

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, December 19, 2000. The following were present:

- Vice-chairman Homer Hartage
- Commissioners Teresa Jacobs, Bob Sindler, Mary Johnson, Clarence Hoenstine, and Ted Edwards
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

County Chairman Mel Martinez was absent.

There being a quorum, the Vice-chairman called the meeting to order at 9 a.m.

The Board paused for an invocation by the Reverend Errol G. Thompson, pastor of Mt. Zion Missionary Baptist Institutional Church, followed by the Pledge of Allegiance to the Flag.

**COUNTY CONSENT AGENDA****Action**

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

- Deleted County Administrator Item 1 (see pages 179 and 180 for reconsideration and further action).
- Deferred Administrative Support Department Item 7 for discussion (see page 173 for discussion and further action).
- Deferred Public Works Department Item 1 for discussion (see pages 174 and 175 for discussion and subsequent approval);

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

**County Chairman's Report**

1. Confirmation of the County Chairman's appointment of Teresa Elkins as manager of the Risk Management Division.

**County Comptroller**

1. Approval of the Stonebridge Phases 1, 2, and 3 MSTU/BU Agreement between Stonebridge Homeowners' Association and Orange County for reimbursable retention pond maintenance (Administrative/Fiscal Division).
2. Approval of the Stone Forest Units 1, 2, 3, and 4 MSTU/BU Agreement between Stone Forest Homeowners' Association, Inc., and Orange County for reimbursable retention pond maintenance (Administrative/Fiscal Division).
3. Approval of the Wekiva Club MSTU/BU agreement between Wekiva Club Homeowners' Association and Orange County for reimbursable retention pond maintenance (Administrative/Fiscal Division).
4. Acknowledgment of receipt of the following file for the record documents:
  - City of Orlando ordinance notices annexing property located at 4840 Hoffner Avenue.

(Comptroller Clerk of the Board of County Commissioners)

5. Approval of the minutes of the November 28 and December 5, 2000, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

6. 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 December 7, 2000, to December 13, 2000; total of \$16,901,057.95.
- Period from December 14, 2000, to December 14, 2000; total of \$10,453,001.33.

(Finance and Accounting Department)

#### **County Administrator**

1. Approval for the Sheriff's office to spend approximately \$33,773.28 from the Law Enforcement Trust Fund to make contributions to the following: \$32,273.28 for D.A.R.E. t-shirts and \$1,500 to the UCF Nicholson School of Communication (Office of Management and Budget).

**(As stated in the above motion, this item was deleted. See pages 179 and 180 for reconsideration and further action.)**

2. Approval and execution of the Grant-in-Aid Release Request and Grant-in-Aid Agreement between the State of Florida Office of the State Courts Administrator and the County authorizing the State Courts Administrator to make payments to Orange County in the amount of \$260,955 as reimbursement for court reporting services (Office of Management and Budget).
3. Approval and execution of the Grant-in-Aid Release Request and the Grant-in-Aid Agreement between the State of Florida Office of the State Courts Administrator and the County authorizing the State Courts Administrator to make payments to Orange County in the amount of \$286,363 as reimbursement for costs incurred under Article V (Office of Management and Budget).

4. Approval of Budget Amendments 01-08, 01-09, 01-10, 01-11, 01-12, 01-13, and 01-14 (Office of Management and Budget).  
  
(Budget Amendments 01-08 through 01-14 are on file in the Comptroller Finance and Accounting Department).
5. Approval of Budget Transfer 01-088 (Office of Management and Budget).  
  
(Budget Transfer 01-088 is on file in the Comptroller Finance and Accounting Department).
6. Approval of CIP Amendments 04-01, 05-01, and 06-01 (Office of Management and Budget).  
  
(CIP Amendments 04-01 through 06-01 are on file in the Office of Management and Budget.)
7. Approval of payment of intergovernmental claims for November 16 and 22, 2000, totaling \$401,317.97 (Risk Management Division).
8. Receipt and filing of the minutes for the November 9, 2000, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
9. Reappointment of Jim Harris and Sibille Pritchard to the International Drive Master Transit and Improvement District Advisory Board with terms expiring December 31, 2004.
10. Approval of Resolutions 2000-B-17 through 2000-B-19 ratifying issuance of the Multi-family Housing Revenue Bonds, 2001 Series, in the aggregate principal amount not to exceed \$12,000,000 for the proposed development of the West Church Street apartments, \$11,740,000 for the Millennia Club apartments, and \$3,080,000 for the Oak Glen apartments (Orange County Housing Finance Authority).

11. Approval of Resolution 2000-B-20 authorizing the issuance by the Orange County Health Facilities Authority of First Mortgage Healthcare Facilities Revenue Bonds, Series 2000, in an aggregate principal amount not to exceed \$17,500,000 for the benefit of GF/Orlando, Inc., a Florida not-for-profit corporation (Orange County Health Facilities Authority).

#### **County Sheriff**

1. Approval of the State of Florida Department of Transportation contract for the Traffic and Bicycle Safety Education Grant between the State of Florida Department of Transportation and Orange County in the amount of \$25,000 (Grants).

(Contract is on file in the Sheriff's Office.)

#### **Administrative Support Department**

1. Approval of Amendment 1, Contract Y8-814, with HDR/Transportation Consulting Group, Inc., to provide transportation systems management study for University Boulevard and Lake Underhill Road in the amount of \$88,605.83 for a total contract amount to date of \$215,200.73 ([Public Works Engineering Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division.)

2. Approval of Amendment 1, Contract Y0-2072, with the Center for Drug Free Living and Contract Y0-2073 with Human Service Associates, Inc., for drug court agreements to provide substance abuse and intervention services. The increased amount for Contract Y0-2072 is \$367,224 for an amended contract amount of \$679,536. The increased amount for Contract Y0-2073 is \$86,052 for an amended contract amount

of \$323,916 ([Drug Free Community Coordinator] Purchasing and Contracts Division).

(Contracts are on file in the Purchasing and Contracts Division.)

3. Approval of Amendment 4, Contract Y6-827, with Gee and Jensen, E-A-P, Inc., to provide engineering and design services for Apopka-Vineland Road (S.R. 50 to A.D. Mims Road) in the amount of \$151,886 ([Public Works Engineering Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division.)

4. Approval of Amendment 8, Contract Y4-816, with URS Greiner, Inc., to provide engineering and surveying services for Curry Ford Road (Eastern Beltway to Alafaya Trail) in the lump sum amount of \$252,572.70 ([Public Works Engineering Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division.)

5. Approval of Amendment 3, Contract Y9-2057, with Lakeside Alternatives, to provide enhanced treatment alternatives in the increased amount not to exceed \$330,000 for a revised contract amount not to exceed \$3,330,000 ([Community Corrections Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division.)

6. Approval of Amendment 12, Contract Y6-818, with Spillis Candela/Kha Le-Huu to provide architectural services for the Historical Museum conversion for a lump sum amount of \$35,717.65 for a contract total to date of \$5,183,615.35

([Construction Administration Division] Purchasing and Contracts Division).

(Contract is on file in the Purchasing and Contracts Division.)

7. Approval of a sole source purchase with Warren Carther for the purchase of artwork for the Convention Center at a total cost of \$170,000, with an advance deposit of \$56,666.67 ([Convention Center] Purchasing and Contracts Division).

**(As stated in the above motion, this item was deferred for discussion; see page 173 for further action.)**

8. Approval of renewal of annual maintenance for Human Resources/Payroll PeopleSoft Software with PeopleSoft USA, Inc., for a total cost of \$132,707.36 for the period of October 23, 2000, through October 22, 2001 ([Information Systems and Services Division] Purchasing and Contracts Division).

9. Selection of the following three contractors to provide job order contracting services for minor construction under \$100,000, RFP-Y0-160-DB: Air Pak Products and Services; BRPH Architects and Engineers; Terra Firma Construction Management, Inc. (Purchasing and Contracts Division).

10. Approval to award three-year term contracts with renewal options to provide real estate appraisal services, RFP Y1-114-GH, to the nine most qualified consultants listed alphabetically:

- Bullard, Hall & Adams, Inc.
- Clayton, Roper & Marshall, Inc.
- DeRango, Best & Associates
- Florida Realty Analysts, Inc.
- Hastings & Spivey, Inc.
- Integra Realty Resources

- Pinel & Carpenter, Inc.
- Rex-McGill, Inc.
- The Appraisal Group of Central Florida

([Real Estate Management Division] Purchasing and Contracts Division)

(Contracts are on file in the Purchasing and Contracts Division.)

11. Selection of the Black and Veatch Corporation to provide engineering services for the Eastern Regional Water Supply Facility Phase 2B Expansion, RFP-Y0-832-PH ([Utilities Engineering Division] Purchasing and Contracts Division).
12. Approval and execution by County Chairman of warehouse lease between USAA Real Estate Company and Orange County, Florida, to provide for the relocation of the Emergency Medical Services Administrative Office to the Quorum Center at 4401 Vineland Road, District 6 (Real Estate Management Division).
13. Approval and execution by County Chairman of Fourth Amendment between SunTrust Center L.L.C. and Orange County, Florida, to provide additional office space for the Property Appraiser's office at the SunTrust Center, 200 Center South Orange Avenue, District 3 (Real Estate Management Division).
14. Approval of sidewalk easement and subordination of encumbrances to property rights and authorization to record instruments for Culver Woods sidewalk, District 3 (Real Estate Management Division).
15. Approval of utility easement and authorization to record instrument for Hunter's Creek Tract 330, District 1 (Real Estate Management Division).

16. Approval of utility easement and authorization to record instrument for Pine Hills Church of God, District 2 (Real Estate Management Division).
17. Approval of drainage easement and authorization to disburse warrant to pay all recording fees and record instruments for Round Lake Road drainage improvements, District 1 (Real Estate Management Division).
18. Approval of purchase price above appraised value, contracts for sale and purchase, warranty deeds, and authorization to disburse warrant to pay purchase prices, conduct closings, and record instruments for Shingle Creek mitigation, District 1 (Real Estate Management Division).

(Contracts are on file in the Real Estate Management Division).

19. Approval of contracts for sale and purchase, warranty deeds, and authorization to disburse warrant to pay purchase prices, conduct closings, and record instruments for Shingle Creek mitigation, District 1 (Real Estate Management Division).

(Contracts are on file in the Real Estate Management Division).

20. Approval of Change Order 11, Contract C8739, with Sauer, Inc., for the Corrections restoration of Buildings D, E, and F Project in the amount of \$98,900 for a revised contract amount of \$13,118,972.98, District 6 (Construction Administration Division).

(Contract is on file in the Construction Administration Division.)

**Convention Center**

1. Approval of the 2000-2001 Fiscal Year Funding Agreement between the International Drive Master Transit and Improvement District and the County, and approval of Resolutions 2000-M-49 through 2000-M-51 pertaining to: (a) International Drive Master Transit and Improvement District MSTU; (b) International Drive Bus Service MSTU; and (c) North International Drive Improvement MSTU.
2. Authorization for holiday pay for holiday hours worked for PrimeTime staff for County-designated holidays retroactive to 1999.

**Fire Rescue Department**

1. Approval of the Mass Care Shelter Agreement among Orange County, American Red Cross of Central Florida, and Valencia Community College concerning use of facilities as mass care shelters by the Red Cross (Office of Emergency Management).

**Growth Management and Environmental Resources Department**

1. Approval to advertise Resolutions 2000-ZON-514 through 2000-ZON-521 for 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 are as follows:

LC 00-435; LC 01-022; LC 00-329; LC 00-443; LC 01-008;  
LC 00-480; LC 01-010; LC 01-011

Districts 1, 2, 3, and 4 (Code Enforcement Division).

2. Approval of staff's recommendation regarding the recipients of the impact fee grants for nonprofit organizations for the

October 2000 application window, pursuant to Administrative Regulation 9.01.11, all districts as follows:

- Central Parkway Baptist Church
- Animal Welfare Foundation Inc.
- West Orlando Assembly of God
- Calvary Church of the Nazarene
- Lisa Merlin House
- Iglesia Casa del Alparero
- Iglesia de Dios Pentecostal
- Bethel Christian Church
- Spirit of Joy Christian Church
- Saint John Vianney School
- Saint Mary of the Angels Episcopal Church
- Hope Community Church
- New Life Tabernacle of Praise & Deliverance

(Planning Division).

3. Approval of revisions to Administrative Regulation 11.02.06, threshold criteria for affordable housing single and multi-family developments, all districts (Housing and Community Development Division).
4. Approval of Alternative Road Impact Fee Agreement between Avista Properties VII, Inc., and Orange County for Hilton Garden Inn, District 5 (Building Division).
5. Receipt and filing of the minutes of the Windermere Water and Navigation Control District Advisory Board meetings of August 22, September 18, and October 16, 2000, for the official County record, District 1 (Environmental Protection Division).
6. Adoption of Resolution 2000-M-52 reactivating the Lake Mary Jess Advisory Board and confirmation of Commissioner Hoenstine's appointment of Melanie Kay Raim, Richard Joseph Grabowski, Beth Ellen Levenduski, Mary Lee Walker, and Mary

M. Lemay to the Lake Mary Jess Advisory Board, District 4 (Environmental Protection Division).

**Health and Family Services Department**

1. Approval of the Interlocal Agreements between Orange County and the following:

- City of Apopka for the Apopka Fire Department
- City of Eatonville for the Eatonville Fire Department
- City of Maitland for the Maitland Fire Department
- City of Ocoee for the Ocoee Fire Department
- Rural/Metro Corporation
- City of Winter Park for the Winter Park Fire Department

for purchase and distribution of radio equipment for emergency medical services. There is no cost to the County (Emergency Medical Services Office).

2. Approval of the renewal certificate of public convenience and necessity for the Apopka Fire Department to provide advanced life support and basic life support transport. The term of this certificate is from April 30, 2001, through April 30, 2003. There is no cost to the County (Emergency Medical Services Office).
3. Approval of the nonemergency transportation license for 900 Transit, Inc., to provide wheelchair/stretchers service. The term of the license is from December 19, 2000, to December 19, 2002. There is no cost to the County (Emergency Medical Services Office).
4. Approval of the nonemergency transportation license for United Transportation to provide wheelchair/stretchers service. The term of the license is from December 19, 2000, to December 19, 2002. There is no cost to the County (Emergency Medical Services Office).

5. Approval of the interlocal agreement for Heritage Square maintenance and security among the City of Orlando, Orlando Community Redevelopment Agency, and Orange County (Regional History Center Division).
6. Approval of the Property License Agreement between the Central Florida Regional Transportation Authority and Orange County for off-site parking for the Regional History Center (Regional History Center Division).
7. Approval of Amendment 1 to Contract 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. Amendment 1 replaces Attachment II regarding the Financial and Compliance Audit with changes to the contact information and adds Attachment IV outlining the Agency Operations Plan. The amendment becomes effective upon execution by both parties and creates no cost to the County (Youth and Family Services Division).
8. Approval of the agreement with the State of Florida Department of Children and Families for \$1,777,602.00. This funding will be wholly contracted to Lakeside Alternatives, Inc., for the provision of Baker Act and related mental health services. Term of the agreement is October 1, 2000, through September 30, 2001 (Youth and Family Services Division).

#### **Public Works Department**

1. Approval to issue Excavation Permit 00-E1-325, District 1 (Development Engineering Division).  
  
**(As stated in the above motion, this item was deferred for discussion; see pages 174 and 175 for subsequent approval.)**
2. Approval of the Southmark Centre DRI Transportation Impact and Developer's Agreement between Orange County and

Williamsburg Commercial Limited Partnership concerning improvements to Taft Vineland Road, District 1 (Public Works Engineering Division).

3. Approval of the stipulation of parties for the closure of a highway railroad grade crossing among CSX Transportation, Inc.; the State of Florida Department of Transportation; and Orange County for the crossing at Zell Drive, District 4 (Public Works Engineering Division).
4. Approval of the Option and Sales Agreement and Escrow Agreement between the Florida Mitigation Bank and Orange County for the purchase of one-tenth of a wetland mitigation credit for the Lake Condel Stormwater Management Project at a cost of \$3,800, District 4 (Stormwater Management Division).
5. Approval of the First Addendum to Drainage and Easement Modification Agreement between Orange County and Universal City Property Management Company III, District 6 (Public Works Engineering Division).
6. Approval of the First Amendment to Roadway and Utility Agreement between Orange County and Universal City Property Management Company III, District 6 (Public Works Engineering Division).
7. Authorization to record the plat of Crownpointe Commerce Park Phase 3 (Development Engineering Division).

#### **Utilities Department**

1. Approval of Consent Agreement between the State of Florida Department of Environmental Protection and Orange County Utilities Solid Waste Division (Orange County Landfill) regarding the NPDES/IW permit, all districts (Solid Waste Division).

2. Approval of the Joint Stipulation of Settlement, General Release of All Claims (Orange County), General Release of All Claims (Florida Water Services Corporation), and Joint Motion for Order Approving Voluntary Dismissal with Prejudice of Both Parties' Claims in the case of SunTrust Bank vs. Florida Water Services Corporation and Orange County, all districts (Utilities Department).

#### **CONSENT AGENDA ITEMS DEFERRED FOR DISCUSSION**

##### **Administrative Support Department**

7. Approval of a sole source purchase with Warren Carther for the purchase of artwork for the Convention Center at a total cost of \$170,000, with an advance deposit of \$56,666.67 ([Convention Center] Purchasing and Contracts Division).

##### **Discussion**

Commissioner Hartage requested this item be deferred to discuss the County engaging in a cultural art task force and the need to reaffirm coordination of future art purchases with the County's cultural art infrastructure.

##### **Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board continued consideration of a sole source purchase with Warren Carther for the purchase of artwork for the Convention Center at a total cost of \$170,000, with an advance deposit of \$56,666.67, to a future meeting.

**Public Works Department**

1. Approval to issue Excavation Permit 00-E1-325, District 1 (Development Engineering Division).

**Discussion**

Commissioner Jacobs requested this item be deferred for discussion because of the number of complaints regarding truck traffic and hazardous conditions for children waiting at bus stops on C.R. 545.

The Board discussed funding by the permittee for additional traffic enforcement.

**Action**

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved issuing Excavation Permit 00-E1-325, subject to the following conditions:

1. Operating and hauling shall be from 7 a.m. to 7 p.m. daily Monday through Saturday.
2. Notify Development Engineering inspection at (407) 836-7910 24 hours prior to commencement of operations.
3. A 50-foot buffer and slit fencing along Lake Gifford shall be maintained as indicated on the plans submitted with the application.
4. Should the permittee undertake the authorized activity (ies) in a manner that does not comply with any provision of the Orange County Solid Waste Management Ordinance, Article V, Chapter 32, Orange County Code, then any such noncompliance may be a basis of denial of a solid waste management (landfill) permit.

5. Before initiating any activity authorized under this permit, the permittee shall enter into an agreement with Orange County whereby the permittee agrees to pay to the County the cost of the equivalent of one additional deputy sheriff to provide enforcement of traffic laws on C.R. 545 during the operating hours of the permitted facility one day per week for the duration of the permit.

**COUNTY CHAIRMAN'S DISCUSSION AGENDA**

1. Election of Vice-chairman.

**Action**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Jacobs, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board affirmed Commissioner Sindler as Vice-chairman of the Board of County Commissioners.

For the record, Vice-chairman Hartage noted that Commissioner Sindler's election is effective today with his official first meeting on January 2, 2001.

**HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA**

1. Approval to increase the Head Start Manning Table by thirty positions to implement the full day/full year program (Head Start).

**Staff Report**

Staff informed the Board of additional federal grant funds awarded to Orange County; presented a report regarding the implementation of a full day/full year program; and requested Board approval to increase the Head Start Manning Table by 30 positions.

Discussion

The Board discussed the additional grant funds.

**Action**

**Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved increasing the Head Start Manning Table by 30 positions to implement the full-day/full-year program.**

2. Citizens' Commission for Children Annual Report (Citizens' Commission for Children Division).

Staff Report

Staff presented the Citizens' Commission for Children's (CCC) annual report and reviewed the results of the evaluation of the Neighborhood Center for Families Model.

Staff recognized Rodney Kayhill, management agent in Tangelo Park and Dr. Robert Allen, the principal at Tangelo Park Elementary school.

Richard Morrison, chairman of the CCC Advisory Board and vice-president of Florida Hospital, addressed the Board and presented a report on the cost benefit of this commission.

Appearances

The following persons addressed the Board:

- Dr. Joan Mahoney, principal of Lancaster Elementary school (no address given).
- Osmond Wilson, Lancaster Elementary school student (no address given).

Discussion

The Board presented Osmond Wilson with a gift and also presented a certificate of appreciation to Coach Hawkins, who has been nominated twice as "teacher of the year."

The Board recognized the staff and members of Head Start and commended them for their hard work.

**Action**

**The Board did not take any action.**

**COUNTY ADMINISTRATOR - WORKSESSION**

1. Update on Geographic Information System Digital Parcel Base Map Re-engineering Project

Report

Orange County Property Appraiser Richard Crotty addressed the Board and presented a brief history of Geographic Information System (GIS). Kevin Hardester, Assistant Property Appraiser, addressed the Board and presented an update on the advances in the GIS system.

Discussion

The Board discussed the project benefits, preservation, completion targets, available training, and the need for departments to keep information up-to-date.

**Action**

**The Board did not take any action.**

**COUNTY ADMINISTRATOR DISCUSSION AGENDA (CONTINUED)**

1. 2001 Legislative Priorities

Staff Report

Public Affairs Director Oscar Anderson reviewed the State Legislative agenda for the past session as follows:

- Increases in education funding
- Mobility 2000 funding
- Little Wekiva restoration funding
- Tax cuts
- Statewide building code
- Simplified telecommunications tax

Mr. Anderson reviewed the legislative priorities for 2001 as follows:

- Role of DCA: paying for infrastructure and citizen involvement
- Schools - Overcrowding Legislative Committee
- Growth Management Study Commission
- Simplified Telecommunications Tax
- Revenue Estimating Conference
- Home Rule Authority
- Six different assessments into two basic tax rates:  
State and Local
- 311 System

Mr. Anderson outlined other issues to be included in the 2001 agenda:

- Florida Retirement System Defined Contribution Program
- Article V - Revision 7
- Enterprise Zone Expansion
- Save Our Seniors tax exemption
- Orange County Drug Coalition
- Indigent care
- Convention Center
- Rental car surcharges
- Public Health Facilities in Taft and Zellwood
- Orange County Convention Center - intermodal terminal
- Department of Juvenile Justice funding
- Reinstatement of Road Improvement Grant for Moss Park
- Consumptive Use Permits

\* Page revised January 24, 2001.

- Additional funding for transportation disadvantaged
- School impact fees
- Felons sentenced to State Correctional Facility first

Discussion

The Board discussed recovery of funds for housing state felons; car rental surcharges; transportation for the disadvantaged; school funding; and a higher return to Orange County.

Legal Counsel

The County Attorney stated that in drafting the County's legislative priorities staff needs to be clear on the Board's position if the State takes revenue away. He stated that the Growth Management Commission is taking a hard look at ensuring that the cost of growth is correctly calculated and imposed on the growth itself. The County Attorney pointed out that staff needs direction whether to oppose substitution of revenues.

**\* Action**

**Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved maintaining its authority under the Home Rule to collect school impact fees.**

Commissioner Johnson left the meeting.

**NONAGENDA - REQUEST TO RECONSIDER**

Commissioner Hoenstine requested the Board members reconsider the first portion of County Administrator Consent Item 1: Approval for the Sheriff's Office to contribute \$32,273.28 for D.A.R.E. t-shirts.

**Action**

**Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice**

\* Page revised January 24, 2001.

vote; County Chairman Martinez and Commissioner Johnson were absent; the Board approved the Sheriff's Office contributing \$32,273.28 from the Law Enforcement Trust Fund for D.A.R.E. t-shirts.

Commissioner Sindler requested the entire item be reconsidered to include approval for the \$1,500 to the UCF Nicholson School of Communication.

**Action**

A motion by Commissioner Sindler, seconded by Commissioner Hoenstine, with Commissioners Sindler and Hoenstine voting AYE by voice vote; Commissioners Jacobs, Hartage, and Edwards voting NO by voice vote; County Chairman Martinez and Commissioner Johnson were absent; to reconsider approval for the Sheriff's Office to contribute \$1,500 to the UCF Nicholson School of Communication failed.

**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 and Commissioner Johnson were absent; the Board continued consideration of a contribution by the Sheriff's Office of \$1,500 to the UCF Nicholson School of Communication.

The Vice-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 Teresa Jacobs, Bob Sindler, Clarence Hoenstine, and Ted Edwards
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Chief Deputy Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

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

Recognition of the Orange County Steering Committee for the United Way 2000 Workplace Giving Campaign

Deputy Director of Health and Family Services Ella Gilmore recognized the Orange County Steering Committee for the United Way 2000 Workplace Giving Campaign and noted that Orange County ranked seventh in organizations contributing \$100,000 or more and Orange County government employees ranked first in all public agencies, including the City of Orlando and the School Board.

NONAGENDA - RECOGNITION

The Vice-chairman welcomed the new fire chief, Carl Plaughter, and noted that today is his birthday.

**Commissioner Hoenstine left the meeting.**

Presentation Of Employee Service Awards

The Vice-chairman presented service awards and pins to the following employees:

- Terry J. Henderson, William Birchfield, and Daniel J. McCarthy, Fire Field Services, Fire Rescue Department for 20 years of service;
- Kenneth W. Ritter and Michael Nolan, Fire Field Services, Fire Rescue Department for 25 years of service.

DECEMBER 7, 2000, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

**Action**

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioners Johnson and

Hoenstine were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of December 7, 2000, with the exception of Items 10; 11; and 14; subject to the usual right of appeal by any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of December 7, 2000, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant/Applicant: W. Scott Culp, CED Construction Partners, Ltd.; Item 10; public hearing date: February 13, 2001.
- Appellant: Tom Turner; Applicant: Nextel Communications, Item 11; public hearing date: February 20, 2001.
- Appellant/Applicant: Glenn W. Miller; Item 14; Kash-N-Karry; public hearing date: January 23, 2001.

**(THE FOLLOWING THREE HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 183 AND 184 FOR THE APPEARANCES, DISCUSSION, AND ACTION.)**

**PETITION TO VACATE PUBLIC HEARINGS - APPLICANT: TED SKORMAN;  
NO. 00-22, PORTION OF 25.0-FOOT RIGHT-OF-WAY; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Ted Skorman, Petition to Vacate 00-22, to vacate a portion of a 25.0-foot right-of-way known as Jefferson Place; on property generally located west of Dr. Phillips Boulevard and south of Conroy-Windermere Road; District 1; Section 15, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

and

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: ANTERRO GRAHAM,  
NO. 00-26, PORTION OF 10.0-FOOT UTILITY EASEMENT; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Anterro Graham, Petition to Vacate 00-26, to vacate a portion of a 10.0-foot utility easement on Lot 106, Huckleberry Fields, Tracts N-9 and N-10, Unit 10 Subdivision; on property located at 12929 Lower River Boulevard which is generally located south of Lake Underhill Road and east of Mark Twain Boulevard; District 4; Section 34, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

and

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: ELIZABETH ENGLISH,  
NO. 00-28, 7.5-FOOT UTILITY EASEMENT; DISTRICT 5**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Elizabeth English, Petition to Vacate 00-28, to vacate a 7.5-foot utility easement on Lot 194, The Sanctuary Subdivision; on property located at 13930 Valleybrooke Lane which is generally located north of S.R. 50 and west of Percival Road; District 5; Section 2, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

**Staff Report**

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

**Appearances**

No one addressed the Board regarding the requests.

**Discussion**

The Vice-chairman closed the public hearings and opened the matters for Board discussion.

**Action**

Upon a motion by Commissioner Edwards, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioners Johnson and Hoenstine were absent; the Board adopted the following resolutions:

- Granting Petition to Vacate No. 00-22, vacating a portion of a 25.0-foot right-of-way known as Jefferson Place on the above-described property.
- Granting Petition to Vacate No. 00-26, vacating a portion of a 10.0-foot utility easement on Lot 106, on the above-described property.
- Granting Petition to Vacate No. 00-28, vacating a 7.5-foot utility easement on Lot 194, The Sanctuary Subdivision, on the above-described property.

(THE FOLLOWING FOUR PUBLIC HEARINGS WERE HEARD TOGETHER. SEE PAGES 186 THROUGH 189 FOR THE APPEARANCES, DISCUSSION, AND ACTION.)

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: JANE E. BRITT; NO. 00-34, PORTION OF 60.0-FOOT WIDE RIGHT-OF-WAY; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jane E. Britt, Inc., Petition to Vacate 00-34, to vacate a portion of a 60.0-foot-wide right-of-way known as Hartzog Road; on property generally located east of Avalon Road, north of Irlo Bronson Memorial Highway; District 1; Section 28, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

and

**ORDINANCE - COMPREHENSIVE POLICY PLAN - AMENDING ORANGE COUNTY  
CODE ADOPTING COMPREHENSIVE POLICY PLAN AMENDMENTS - ORANGE LAKE  
COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT, DISTRICT 1**

Notice was given that the Orange County Board of County Commissioners would hold a public hearing to consider adoption of proposed Amendment 2000-1-D-1, Orange Lake Country Club, to the 1990-2010 Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matters set forth below:

1. Amendments to the CPP Future Land Use Map, which would change the use of land within the areas identified on the map.
2. Expansion of the Growth Center boundary.

(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; and a copy of the Objections, Recommendations, and Comments [ORC] Report.)

and

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY ORDINANCE 91-16, AS AMENDED, WHICH ESTABLISHED THE ORANGE COUNTY COMPREHENSIVE PLAN, BY AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT FOR THE ORANGE LAKE COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM VILLAGE/CONSERVATION AND COMMERCIAL/CONSERVATION TO COMMERCIAL/CONSERVATION/GROWTH CENTER/PLANNED DEVELOPMENT; AND PROVIDING AND EFFECTIVE DATE.

and

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -  
APPLICANT: ORANGE LAKE COUNTRY CLUB; CASE Z-00-077, NOVEMBER 16,  
2000; AND APPLICATION FOR DEVELOPMENT APPROVAL; DEVELOPMENT ORDER;  
AND DEVELOPER'S AGREEMENT FOR HARTZOG ROAD; DISTRICT 1 (CONTINUED  
FROM DECEMBER 5, 2000)**

By consensus, the Board reopened the public hearing to consider the Orange Lake Country Club, Application for Development Approval of Orange Lake Country Club Development of Regional Impact and Development Order, continued from the December 5, 2000, Board meeting (the legal property description is on file).

and

**CONSERVATION AREA IMPACT PUBLIC HEARING - APPLICANT: ORANGE LAKE  
COUNTRY CLUB, INC.; PERMIT; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orange Lake Country Club, Inc., for a conservation area impact permit on property located in District 1; Section 28, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

Staff Report

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

Appearance

The following persons addressed the Board regarding the requests:

- Ellen Avery-Smith, Esquire; Foley & Lardner; 111 North Orange Avenue, Orlando, Florida.
- R. Duke Woodson, Esquire; Foley and Lardner; 111 North Orange Avenue, Orlando, Florida, for the applicant.

#### Discussion

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

#### Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioners Johnson and Hoenstine were absent; the Board approved a request by Orange Lake Country Club, Inc., for a conservation area impact permit, on the above-described property subject to the following conditions:

1. The Environmental Protection Division (EPD) must be notified by the applicant of the date the activity will begin and upon completion of the project.
2. The monitoring plan must include 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 recommendation.
3. A report outlining the onsite review will be submitted to EPD within 30 days of the site inspection on an annual basis for a period of three years or longer until success criteria have been reached. Success criteria shall be defined as follows:
  - a. Nuisance and exotic species shall be maintained at a level less than 10 percent aerial coverage.
  - b. 85 percent survival of installed trees and herbaceous plants.
4. Restoration and enhancement activities must commence within 30 days of site development.
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;

further, adopted a resolution for vacating a portion of a 60.0-foot-wide right-of-way known as Hartzog Road, Petition to Vacate 00-34;

further, adopted Ordinance 2000-26 amending Orange County Code adopting Comprehensive Policy Plan Amendments - Orange Lake Country Club Development of Regional Impact;

and further, approved a request to consider the Orange Lake Country Club, Application for Development Approval of Orange Lake Country Club Development of Regional Impact and Development Order, subject to the following conditions:

1. Development shall conform to the Orange Lake Country Club Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Land Use Plan Amendment dated, "Received October 25, 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. Prior to construction plan approval, a revised Master Stormwater Management Plan to accommodate the proposed additions, including a drainage study to establish the 100-year flood elevation, shall be submitted to the County Engineer for review and approval.
3. Pole signs, billboards, and outdoor storage and display are prohibited.

4. Prior to construction plan approval, a Master Utility Plan shall be submitted and approved.
5. Prior to construction plan approval, a Conservation Impact Permit shall be approved.
6. Residents of the Orange Lake timeshare resort shall not have access to Hartzog Road until the first of the following occurs:
  - Such access is approved by the County as an amendment to the PD/LUP for the Orange Lake Project.

or

- When Orange Lake transfers the right-of-way reserved pursuant to Section 2(h) of the developer's agreement for Hartzog Road realignment, dated December 19, 2000, to the County, provided, however, that the access points shall be designed and permitted through the development review process and in accordance with County standards.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38, ZONING, CREATING BUENA VISTA NORTH DISTRICT STANDARDS, DISTRICT 1 (1ST HEARING)

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

AN ORDINANCE AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE BY CREATING UNDER ARTICLE VIII THEREOF ("P/D PLANNED DEVELOPMENT DISTRICT") A DIVISION 9, TO BE ENTITLED "BUENA VISTA NORTH DISTRICT STANDARDS," WHICH DIVISION SHALL BE APPLICABLE ONLY TO A SPECIFICALLY DESCRIBED AREA IN SOUTHWEST ORANGE COUNTY LOCATED, GENERALLY SPEAKING, EAST OF APOKA-VINELAND ROAD AND AMY LANE, NORTH OF LAKE AVENUE, SOUTH OF FENTON STREET, AND WEST OF INTERSTATE 4; AND PROVIDING AN EFFECTIVE DATE.

Staff Report

Staff reviewed the proposed ordinance and outlined its provisions and requested waiver.

Court Reporter

A court reporter, Linde Blosser, Landmark Reporting, was present.

Legal Counsel

The County Attorney announced that the second of two public hearings to consider the proposed ordinance is scheduled for January 9, 2001, at 5:01 p.m.

Appearances

The following persons addressed the Board regarding the proposed ordinance:

- Aaron Gorovitz, Esquire; Lowndes, Drosdick, et al.; 215 North Eola Drive, Orlando, Florida, for the applicant.
- Miranda Fitzgerald, Esquire; Lowndes, Drosdick, et al.; 215 North Eola Drive, Orlando, Florida, for North American Properties.
- Richard Geller, 8425 Willow Tree Court, Orlando, Florida.
- David Plancan, 10226 Emerell Woods Avenue, Orlando, Florida.
- Scott Henderson, 9003 Kilgore Road, Orlando, Florida.
- Janie Reedle, 11345 South Apopka-Vineland Road, Orlando, Florida.

The Vice-chairman accepted the following exhibit from Mr. Henderson:

- Clerk's Exhibit 1, memorandum to Paul Burgman from Mr. Henderson

Discussion

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

**Commissioner Johnson joined the meeting.**

**Commissioner Hoenstine rejoined the meeting.**

Action

A motion by Commissioner Hoenstine to waive the statutorily required second hearing to be held at 5:01 p.m. died for lack of a second.

Commissioner Jacobs left the meeting.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: HARB DESIGN GROUP, FLORIDA MALL PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT/LAND USE PLAN (PD/DRI/LUP); AMEND LUP; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Harb Design Group, Florida Mall Planned Development/Development of Regional Impact/Land Use Plan (PD/DRI/LUP), to consider a substantial change to the (LUP), and a nonsubstantial deviation to the (DRI), to exchange 12,833 square feet of retail (peripheral) commercial development for 70 hotel rooms, pursuant to Orange County Code, Section 38-1207; on property generally located on the southeast corner of Sand Lake Road and U.S. 441; District 4; Sections 34 and 35, Township 23, Range 29, Orange County, Florida (the legal property description is on file).

Staff Report

Staff reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Appearances

The following person addressed the Board regarding the request:

- Mitch Collins (no address given) for the applicant.

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 and Commissioner Jacobs were absent; the Board approved the request by Harb Design Group, Florida Mall Planned Development/Development of Regional Impact/Land Use Plan (DRI/LUP), to consider a substantial change to the (LUP), and a nonsubstantial deviation to the (DRI), to exchange 12,833 square feet of retail (peripheral) commercial development for 70 hotel rooms, subject to the following:

- Development shall conform to the Florida Mall Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Development Plan, "Received September 21, 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.

**SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: SPECTRASITE COMMUNICATIONS, INC.; WATERFORD LAKES PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by

SpectraSite Communications, Inc.; for Waterford Lakes Planned Development/Land Use Plan (PD/LUP); to consider a substantial change, to establish a 139-foot monopole communication tower at the northeast corner of Alafaya Trail and the East-West Expressway, pursuant to Orange County Code, Section 38-1207; on property generally located at the northeast corner of Alafaya Trail and the East-West Expressway; District 4; Section 27, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff Report

Staff stated Commissioner Hoenstine requested this public hearing be continued to allow time to hold a community meeting.

Appearances

No one addressed the Board regarding this 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 Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Jacobs were absent; the Board continued the public hearing to consider a request by SpectraSite Communications, Inc.; for Waterford Lakes Planned Development/Land Use Plan (PD/LUP); for a substantial change to establish a 139-foot monopole communication tower at the northeast corner of Alafaya Trail and the East-West Expressway until March 27, 2001, at 2 p.m.

Commissioner Jacobs rejoined the meeting.

**SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: NORMAN SICARD,  
VERTICAL SEA WALL PERMIT, LAKE SHEEN, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Norman Sicard for a permit to install a new vertical seawall along the shoreline of Lake Sheen pursuant to Orange County Code, Chapter 15, Article IV, on property located adjacent to Lake Sheen at 9940 Lone Tree Lane; District 1; Section 32, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

**Staff Report**

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

**Appearances**

No one addressed the Board regarding this request.

**Discussion**

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

**Action**

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved a request by Norman Sicard for a permit to install a new vertical seawall along the shoreline of Lake Sheen, on property located adjacent to Lake Sheen, located at 9940 Lone Tree Lane; subject to the following conditions:

1. No filling can be performed except in the actual construction of the seawall. The construction of the seawall where such construction is between and adjoins at both ends existing seawall; follows a continuous and uniform construction line with the existing seawalls; and does not violate water quality standards, impede navigation, or adversely affect flood control.

2. The permittee must either install rip-rap at a 2H:1V slope at the foot of the new seawall along the length of the seawall or plant 600 native aquatic plants along the shoreline to provide for wave attenuation.
3. The permittee must install a berm and swale system along the length of the entire property behind the seawall in an effort to provide for stormwater treatment coming off the property.
4. Construction shall be performed using the criteria set forth in section 373.14(5). This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these conditions conflict with those of any other department or agency, the permittee must comply with the most stringent conditions.

BOAT DOCK PUBLIC HEARING - APPLICANT: CRIS WHITTAKER, PERMIT, ADJACENT TO LAKE CONWAY; DISTRICT 4 (CONTINUED FROM OCTOBER 10, 2000)

By consensus, the Board reopened the public hearing to consider a request by Cris Whittaker for a permit to construct a boat dock pursuant to Orange County Code Chapter 15, Article IX, continued from the October 10, 2000, Board meeting (the legal property description is on file).

Staff Report

Staff explained that the public hearing was continued to allow the applicant time to resubmit his drawings. Staff outlined the request and recommendation of approval subject to conditions.

Appearances

The following person addressed the Board regarding the permit:

- Tom Moore, 3002 Overlake Avenue, 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 Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board continued the public hearing to consider a request by Cris Whittaker for a permit to construct a boat dock on the above-described property until January 30, 2001, at 2 p.m.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: HAL KANTOR, TOWER SQUARE; CASE Z-00-073, AUGUST 17, 2000; DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Hal Kantor, Tower Square, to rezone Retail Commercial (C-1)(1961) to General Commercial (C-2) on property generally located on the south side of East Colonial Drive and the west side of Tower Street; District 3; Section 19, Township 22, Range 31; 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, and recommended approval in compliance with the Comprehensive Policy Plan.

Appearances

The following person addressed the Board regarding the request:

- Tara Whitsell (no address given) for the applicant.

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 Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the request by Hal Kantor, Tower Square, to rezone Retail Commercial (C-1)(1961) to General Commercial (C-2), on the above-described property, subject to the following conditions:

1. The request allows land uses that are compatible with existing development in the area.
2. The request allows a reasonable use of the property.
3. General Commercial (C-2) restricted to no new or used car and truck sales or rental. This includes boats, motorcycles, recreational vehicles, mobile homes, limousine and paint and body shops;

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

(THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 197 THROUGH 205 FOR THE APPEARANCES, DISCUSSION, AND ACTION.)

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -  
APPLICANT: BLACK AMBER DEVELOPMENT, LAKE SAWYER NEIGHBORHOOD;  
CASE Z-00-087, OCTOBER 19, 2000; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Black Amber Development Corporation to rezone Rural Country Estate (RCE) (1990) to Village Planned Development (PD) on property generally located on the west of Winter-Garden Vineland Road, southwest of Lake Sawyer; District 1; Section 26, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

and

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARINGS - LAKE SAWYER  
NEIGHBORHOOD PLANNED DEVELOPMENT PHASE 1 AND MASTER INFRASTRUCTURE  
AND ADEQUATE PUBLIC FACILITIES PRELIMINARY SUBDIVISION, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Lake Sawyer Neighborhood Planned Development Phase 1 Preliminary Subdivision Plan (PSP) and Master Infrastructure and Adequate Public Facilities PSP, 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 Tilden Road, west of Winter Garden-Vineland Road, District 1; Sections 24 and 25, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

**Staff Report**

Staff outlined the requests and identified the locations of the subject properties, the surrounding zoning classifications, and the future land use map designations in the area.

**Court Reporter**

A court reporter, Phyllis Purvis, Ad Litem Reporting, was present.

**Appearances**

The following persons addressed the Board regarding the requests:

- Dwight Saathoff, Esquire; Akerman, Senterfitt, and Edison, P.A.; 255 South Orange Avenue, Orlando, Florida, for the applicant.
- Douglas Bowdoin (no address given).
- John Rinehart, Glatting, Jackson, et al.; 33 East Pine Street, Orlando, Florida.
- Dan Fry, 6556 Lagoon Street, Windermere, Florida; for the Lake Sawyer Homeowners' Association.

- JoAnne Quarles-Sikes, 9147 Lake Mabel Drive, Orlando, Florida.
- Mr. Douglas, president of 11 Homeowners' Associations, Butler Chain of Lakes.
- A. Kurt Ardaman, Esquire; Fishback, Dominic, Bennett, et al., 170 East Washington Street, Orlando, Florida.
- Steve Roblin, 9115 Lake Mabel Drive, Orlando, Florida.

The Vice-chairman accepted the following exhibit from Mr. Rinehart:

- Clerk's Exhibit 1, an affidavit of John Rinehart.

**Commissioner Edwards left the meeting.**

#### Discussion

The Vice-chairman closed the public hearings and opened the matters for Board discussion.

#### Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Edwards were absent; the Board approved the request by Black Amber Development Corporation to rezone Rural Country Estate (RCE) (1990) to Village Planned Development (PD), on the above-described property; subject to the following conditions:

1. Development shall conform to the Lake Sawyer Neighborhood Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Land Use Plan Amendment dated, "Received September 5, 2000"; the Lake Sawyer and Lake Burden Design Guidelines dated, "Received

October 13, 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, and outdoor storage and display are prohibited.
3. The developer shall obtain wastewater, water, and reclaimed water services from Orange County subject to County rate resolutions and ordinances.
4. Master wastewater, water, and reclaimed water plans for the Lake Sawyer Neighborhood, sized for the village-wide requirements, shall be approved prior to approval of construction plans.
5. The developer shall prepay 215 ERUs of wastewater capacity at the time of Preliminary Subdivision Plan (PSP) approval and 500 ERCs of water capacity at the time of construction plan approval. This requirement is a village-side requirement that applies to the first PSP and the first construction plans approved in the Lakeside Village
6. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project, to accommodate the ultimate flows for the entire Lakeside Village. Utilities infrastructure shall be built connecting to the proposed County system at the Reams Road and Fiquette-Hancock Road intersection for the wastewater to the proposed 24-inch water main on C.R. 535 for water; and to the proposed Conserve II Distribution system extension at Reams Road and Fiquette-Hancock Road.

7. The CIP Section of the Public Works Engineering Division has reviewed this project and states that right-of-way is required per the Impact Fee Agreement.
8. This plan requires a preliminary schematic design plan review and approval by Planning Division's Urban Design Section, Zoning Division, and the Building Division architect prior to building permit approval in order for building permits to be issued.
9. If the commercial is located adjacent to the school site, there shall be no alcohol sales, lounges, bars, package sales, and video arcades.
10. No apartments except for in the Village Home District, only single-family detached offered for fee simple sale. All rentals less than six months in length will be prohibited by deed restriction.
11. Lots on Lake Sawyer shall be a minimum size of 0.5 net usable acre (i.e., gross land area less lakes and jurisdictional wetlands); 80-foot minimum lot widths on the lake frontage; and 110 foot minimum lot width at front yard set back line.
12. Densities are approved consistent with the original colors on the Specific Area Plan (SAP) map as verified by the Planning Department on GIS.
13. The County shall in the next available Comprehensive Policy Plan amendment cycle pursue an amendment to the SAP, which includes provision for a fourth elementary school with the Lakeside Village to accommodate the children primarily on the west side of S.R. 535. This fourth elementary school shall not be used to increase density with Lakeside Village but rather to spread the elementary school population for the Village west of S.R. 535 (not to exceed 2,000 students)

between three schools rather than two schools thereby providing for smaller core populations at the elementary schools. It is intended that the SAP amendment will place the fourth elementary school in proximity to the Village Center. If the property for the fourth elementary school cannot be obtained from development incentives offered to the Village Center property owners through the SAP as amended, then obligation of acquisition of the fourth elementary school site shall be spread pro rata by net developable acres among the properties within Lakeside Village west of S.R. 535. The developer shall not, with respect to the land within this application, be required to contribute more than its proportional fair share of costs and/or land toward the fourth elementary school based on the developer's acreage within this application compared to the overall acreage within Lakeside Village west of S.R. 535. As part of the SAP amendment, provision shall be made that the impacts on student population from development within Lakeside Village west of S.R. 535 shall not exceed 700 students at each elementary school, prior to land for the fourth elementary school being in the County's possession. The SAP amendment shall not relieve the existing SAP requirement for provision for an elementary school with the Lake Burden Neighborhood east of S.R. 535. Upon adoption of said SAP amendment, the developer may utilize transfer development rights (TDRs) for its properties covered by this application at 258 TDR units on future PSP submittals. The focus of the SAP amendment shall be for the fourth school site and the park.

14. Park land shall be provided at the rate of 7.5 percent of gross developable land area in lieu of 5 percent as required by Section 38-1382(h).
15. The TDRs used in this development cannot change the density range for any parcel designation.
16. The neighborhood center shall not exceed 20,000 square feet.

17. The developer shall maximize available reclaimed water irrigation opportunities within the project.
18. Public or community watercraft access is prohibited on Lake Sawyer; no public boat ramps allowed on Lake Sawyer.
19. Seven-foot-wide sidewalks shall be provided on both sides of Overstreet Road and along the north-south road to connect to the adequate facilities bike path/Parcel 7 to the park and school sites.
20. The location of open space and park land is not approved with this plan and will be determined at the time of development plan review; however neighborhood parks and squares shall be generally distributed evenly throughout the development. Carry forwards of excess park lands may be permitted provided that neighborhood parks and squares are generally distributed evenly throughout the development.
21. Approval and execution of the amended Lake Sawyer Neighborhood (PD) Development Agreement.
22. A 50 foot right-of-way shall be provided to the northern property line for a future connection to a frontage road on S.R. 535.
23. Existing citrus and silviculture activities may continue until the preconstruction conference is held on the 57.2 Sadler Road property (not including school and park acreage);

and further,

approved the Lake Sawyer Neighborhood Planned Development Phase 1 Preliminary Subdivision Plan (PSP) and Master Infrastructure and Adequate Public Facilities PSP, on the above-described property, subject to the following conditions:

1. Development shall conform to the Lake Sawyer Neighborhood Planned Development; Board of County Commissioners' (BCC) approvals; Phase I Preliminary Subdivision Plan and Master Infrastructure and Adequate Public Facilities Preliminary Subdivision dated, "Received December 7, 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 December 19, 2001, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, master stormwater management, water, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved.
3. An Architectural Review Board shall be established which shall be responsible for ensuring compliance with Section 38-1884 (General Design Standards) and shall approve all individual residential permit requests prior to approval by Orange County.
4. The construction entrance for Phase 1A shall be located directly to the project on C.R. 535 only.
5. Prior to Phase 1B, Overstreet Road shall be paved with alternate surface porous pavement from C.R. 535 to the project entrance.

6. Prior to Certificate of Completion for any phase beyond Phase 3, Overstreet Road shall be paved to Lakeside Village standards across the subdivision frontage.

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - U.S.I. SOUTH CAMPUS  
PLANNED DEVELOPMENT-SOUTHEAST PARCELS PRELIMINARY SUBDIVISION,  
DISTRICT 6**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the U.S.I. South Campus Planned Development-Southeast Parcels Preliminary Subdivision, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located west of John Young Parkway and north of S.R. 528; District 6; Sections 5 and 6; Township 24; Range 29; Orange County, Florida (the legal property 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 persons addressed the Board regarding the request:

- John M. Fiorio, Donald W. McIntosh Associates, 2200 Park Avenue North, Winter Park, Florida.
- Peter Latham, Esquire; Gronek & Latham, LLP; 390 North Orange Avenue, Orlando, Florida.

**Discussion**

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

**Action**

Upon a motion by Commissioner Hartage, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Edwards were

absent; the Board approved the U.S.I. South Campus Planned Development-Southeast Parcels Preliminary Subdivision, on the above-described property, subject to the following conditions:

1. Development shall conform to the U.S.I. South Campus Planned Development; Orange County Board of County Commissioners' (BCC) approvals; Southeast Parcels Preliminary Subdivision dated, "Received November 22, 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 December 19, 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 plan for this Planned Development.
3. Pole signs, billboards, and outdoor storage and display are prohibited.

BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING -  
APPLICANT: COX RADIO, INC., AND ROSEMONT BAPTIST CHURCH; ITEM 10,  
OCTOBER 5, 2000; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Cox Radio, Inc., and Rosemont Baptist Church; for a special exception in Multiple-family Dwelling (R-3) for parking use in conjunction with a commercial business and a variance in Multiple-family Dwelling (R-3) and Industrial Park District (I-2) zones to allow a driveway

for commercial use on a residential roadway; on property located at 4236 John Young Parkway, which is generally located on the west side of John Young Parkway, east side of Heatherington Road, one-fourth mile north of Shader Road, District 2; Section 9, Township 22, Range 29; 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.

#### Appearances

The following persons addressed the Board regarding the request:

- Edward Bell, Rosemont Baptist Church, 4236 North John Young Parkway, Orlando, Florida.
- Bill Hendrich, Cox Radio, 4192 John Young Parkway, Orlando, Florida.

#### Discussion

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

#### Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Edwards were absent; the Board continued the public hearing to consider a request by Cox Radio, Inc., and Rosemont Baptist Church for a special exception in Multiple-family Dwelling (R-3) for parking use in conjunction with a commercial business, on the above-described property until January 2, 2001, at 3:30 p.m.

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING -  
APPLICANT: GOOD HOMES, INC.; GOOD HOMES OFFICE PARK; Z-00-061,  
OCTOBER 19, 2000; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Good Homes, Inc., to rezone Single-family Residential (R-2) (1993) to Planned Development (PD) on property generally located at the southeast corner of the intersection of Good Homes Road and Old Winter Garden Road, one-half mile south of Highway 50; District 1; Section 27, Township 22, 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.

#### Appearances

The following persons addressed the Board regarding the request:

- Randy June; 71 East Church Street, Orlando, Florida; for the applicant.
- Paige Bertini; 8700 Old Winter Garden Road, Orlando, Florida; president of the area homeowners' association.

#### Discussion

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

#### Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Edwards were absent; the Board approved the request by Good Homes, Inc., to rezone Single-family Residential (R-2) (1993) to Planned Development (PD) on the above-described property; subject to the following conditions:

1. Development shall conform to the Good Homes Office Park Preliminary Subdivision Plan dated, "Received September 13, 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. The requested master stormwater, water, and wastewater plans including preliminary calculations shall be approved prior to approval of construction plans.
3. Pole signs, billboards, and outdoor storage and display are prohibited.
4. The proposed access onto Good Homes Road needs to be aligned with the recently approved access for Hawthorne Groves Apartments, located west of Good Homes Road.
5. The right-of-way for Good Homes Road and Old Winter Garden Road shall be dedicated in accordance with the developer's agreement dated November 16, 1999.
6. No access except for right-in, right-out only on Old Winter-Garden Road until four-laning has been completed.
7. Development restricted to one story within 150 feet of the southern property line.
8. No high pole mounted signs with back lighting shall be permitted. The signage shall be ground mounted.
9. No neon signs.
10. No billboards.

11. Parking lot lighting shall be provided throughout the project with lighting directed downward.
12. Public operating hours shall be from 6 a.m. until 10 p.m.
13. No abortion clinics or sex promotion establishments.
14. No two-story buildings or dumpster enclosures within 150 feet of Old Winter Garden Road.
15. Left-turn lane to be provided along Good Homes Road and shall be consistent with the approved plans for Hawthorne Grove Apartments.
16. Pole signs, and outdoor storage and display signs are prohibited.
17. Depending upon clearance from fire and other 911 agencies, there shall be no externally mounted emergency sirens on the exterior of the buildings.
18. These covenants shall run with the property, thereby transferred to any new owners.
19. No chain link fences around retention areas, are permitted.
20. These conditions supercede the development notes for the adjacent homeowners depicted on the land use plan.

#### NONAGENDA

Commissioner Sindler announced that the Apopka Junior PeeWee Pop Warner Youth Football team won the National Championship.

**MEETING ADJOURNED**

There being no further business, the Vice-chairman adjourned the meeting at 4:25 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Chairman

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Deputy Clerk

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Minutes Coordinator

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