mean sea level for Little Lake Conway. Maximum height of the boathouse shall be 13 feet above the NHWE.
2. The removal of any cypress trees is prohibited.
3. Construction shall be in accordance with stamped, approved drawings.
4. 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.
5. The permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
6. If Environmental Protection Division (EPD) determines at any time that activities are not in accordance with the conditions of the permit, the permit shall be revoked.
7. The permitted work must be completed within one (1) year from the date of issuance of the permit.
8. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.
9. The location of the boat dock shall be in a 75-foot setback from the property line.
10. The pitch of the roof shall be 3:12.

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 2, EMERGENCY MANAGEMENT**

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

AN ORDINANCE RELATING TO EMERGENCIES IN ORANGE COUNTY, FLORIDA, AMENDING ORANGE COUNTY'S EMERGENCY MANAGEMENT ORDINANCE AS CODIFIED IN ARTICLE IX OF CHAPTER 2 OF THE ORANGE COUNTY CODE; AMENDING SECTION 2-304, "DECLARATION OF LOCAL EMERGENCY; ALTERATION AND RESCISSION, "; AMENDING SECTION 2-307, "ORDER OF SUCCESSION TO POST OF DIRECTOR OF EMERGENCY MANAGEMENT"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Staff reviewed the proposed ordinance and outlined its provisions.

Appearances

No one addressed the Board regarding the ordinance.

Discussion

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

Action

Upon a motion by County Chairman Martinez, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted Ordinance 2000-17 amending Orange County Code, Chapter 2, regarding Emergency Management.

**PRELIMINARY SUBDIVISION PLAN - MEADOW WOODS PLANNED DEVELOPMENT - MEADOW WOODS PARCELS 26 AND 27 PRELIMINARY SUBDIVISION, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Meadow Woods Planned Development-Meadow Woods Parcels 26 and 27 Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and

Article VI of the Orange County Subdivision Regulations; on property generally located south of the Central Florida Greenway, west of Rhode Island Woods Circle; District 4; Section 30, Township 24, Range 30; Orange County, Florida (the legal description is on file).

#### Staff Report

Staff reviewed the plan and the Development Review Committee's recommendation of approval subject to conditions.

#### Appearances

The following person addressed the Board regarding the plan:

- 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 County Chairman Martinez, and carried with all members present and voting AYE by voice vote, the Board approved the Meadow Woods Planned Development - Meadow Woods Parcels 26 and 27 Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Meadow Woods Parcels 26 and 27 Preliminary Subdivision dated, "Received June 20, 2000"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

This Preliminary Subdivision Plan approval automatically expires on August 8, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage and Utility plans for this planned development.
3. This project shall comply with Section 34-290 of the Orange County Code for gated communities.
4. A waiver of Section 34-131(d)(4) of the Orange County Code is granted to dismiss the requirement for a screen wall along the Central Florida Greenway due to the elevation of this roadway.
5. A waiver of Section 34-172 of the Orange County Code is granted for private driveways.

**DEVELOPMENT PLAN PUBLIC HEARING - APPLICANT: AMPROP CORNERS, INC.; WINDERMERE VILLAGE CENTRE PLANNED DEVELOPMENT, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Development Plan for Windermere Village Centre Planned Development, on property generally located south of Conroy-Windermere Road, east of Apopka-Vineland Road; District 1; Section 15, Township 23, Range 28; 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 subject to conditions.

Staff recommended that Condition 3 be revised, as requested by the applicant, to add the following language: "Use 100 NH drawing as the alternative lighting plan."

**The County Chairman left the meeting.**

#### Appearances

The following person addressed the Board regarding the request:

- Joe Nisbett, Amprop Corners, Inc.; 1321 Edgewater Drive, Orlando, Florida; for the applicant.

#### Discussion

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

#### Legal Counsel

In response to a question by Commissioner Freeman regarding deed restrictions, County Attorney Wilkes said that deed restrictions are created by the developer and can be changed by the property owners. He noted that the restrictions can only be enforced by the neighborhood property owners' association.

#### Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the Development Plan for Windermere Village Centre Planned Development on the above-described property; subject to the following conditions:

1. Development shall conform to the Windermere Village Centre Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Development Plan, and Master Signage Plan, dated "Received June 15, 2000"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. Pole signs, billboards, banner signs, special event signs, and outdoor storage and display are prohibited.
3. The Lighting and Illumination Plan, dated "Received July 19, 2000." Light standards in the parking areas, including the fixture, shall not exceed 25 feet in height. Use 100 NH drawing as the alternative lighting plan;

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

**BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANTS/APPLICANTS: JOHNNY AND DARCH BREWER; ITEM 2, JUNE 1, 2000; DISTRICT 2**

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Johnny Brewer and Darch Brewer of the recommendation of the Board of Zoning Adjustment, dated June 1, 2000, on a request by Johnny Brewer and Darch Brewer for determination that a produce/vegetable stand is not a nonconforming use, on property located at 4325 North Orange Blossom Trail; District 2; Section 16, Township 20, Range 27; Orange County, Florida (the legal description is on file).

Staff Report

Staff stated that the appellant has agreed to withdraw the request subject to a condition that would require the applicant to find another location for the produce stand, as follows:

- The existing produce stand may continue operating until February 8, 2001, or until relocation to an alternative site is permitted and approved for occupancy, whichever comes first.

County Chairman Martinez rejoined the meeting.

#### Appearances

The following persons addressed the Board regarding the request:

- Dean Cannon, Esquire; Gray, Harris & Robinson, P.A., 201 East Pine Street, Orlando, Florida; for the applicant.
- Ruby Brewer, Post Office Box 301, Zellwood, Florida.

#### Discussion

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

#### Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with 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 accepted the withdrawal of the request by Johnny Brewer and Darch Brewer for determination that a produce/vegetable stand is a nonconforming use, subject to the following condition:

- The existing produce stand may continue operating until February 8, 2001, or until relocation to an alternative site is permitted and approved for occupancy, whichever comes first.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - HUNTER'S CREEK  
PLANNED DEVELOPMENT-HUNTER'S CREEK PARCEL 470, LOTS 1-5, DISTRICT  
1 (CONTINUED FROM JUNE 27, 2000)**

By consensus, the Board reopened the public hearing to consider the Hunter's Creek Planned Development-Hunter's Creek Parcel 470, Lots 1-5, Preliminary Subdivision Plan, continued from the June 27, 2000, Board meeting.

#### Staff Report

Staff stated that the hearing was continued to settle issues regarding safety and landscaping; and further, reviewed the plan and the Development Review Committee's recommendation of approval subject to conditions.

Staff requested that Condition 1 be revised as follows: replace, "April 19, 2000," with "August 4, 2000."

Staff also requested that conditions be added, as follows:

- Developer shall install a traffic signal on Town Center Boulevard at no cost to Orange County. The signal shall be activated.
- Landscaping and wall on west property line shall be installed and constructed consistent with the development plan.

#### Legal Counsel

In response to a question by Commissioner Freeman regarding the County's liability for installing a traffic signal that does not meet the criteria of the Department of Transportation for installation, County Attorney Wilkes said that he would look into the matter.

#### Appearances

The following persons addressed the Board regarding the plan:

- Dean Cannon, Esquire; Gray, Harris & Robinson, P.A., 201 East Pine Street, Orlando, Florida; for the applicant.
- Dan Buckman, Orange County Public Schools, 445 West Amelia Street, Orlando, Florida.
- Winnie Gerken, Orange County Public Schools, 445 West Amelia Street, 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 Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved the Hunter's Creek Planned Development-Hunter's Creek Parcel 470, Lots 1-5, Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Hunter's Creek Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Hunter's Creek Parcel 470, Lots 1-5 Preliminary Subdivision dated, "Received August 4, 2000"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

This Preliminary Subdivision Plan approval automatically expires on August 8, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage, Water and Wastewater plans for this Planned Development.
3. Pole signs, billboards, and outside storage and display shall be prohibited.
4. All equipment on or beside the buildings shall be screened to minimize noise and view from the adjacent residential properties.

5. Lights shall be directed away from the residential properties.
6. Developer shall install a traffic signal on Town Center Boulevard at no cost to Orange County. The signal shall be activated.
7. Landscaping and wall on west property line shall be installed and constructed consistent with the development plan.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -  
APPLICANT: AAA IMPORTS, INC.; ITEM 3, MAY 4, 2000; DISTRICT  
2 (CONTINUED FROM JUNE 27, 2000)

By consensus, the Board reopened the public hearing to consider a request by AAA Imports, Inc.; for a special exception in Retail Commercial District Zone (C-1) for warehouse and wholesale distribution of ceramic pottery, continued from the June 27, 2000, Board meeting.

Staff Report

Staff explained that the public hearing was continued to conduct neighborhood meetings. Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the Future Land Use Map designations.

Staff requested that Condition 3 be revised as follows: replace "diameter of eight feet (8')," with, "diameter of six inches (6')." Staff further requested that conditions be added, as follows:

- For a period of two (2) years, commencing on the date the Orange County Board of County Commissioners (the "County") approves this special exception, this special exception shall only apply to AAA Imports, Inc.'s, use of the property. After expiration of said two-year period, this condition shall automatically expire, without further action by AAA

Imports, Inc., or the County, and the special exception shall apply to the property as if this condition never existed. Notwithstanding the foregoing, if any person or entity providing financing to AAA Imports, Inc., for the purchase and/or improvement of the property or operation of the business thereon (the "Lender"), obtains possession of the property, either by foreclosure, deed in lieu of foreclosure or otherwise, this condition shall automatically expire immediately upon transfer of title to the property, without further action by AAA Imports, Inc., the lender or the County and shall be treated as if said condition never existed.

- There shall be no outside display or storage of materials on the site.
- If any term, provision, or condition of this special exception shall be held invalid, unenforceable, null, void, or illegal, only the term, provision, or condition so deemed shall be deleted and the remainder of this special exception shall survive and remain in full force and effect.

#### Court Reporter

A court reporter, Teresa Horsley, was present.

#### Appearances

The following person addressed the Board regarding the request:

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

#### Discussion

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

#### Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all members present and voting AYE by voice vote, the Board approved the request by AAA Imports, Inc.; for a special exception in Retail Commercial District Zone (C-1)

for warehouse and wholesale distribution of ceramic pottery, on the above-described property, subject to the following conditions:

1. Development in accordance with site plan, dated "Revised April 18, 2000," and all other regulations.
2. The six-foot-high (6') concrete block wall along the south and west property lines shall be constructed prior to the issuance of a Certificate of Occupancy. The outside of the wall shall be stuccoed.
3. In conjunction with approval of a site plan for the proposed development, the applicant shall submit a landscape plan prepared by a licensed landscape architect which is generally consistent with the landscape plan dated April 18, 2000, as determined by the Zoning Division. To the extent reasonably possible, the landscape plan shall utilize and preserve the existing vegetation, trees, and foliage on the property. The landscape plan shall include dense landscaping within the 100-foot buffer along Sadler Road and preservation or installation of trees having a minimum trunk diameter of six inches (6"), at least 60 feet on center along the entire southern and western property lines. Prior to the issuance of a Certificate of Occupancy, the perimeter landscaping and the landscaping within the 100-foot-wide landscape buffer adjacent to Sadler Road shall be installed and/or preserved.
4. The interior parking area landscaping shall be installed in conjunction with construction of the parking areas.
5. There shall be no lighting directed to the south. All lighting in the parking area shall be boxed and limited to 15 feet in height.
6. The service areas shall be located in front of the building.

7. There shall be no access onto Sadler Road, unless required by the Orange County Public Works Department. Access on U.S. 441 shall be subject to the State of Florida Department of Transportation's approval.
8. There shall be no signage on Sadler Road, except a single directional sign having a copy face not to exceed two (2) square feet. Pole/pylon signs shall be prohibited. No advertising on this sign.
9. Manufacturing is prohibited.
10. Loading and unloading of trucks, including truck deliveries, shall be restricted to Mondays through Fridays, from 8 a.m. until 6 p.m. Retail sales and office use are permitted seven days a week from 7 a.m. until 7 p.m. only.
11. For a period of two (2) years, commencing on the date the Orange County Board of County Commissioners (the "County") approves this special exception, this special exception shall only apply to AAA Imports, Inc.'s, use of the property. After expiration of said two-year period, this condition shall automatically expire, without further action by AAA Imports, Inc., or the County, and the special exception shall apply to the property as if this condition never existed. Notwithstanding the foregoing, if any person or entity providing financing to AAA Imports, Inc., for the purchase and/or improvement of the property or operation of the business thereon (the "Lender"), obtains possession of the property, either by foreclosure, deed in lieu of foreclosure or otherwise, this condition shall automatically expire immediately upon transfer of title to the property, without further action by AAA Imports, Inc., the lender or the County and shall be treated as if said condition never existed.
12. There shall be no outside display or storage of materials on the site.

13. If any term, provision, or condition of this special exception shall be held invalid, unenforceable, null, void, or illegal, only the term, provision, or condition so deemed shall be deleted and the remainder of this special exception shall survive and remain in full force and effect.

**EXCAVATION PERMIT PUBLIC HEARING - APPLICANT: EUGENE KOWALSKI;  
AMBER MATERIALS, INC.; PERMIT; DISTRICT 2 (CONTINUED FROM JUNE 27,  
2000)**

By consensus, the Board reopened the public hearing to consider a permit application by Eugene Kowalski; Amber Materials, Inc.; for Excavation Permit 99-E2-228, continued from the June 27, 2000, Board meeting.

Staff Report

Staff explained that the public hearing was continued at the request of the applicant. Staff reviewed the location of the site and the request.

Court Reporter

Court reporters, June T. Butler, Accurate Orlando Reporters, Inc.; and Teresa Horsley were present.

Appearances

The following persons addressed the Board regarding the request:

- Cecelia Bonifay, Esquire; Akerman, Senterfitt & Eidson, P.A.; 255 South Orange Avenue, Orlando, Florida; for the applicant.
- Rick Hoepner, 2417 Marzel Avenue, Orlando, Florida.
- Robert Sutton, Jr.; 761 Silverwood Drive, Lake Mary, Florida.
- Joyce Heck, 4243 Golden Gem Road, Apopka, Florida.
- Carol Hoffman, 4311 Golden Gem Road, Apopka, Florida.
- Dr. Pedro Diaz, 3407 Phils Lane, Apopka, Florida.

- Louie R. Fleming, 4753 Florence Avenue, Apopka, Florida.
- Nancy Boltz, 3405 Round Lake Road, Zellwood, Florida.
- Donna Walsh, 3408 Phils Lane, Apopka, Florida.
- C'Sandra Hall, 3715 Hideaway Street, Plymouth, Florida.
- Thomas Harper, 3801 Hideaway Street, Plymouth, Florida.
- Jimmy Cravey, 3601 Hideaway Road, Plymouth, Florida.
- Joyce Cravey, 3827 Hideaway Road, Plymouth, Florida.
- Tracy Pitti, 3427 Golden Gem Road, Apopka, Florida.
- Willie Williams (no address given).
- Mark Blechman, 1521 Mount Vernon Street, Orlando, Florida.
- Christopher C. Wood, 909 East Votaw Road, Apopka, Florida.

#### Exhibits

The County Chairman accepted the following exhibits from Ms. Bonifay:

- Clerk's Exhibit 1, transcript of May 9, 2000, Board of County Commissioners' Meeting Public Hearings Regarding Mid-Florida Materials Company
- Clerk's Exhibit 2, letters of support
- Clerk's Exhibit 3, examples of proposed road construction projects for Orange, Seminole, and Lake Counties, 2000-2005
- Clerk's Exhibit 4, Hubbard photos
- Clerk's Exhibit 5, client property photos

- Clerk's Exhibit 6, Orange County property photos
- Clerk's Exhibit 7, Florida Road Base property photos
- Clerk's Exhibit 8, cross section of pit
- Clerk's Exhibit 9, affidavit of Eric Marks
- Clerk's Exhibit 10, photos of neighboring properties

Discussion

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

**Action**

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board denied a permit application by Eugene Kowalski, Amber Materials, Inc., for Excavation Permit 99-E2-228 in accordance with Orange County Code 16, on the above described property; and further, made the following findings:

- The dust abatement plan is inadequate.
- The vegetation and restoration components of its operational plan are inadequately described in the application.
- Approval of the permit would be inconsistent with the goals, objectives, and policies of the Orange County Comprehensive Policy Plan, including:
  - Future Land Use Policy 1.1.15.
  - Future Land Use Policy 3.2.25.
  - Neighborhood Policy 1.1.7.
  - Neighborhood Policy 1.2.2.
  - Future Land Use Goal 4.

**ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CHARTER TO  
CREATE THE TAFT URBAN PRESERVATION DISTRICT, DISTRICT 4**

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

AN ORDINANCE PERTAINING TO THE CHARTER FOR ORANGE COUNTY FLORIDA; AMENDING THE ORANGE COUNTY CHARTER (A) TO CREATE THE TAFT URBAN PRESERVATION DISTRICT, AND (B) TO REQUIRE APPROVAL OF BOARD OF COUNTY COMMISSIONERS AND REGISTERED ELECTORS RESIDING WITHIN SUCH PRESERVATION DISTRICT REGARDING ANY PROPOSED VOLUNTARY ANNEXATION WITHIN SUCH PRESERVATION DISTRICT; PROVIDING FOR REFERENDUM ON THE CHARTER AMENDMENT; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON APPROVAL AT REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Staff reviewed the proposed ordinance and outlined its provisions.

Legal Counsel

In response to a question by Commissioner Edwards regarding the protection from annexation of the Joint Planning Area, County Attorney Wilkes explained that the preservation district area will not provide protection until the Joint Planning Area Agreement expires in 2006.

Appearances

The following persons addressed the Board regarding the ordinance:

- Terry Clark, president of Take Action for Taft, 988 Fourth Avenue, Orlando, Florida.
- Garrett Stiles, 8506 Reveille Drive, Orlando, Florida.
- Mike Burnsed, 9412 Waldstrasse Court, Orlando, Florida.
- John Evans, 426 Pine Street, Orlando, Florida.

Discussion

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

For the record, Commissioner Hoenstine submitted a letter of opposition from the City of Orlando.

**Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted Ordinance 2000-18 amending Orange County Charter to create the Taft Urban Preservation District.

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 5:45 p.m.

ATTEST:

Martha O. Haynie  
\_\_\_\_\_  
County Comptroller as Clerk

\_\_\_\_\_  
County Chairman

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Minutes Coordinator

