

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 9, 2001. The following were present:

- Vice-chairman Bob Sindler
- Commissioners Teresa Jacobs, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- Deputy County Attorney Jeffrey Newton
- Deputy Clerk Rosilyn Stapleton

County Chairman Mel Martinez was absent.

There being a quorum, the Vice-chairman called the meeting to order at 1:30 p.m.

The Board paused for an invocation by the Reverend Carlos M. Cruz, pastor of Iglesia Beula of Ocoee, followed by the Pledge of Allegiance to the Flag.

Presentation Of Employee Service Awards

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

- George W. Krapf, Water Distribution, Utilities Department; Wanda Mayberry and Kristice Armstrong-Douse, Community Corrections Division, Corrections Department for 20 years of service.
- Carol J. McQuaid, Courthouse; Ronald Neeff, Facilities Management Division, Administrative Support Department for 25 years of service.
- Elwin R. Parker, Roads and Drainage Division, Public Works Department for 30 years of service.

NONAGENDA - ACKNOWLEDGMENT OF NEW COUNTY CHAIRMAN DESIGNEE

The Vice-chairman congratulated Richard Crotty on his appointment by Florida Governor Jeb Bush as the Orange County Chairman designee.

The Vice-chairman stated that County Chairman Martinez is still the County Chairman until his confirmation by Congress as Secretary of Housing and Urban Development.

COUNTY CONSENT AGENDA

Action

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

- Deferred Growth Management and Environmental Resources Department Item 2 for discussion (see pages 254 and 255 for discussion and subsequent approval);

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

County Comptroller

1. Approval to pay the Property Appraiser's second quarter billing, January 31 through March 31, 2001, in the amount of \$2,308,125.54 (Administrative/Fiscal Division).
2. Approval to pay Clerk of the Courts' invoices in the total amount of \$334,670.65 for services rendered during the month of November 2000 (Administrative/Fiscal Division).
3. Acknowledgement and filing of the follow-up review of Limited Review of the Court Appointed Attorney Program (Administrative/Fiscal Division).

4. Approval of the disposition of tangible personal property:
 - a. Cannibalize assets for their useable parts.
 - b. Trade-in assets for an allowance towards the purchase of new equipment.
 - c. Return assets to the vendor for a replacement under a maintenance agreement.
 - d. Scrap assets.
 - e. Dispose of assets that were sold at public auction.
 - f. In lieu of selling at fair market value, donate assets with an approximate value of \$22 to Evergreen Youth Foundation.

(Property Accounting Department)

5. Acknowledgment of receipt of the following file for the record documents:
 - a. Orange County Research and Development Authority general purpose financial statements and compliance requirements for the year ended September 30, 2000.
 - b. Florida Public Service Commission notice of proposed rule development re: establishing criteria for the location of pay telephones for the general public's use.
 - c. Stoneybrook West Community Development District minutes of the August 18 and September 6, 2000, meetings of the Board of Supervisors.

(Comptroller Clerk of the Board of County Commissioners)

6. Approval of the minutes of the December 19, 2000, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

7. 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 1, 2000, to December 6, 2000; total of \$8,932,857.71.
- Period from December 15, 2000, to December 20, 2000; total of \$19,996,969.31.
- Period from December 21, 2000, to December 27, 2000; total of \$37,454,129.80.
- Period from December 28, 2000, to December 28, 2000; total of \$10,365,163.25.
- Period from December 29, 2000, to January 3, 2001; total of \$21,098,633.63.

(Finance and Accounting Department)

County Administrator

1. Approval and execution of the Hispanic Business Initiative Fund of Greater Orlando, Inc., Grant Agreement authorizing disbursement of \$100,000 (Office of Management and Budget).

2. Approval of Budget Transfer 01-112 (Office of Management and Budget).

(Budget Transfer 01-112 is on file in the Comptroller Finance and Accounting Department.)

3. Approval of CIP Amendment 07-01 (Office of Management and Budget).

(CIP Amendment 07-01 is on file in the Office of Management and Budget).

Administrative Support Department

1. Approval to award Invitation for Bid Y1-124-GJ to the low responsive and responsible bidder, Clarke Mosquito Control, to provide insecticides for mosquito control. The total estimated contract award amount is \$119,527.70 ([Mosquito Control Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y0-733-PH to the low responsive and responsible bidder, Scarborough Civil Corporation, for Bonniebrook Subdivision improvements. The total contract award amount is \$1,734,658.66 ([Utilities Engineering Division] Purchasing and Contracts Division).
3. Approval to issue blanket purchase orders to Keene Road landfill for hauling trash/debris from various County projects. The estimated annual amount is \$120,000 ([Roads and Drainage Division] Purchasing and Contracts Division).
4. Approval and execution by County Chairman of license agreement between Pine Castle United Methodist Church and Orange County, Florida, for a playground area for the church daycare center at 1027 East Wallace Road (Fire Station 70), District 4 (Real Estate Management Division).
5. Approval and execution by County Chairman of amendment to lease agreement for parking between Windermere Property Holdings, Inc., and Orange County, Florida, for the Lake Down boat ramp parking lot to extend the existing lease on a month-to-month basis, District 1 (Real Estate Management Division).
6. Approval of contract for sale and purchase and warranty deed and authorization to conduct closing, disburse warrant to pay purchase price, closing costs, and recording instruments for Fire Station 27 (Thompson Road and Votaw Road), District 2 (Real Estate Management Division).

7. Confirmation of Commissioner Hoenstine's appointments and reappointments as follows:

Lake Conway Water and Navigation Control District Advisory Board

- reappointment of Craig Andrews, Paul Lance, and David Lewis for terms expiring December 31, 2002.

Lake Holden Advisory Board

- reappointment of Richard Richbourg and Harold Burns for terms expiring December 31, 2002.
- appointment of Drew Farmer to succeed Jeffrey Stuart for a term expiring December 31, 2002.

Lake Jessamine Water Advisory Board.

- reappointment of Janice Jones and Charles Losh for terms expiring December 31, 2002.

(Agenda Development)

8. Confirmation of appointments and reappointments to the Board of Zoning Adjustment as follows:

- appointment of Charles Earl Waugh as the District 1 representative for a term expiring December 31, 2002.
- reappointment of Carl John Fabry as the District 2 representative for a term expiring December 31, 2002.
- reappointment of Virginia J. Kane as the District 3 representative for a term expiring December 31, 2002.
- reappointment of Paul Robert Lance as the District 4 representative for a term expiring December 31, 2002.

- reappointment of Robert Sears as the District 5 representative for a term expiring December 31, 2002.
- appointment of Derek Eliot Bruce as the District 6 representative for a term expiring December 31, 2002.

(Agenda Development)

9. Confirmation of appointments and reappointments to the Citizen Review Board as follows:

- appointment of Brian Butler as the District 2 representative for a term expiring December 31, 2002.
- reappointment of Angel Bello-Billini as the District 3 representative for a term expiring December 31, 2002.
- appointment of Felix Rivera as the District 4 representative for a term expiring December 31, 2002.
- appointment of Geoff Goetz as the District 5 representative for a term expiring December 31, 2002.
- reappointment of Joseph Perkins as the District 6 representative for a term expiring December 31, 2002.

(Agenda Development)

10. Confirmation of appointments and reappointments to the Membership and Mission Review Board as follows:

- appointment of Anthony Thomas Ciaramitaro as the District 1 representative for a term expiring December 31, 2002.
- reappointment of Eartha Salmon as the District 2 representative for a term expiring December 31, 2002.

- reappointment of Nancy Maddox as the District 3 representative for a term expiring December 31, 2002.
- appointment of Michael Rudd as the District 4 representative for a term expiring December 31, 2002.
- appointment of Genean McKinnon as the District 5 representative for a term expiring December 31, 2002.
- appointment of John Munro as the District 6 representative for a term expiring December 31, 2002.

(Agenda Development)

11. Confirmation of appointments and reappointments to the Planning and Zoning Commission as follows:

- appointment of Agostina D'Uva as the District 1 representative for a term expiring December 31, 2002.
- reappointment of Monty Knox as the District 2 representative for a term expiring December 31, 2002.
- reappointment of Earle Lewis Denton as the District 3 representative for a term expiring December 31, 2002.
- reappointment of Judith LaRue as the District 4 representative for a term expiring December 31, 2002.
- reappointment of Grant Downing as the District 5 representative for a term expiring December 31, 2002.
- reappointment of Reginald McGill as the District 6 representative for a term expiring December 31, 2002.

(Agenda Development)

Growth Management and Environmental Resources Department

1. Approval to advertise Resolutions 2001-CED-024 through 2001-CED-039 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 as follows:

LC 01-037; LC 01-048; LC 00-436; LC 01-032; LC 01-072;
LC 00-386; LC 01-084; LC 01-089; LC 01-090; LC 00-308;
LC 00-345; LC 00-410; LC 01-080; LC 01-057; LC 01-064;
LC 01-065

all districts (Code Enforcement Division).

2. Approval to advertise Resolution 2001-CED-040 for special assessment lien on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, Resolution for Special Assessment Lien, LC 00-197, District 6 (Code Enforcement Division).

(As stated in the above motion, this item was deferred for discussion; see pages 254 and 255 for subsequent approval).

3. Approval to file claim of special assessment lien by Resolution 2001-BUI-01 for structure demolished by Orange County, pursuant to Orange County Ordinance 96-23. Resolution for Special Assessment Lien: 119 East Nancy Lee Lane, \$5,091.27, District 2 (Building Division).
4. Approval of a letter of agreement between Orange County and Mr. and Mrs. Everett Goings to implement corrective actions described in the Consent Order regarding clearance of shoreline vegetation and a dredge and fill violation on Lake Bessie, District 1 (Environmental Protection Division).
5. Approval of a single-family affordable housing agreement between Orange County Housing and Community Development

Division and Orange County Housing Finance Authority for the purpose of making low-interest loans to first-time purchasers of affordable housing located within Orange County. The agreement provides for the allocation of Orange County State Housing Initiatives Partnership (SHIP) funds in the amount of \$500,000 to be used in conjunction with the Authority's Homeowner Revenue Bonds, all districts (Housing and Community Development Division).

Public Works Department

1. Approval to establish a "No Parking" zone on the north side of Eastwood Drive beginning 300 feet from the east right-of-way line of Brighton Lane and extending east 1,050 feet; and on the south side of Eastwood Drive beginning from the east right-of-way line of Rouse Lake Road extending east 400 feet, District 5 (Traffic Engineering Division).
2. Approval to issue Change Order 2-PWF to Contract Y0-717, Primary Drainage Structure Maintenance Program, Phase 3 (5 structures), to Schuller Contractors, Inc., in the amount of \$86,946, Districts 2, 3, and 6 (Highway Construction Division).

COUNTY CONSENT AGENDA ITEM - DEFERRED FOR DISCUSSION

Growth Management and Environmental Resources Department

2. Approval to advertise Resolution 2001-CED-040 for special assessment lien on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, Resolution for Special Assessment Lien, LC 00-197, District 6 (Code Enforcement Division).

Discussion

Commissioner Hartage stated that he requested this item be deferred for a separate vote because he has a conflict of interest (Memorandum of Voting Conflict is on file).

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Jacobs, and carried with Vice-chairman Sindler and Commissioners Jacobs, Johnson, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Hartage abstaining; County Chairman Martinez was absent; the Board approved Resolution 2001-CED-040 for special assessment lien on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, Resolution for Special Assessment Lien, LC 00-197.

NONAGENDA - REQUEST TO RESCIND

Commissioner Hartage announced his intent that, at the next scheduled Board meeting on January 23, 2001, he will move to rescind the Board's action of January 2, 2001, regarding confirmation of the County Chairman's staff appointments.

Commissioner Hoenstine announced his intent that, at the next scheduled Board meeting on January 23, 2001, he will request that the appointment of a new fire chief be brought back before the Board so that a discussion and public vote can take place to reinstate Michael Iacona as fire chief.

Deputy County Attorney Jeffrey Newton advised the Board that under the terms of the Orange County Charter the Board may not reinstate Michael Iacona as fire chief but may choose not to confirm him for his new appointment as Director of Capital Projects.

For the record, Commissioner Hartage clarified that his intent is to have the record reflect his "NO" vote on the County Chairman's staff appointments.

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

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

Staff Report

Leila Nodarse, liaison of the Membership and Mission Review Board (MMRB), presented the recommendations of the MMRB. The Board took the following actions:

Animal Services Advisory Board

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:

- reappointed Scott Friedman for a term expiring December 21, 2002.
- appointed Mary Elizabeth Hanratty to succeed Michael Eugene Benton in the at large category for a term expiring December 31, 2001;

to the Animal Services Advisory Board.

Animal Services Classification Committee

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:

- reappointed Paul Leonard Weatherbolt and Dr. Maureen V. Burton for terms expiring December 31, 2002.
- appointed Dana R. Bobalik in the at large category for a term expiring December 31, 2001.

- appointed Sara R. Brady in the at large category for a term expiring December 31, 2002;

to the Animal Services Classification Committee.

Citizens' Commission for Children

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 reappointed Sharon Johnson Savage, Kyle Campbell Miller, and Terrence Robert Holihen to the Citizens' Commission for Children for terms expiring December 31, 2002.

Citizens' Review Panel for Human Services

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:

- reappointed Vicky Roberta Remus for a term expiring December 31, 2003.
- appointed Lyndell Laconyea Mims to succeed Yolanda Franco as the M/WBE spokesperson for a term expiring December 31, 2002.
- appointed Jo Anne Kiefer to succeed Robert John High; Jeffrey Paul Garcia to succeed Ira B. Otey; and Ron Piccolo to succeed Marie Castellon Ruckstuhl in the at large member in training category for terms expiring December 31, 2003.
- appointed Robert John High, currently a member in training, to succeed Sherry Mae Abbott as an at large member for a term expiring December 31, 2002.

- appointed Marie Castellon Ruckstuhl, currently a member in training to succeed Douglas A. Spohn as an at large member for a term expiring December 31, 2001;

to the Citizens' Review Panel for Human Services.

Community Action Board

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:

- reappointed Commissioner Billie Dean and Representative Corrine Brown for terms expiring December 31, 2003.
- appointed City of Orlando Commissioner Daisy Lynum to succeed Mayor S. Scott Vandergrift for a term expiring December 31, 2003;

to the Community Action Board.

Disability Advisory Board

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board reappointed Horton A. Glidewell, as requested by Commissioner Sindler, and Marilyn D. Baldwin, as requested by Commissioner Hartage, to the Disability Advisory Board for terms expiring June 30, 2002.

Educational Facilities Authority

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 reappointed Kenneth Harker and Thomas Drage to the Educational Facilities Authority for terms expiring January 1, 2006.

Emergency Medical Services Advisory Council

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board appointed Chief Carl L. Plaughter to succeed Chief Mike Iacona to the Emergency Medical Services Advisory Council for a term expiring December 31, 2001.

Fire and Life Safety Code Board of Adjustments and Appeals

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board appointed Ronald Grant Mauger to succeed Douglas Watson in the architect category and Mark David Sweeney in the licensed professional engineer category to the Fire and Life Safety Code Board of Adjustments and Appeals for terms expiring December 31, 2002.

Housing Finance Authority

Action

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

absent; the Board reappointed David A. Johnston in the finance category to the Housing Finance Authority for a term expiring December 31, 2004.

Local Health Council of East Central Florida, Inc.

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board appointed Pamela K. Steinke to succeed Dr. Lynda Carter in the health care purchaser category to the Local Health Council of East Central Florida, Inc., for a term expiring September 30, 2002.

Nuisance Abatement Board

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board reappointed Fonda S. McGowan and Evelyn S. Rivera to the Nuisance Abatement Board for terms expiring January 1, 2003.

Orange Blossom Trail Development Board, Inc.

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 reappointed Alison Margaret Yurko and Charles D. Hargrove to the Orange Blossom Trail Development Board, Inc., for terms expiring January 14, 2005.

Commissioner Jacobs left the meeting.

Orange County/Lake Apopka Enterprise Zone Development Agency

Action

Upon a motion by Commissioner Johnson, 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 appointed Todd Daniel Dixon in the Orange County Enterprise Zone nonprofit representative category to the Orange County/Lake Apopka Enterprise Zone Development Agency for a term expiring June 30, 2004.

Orlando-Orange County Airport Zoning Board

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioner Jacobs were absent; the Board appointed Jeffrey Scott McKee to succeed Joel P. Phillips to the Orlando-Orange County Airport Zoning Board for a term expiring December 31, 2001.

Underground Utility Pipeline Contractors Board of Examiners

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 reappointed Douglas Paul Trovillion and Michael Emery Meridith to the Underground Utility Pipeline Contractors Board of Examiners for terms expiring December 31, 2002.

Urban Design Commission

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members

voting AYE by voice vote; County Chairman Martinez and Commissioner Jacobs were absent; the Board appointed Adrian Spencer Garrick to succeed Carla Laraine Bell to the Urban Design Commission for a term expiring December 31, 2001.

2. Consideration of Membership and Mission Review Board recommendations regarding sunseting of the following boards (Agenda Development):

- Children and Family Services Board
- Citizens' Commission for Children

Staff Report

Membership and Mission Review Board (MMRB) liaison Leila Nodarse reviewed the advisory board sunset provisions of the County Code and presented the MMRB's recommendation for changes as follows:

- reauthorization of the enabling resolution.
- updating the ordinance to accurately reflect the current organization and purpose of the Youth and Family Services Division.
- increase the effectiveness of the board by restructuring it and more accurately identifying its primary functions for purposes of member recruitment.

Discussion

The Board discussed review of each board's makeup during the sunset review.

Commissioner Jacobs rejoined the meeting.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board extended the sunset dates to 2006 for the following advisory boards:

- Children and Family Services Board
- Citizens' Commission for Children;

and further, accepted the MMRB's recommendation for changes as follows:

- reauthorization of the enabling resolution.
 - updating the ordinance to accurately reflect the current organization and purpose of the Youth and Family Services Division.
 - increase the effectiveness of the board by restructuring it and more accurately identifying its primary functions for purposes of member recruitment.
3. Selection of one firm and two alternates to provide countywide pay telephone equipment and services, RFP Y1-100-GH ([Information Systems and Services Division] Purchasing and Contracts Division).

Staff Report

Staff stated that Commissioner Johnson was present at the December 6, 2000, Procurement Review Committee meeting for the selection of one firm and two ranked alternates to provide countywide pay telephone equipment and services from the following firms listed alphabetically:

- AT&T
- MCI World Com
- Sprint

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the following short list ranked as follows:

- #1 AT&T
- #2 Sprint
- #3 MCI World Com

and further, authorized staff to enter into contract negotiations to provide countywide pay telephone equipment and services Contract Y1-100-GH.

PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA

1. Approval of sole-source purchase for voice activated software and hardware for traffic Geographic Information System (GIS)/Global Positioning System (GPS) for signs with Datria Systems, Inc., in the amount of \$480,522, all districts (Traffic Engineering Division).

Staff Report

Staff presented a report on the Geographic Information System/Global Positioning System.

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 sole-source purchase for voice activated software and hardware for traffic Geographic Information System (GIS)/Global Positioning System (GPS) for signs with Datria Systems, Inc., in the amount of \$480,522.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: MANUEL OLIVA ROMERO, SR.; NO. 00-25, PORTION OF 60.0-FOOT RIGHT-OF-WAY; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Manuel Oliva Romero, Sr.; Petition to Vacate 00-25; to vacate a portion of a 60.0-foot right-of-way known as Gloucester Street, which is generally

located north of S.R. 50 and south of Old Cheney Highway; District 5; Section 27, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

No one appeared regarding the request.

Discussion

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

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board adopted a resolution granting Petition to Vacate 00-25 vacating a portion of a 60-foot right-of-way known as Gloucester Street on the above-described property.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: REGIONAL DEVELOPMENT GROUP INC.; NO. 00-30, TWO UTILITY EASEMENTS; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Regional Development Group, Inc.; Petition to Vacate 00-30; to vacate two utility easements on Lot 1, Airport Commerce Center, which is generally located at 8250 Parkline Boulevard, which is generally located south of McCoy Road and east of South Orange Avenue; District 4; Section 27, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

Appearances

No one appeared regarding the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board adopted a resolution granting Petition to Vacate 00-30, vacating two utility easements on Lot 1, Airport Commerce Center.

BOAT DOCK PUBLIC HEARING - APPLICANT: JOSE ACOSTA, VARIANCE PERMIT, LAKE BUTLER, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jose Acosta for variance approval of a boat dock pursuant to Orange County Code, Chapter 15-343, on property located adjacent to Lake Butler, District 1; Section 7, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

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

Appearances

No one appeared regarding the 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 Jose Acosta for variance approval of a boat dock on Lake Butler, subject to the following conditions:

1. Minimum height of the deck must be one foot (1') above the normal high water elevation (NHWE) of 99.50 feet above mean sea level for Lake Butler. Maximum height of the boathouse shall be 13 feet above the NHWE.
2. The permittee may clear an access corridor below the NHWE not to exceed 30 feet in width. The boat dock must be constructed within the allowed access corridor.
3. Turbidity must be confined to the permitted area of work by the use of best management practices, such as screens, filter cloth, etc., unless it can be demonstrated that state water quality standards on turbidity are not being violated.
4. The permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
5. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: SCOTT BRADY,
VERTICAL SEA WALL PERMIT, LAKE BUTLER, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Scott Brady for a shoreline alteration permit to install a vertical seawall pursuant to Orange County Code Chapter 15, Article VI, on property located adjacent to Lake Butler, District 1; Section 12, Township 23, Range 27; 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 appeared regarding the 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 Scott Brady for a shoreline alteration permit to install a vertical seawall on Lake Butler, 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 seawalls, follows a continuous and uniform construction line with the existing seawalls, does not violate water quality standards, impede navigation, or adversely affect flood control.
2. The permittee must either install rip-rap at a 2H:1V slope at the foot of the new seawall along the length of the seawall or plant 900 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, division, or agency, the permittee must comply with the most stringent conditions.

**SHORELINE ALTERATION/DREDGE FILL PUBLIC HEARING - APPLICANT:
SC ORLANDO, LLC; PERMIT, WHISPERWOOD LAKE; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by SC Orlando, LLC, for a shoreline alteration/dredge and fill permit to pursuant to Orange County Code Chapter 15, Article VI, on property located adjacent to Whisperwood Lake, District 1; Sections 9 and 17, Township 24, Range 29; Orange County, Florida (the legal property description is on file).

Staff Report

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

Appearances

The following persons addressed the Board regarding the request:

- Chester Hill, 2436 Woodway Drive, Orlando, Florida, for the Orangewood Homeowners' Association.
- Donald McIntosh, McIntosh and Associates, 2200 Park Avenue North, Winter Park, Florida.

Discussion

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

Commissioner Jacobs requested a condition be added as follows:

- The water shall drain from the lake into the retention pond.

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 a request by SC Orlando, LLC, for a shoreline alteration/dredge and fill permit on Whisperwood Lake, subject to the following conditions:

1. The dredging and filling activities must be constructed according to the plans submitted with the permit application.
2. The Environmental Protection Division must be notified by the applicant or contractor the date the activity begins and upon completion of the project.
3. Turbidity must be confined to the permitted area of work by the use of best management practices, such as screen, filter cloth, etc.
4. The permit must be posted in a conspicuous place on site before activity begins and must remain until completion 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 department, division, or agency, the permittee must comply with the most stringent conditions.
6. The water shall drain from the lake into the retention pond.

NONAGENDA - INTRODUCTION OF VISITOR

Commissioner Hartage introduced his son, Gaidi Hartage, a recent graduate from the University of Florida, who was present in the audience.

CONSERVATION AREA IMPACT PUBLIC HEARING - APPLICANT: JAY BERLINSKY, LAKE HART PARTNERS, LTD.; PERMIT; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jay Berlinsky; Lake Hart Partners, Ltd.; for a Conservation Area Impact Permit for Class I wetlands within the Moss Park Project Site (formerly Campus

Crusade/Wycliffe), on property located in District 5; Sections 9, 10, 11, and 15; Township 24, Range 31; 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.

Appearances

The following person addressed the Board regarding the request:

- R.P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, 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 approved the request by Jay Berlinsky; Lake Hart Partners, Ltd.; for a Conservation Area Impact Permit for Class I wetlands within the Moss Park Project Site (formerly Campus Crusade/Wycliffe), on the above-described property subject to the following conditions:

1. Wetland and upland enhancement and preservation shall follow "Exhibit B - Success Criteria for the Moss Park Project Site" as submitted in the permit application, dated "Received August 8, 2000."
2. A monitoring report shall be submitted to the Environmental Protection Division (EPD) annually for a period of five years and shall contain a baseline survey, and a written narrative describing the status of the subject areas with consideration to the established success criteria. Any revision to the monitoring plan(s) shall also be submitted to EPD for approval prior to commencement.

3. EPD must be notified in writing by the applicant of the start and completion dates of the project.
4. A hydrological connection shall be maintained between the Class I Wetland systems adjacent to the proposed road construction through the installation of a culvert.
5. Turbidity must be confined to the permitted area of work by the use of best management practices, such as screens, filter cloth, etc.
6. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other agency, department or division, the permittee must comply with the most stringent conditions.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: DR. WILLIE YARBROUGH; PERMIT; LAKE GIGI; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dr. Willie Yarbrough for a shoreline alteration permit pursuant to Orange County Code Chapter 15, Article VI, on property located adjacent to Lake Gigi, District 1; Section 34, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

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

Appearances

The following person addressed the Board regarding the request:

- Dr. Willie Yarbrough, the applicant, 8221 Vineland Oaks Boulevard, Orlando, Florida.

Discussion

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

Commissioner Jacobs requested a condition be added as follows:

- The plans will show that the water flow will be on Mr. Curtis' property if dewatering is necessary and not on Mrs. Toms' property.

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 a request by Dr. Willie Yarbrough for a shoreline alteration permit on Lake Gigi, subject to the following conditions:

1. Approval of a Lakeshore Protection Permit in accordance with Orange County Code Chapter 15, Article VII.
2. Approval through the St. John's Water Management District concerning the pumping activities related to the proposed work.
3. No pumping is performed other than that necessary to complete the project in a reasonable time frame and to allow Lake Gigi to return to its original level following completion of the project.
4. The removal of the fill material currently placed along the west shore of Lake Gigi to be used in the project area and revegetation of that area of the west shoreline affected by the placement of the fill material.
5. 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.

- 6. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
- 7. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.
- 8. The plans will show that the water flow will be on Mr. Curtis' property if dewatering is necessary and not on Mrs. Toms' property.

PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MAGNOLIA BAY TOWNHOUSES PRELIMINARY SUBDIVISION; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Magnolia Bay Townhouses 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 west of Magnolia Homes Road and south of Maitland Boulevard; District 2; Section 32, Township 21, Range 29; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Staff recommended that conditions be added as follows:

- A six-foot-high (6') PVC fence shall be constructed along the northwest property line behind Building 7.
- No construction traffic shall be permitted on Riverside Park Road.

Appearances

The following persons addressed the Board regarding the plan:

- Douglas Helms, 4333 Riverside Park Road, Orlando, Florida.
- Ed Hampton, Tallman Development Company (no address given).
- Michael Lair, 405-C Georgetown Drive, Casselberry, Florida.
- Moses Walton, 4242 Riverside Park Road, Orlando, Florida.
- R.P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, 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 Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board approved the Magnolia Bay Townhouses Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. Development shall conform to the Magnolia Bay Preliminary Subdivision, dated "Received November 16, 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 Orange County Board of County Commissioners (BCC), or by action of the BCC.

Preliminary Subdivision Plan approval automatically expires on January 9, 2002, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, documentation with

supporting calculations shall be submitted which demonstrates that the existing drainage system has the capacity to accommodate this project.

3. Minimum lot width shall be 15' wide in lieu of 20 feet due to previous units that have been constructed.
4. A zero-foot rear setback shall be permitted to allow future porch additions.
5. If the developer has any title to the cemetery land, an additional 15 feet of right-of-way easement shall be provided.
6. A waiver of the ten-foot (10') side setback for Units 74 and 75 on the north property line acknowledging the right-of-way dedication is granted.
7. A six-foot-high (6') PVC fence shall be constructed along the northwest property line behind Building 7.
8. No construction traffic shall be permitted on Riverside Park Road.

PLANNING AND ZONING COMMISSION APPEAL - APPELLANT: JIM MARSH FOR E.T. KING, INC.; APPLICANT: E.T. KING, INC.; CASE Z-00-085; SEPTEMBER 21, 2000; DISTRICT 4 (CONTINUED FROM NOVEMBER 14, 2000)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Jim Marsh for E.T. King, Inc., of the recommendation of the Planning and Zoning Commission, dated September 21, 2000, on a request by E.T. King, Inc., to rezone from Retail Commercial District (C-1)(1967) to General Commercial District (C-2), continued from the November 14, 2000, Board meeting.

Staff Report

Staff explained that the public hearing was continued to allow the parties time to review the request. Staff outlined the request;

identified the subject property and the surrounding zoning classifications; and further, noted that the Planning and Zoning Commission recommended denial of the request.

Appearances

No one appeared regarding the request.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez was absent; the Board upheld the decision of the Orange County Planning and Zoning Commission and denied the request by Jim Marsh for E.T. King, Inc., to rezone from Retail Commercial District (C-1)(1967) to General Commercial District (C-2) on the above-described property for the following reasons:

1. The request allows land uses that are incompatible with existing development in the area.
2. The request is inconsistent with several policies of the Comprehensive Policy Plan and.
3. Without approval of the request a reasonable use of the property remains.

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT: CRYSTAL C. JONES, BVT CHAPEL HILLS, LTD.; APPLICANT: WOODRIDGE APARTMENTS; ITEM 3, OCTOBER 5, 2000; DISTRICT 1 (CONTINUED FROM DECEMBER 5, 2000)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Crystal C. Jones; BVT Chapel Hills, Ltd.; of the recommendation of the Board of Zoning Adjustment, dated December 5, 2000, on a request by Woodridge Apartments for a variance in Planned Development (PD) Zone to

erect four garages 6.8 feet from side property line in lieu of 10.0 feet (proposed garages to provide parking for Woodridge Apartments), continued from the December 5, 2000, Board meeting.

Staff Report

Staff stated that the applicant has withdrawn the appeal.

Appearances

No one appeared regarding the request.

Discussion

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

Action

By consensus, the Board accepted the withdrawal of the appeal by Crystal C. Jones; BVT Chapel Hills, Ltd.; of the recommendation of the Board of Zoning Adjustment, dated December 5, 2000, on a request by Woodridge Apartments for a variance in Planned Development (PD) Zone to erect four garages 6.8 feet from side property line in lieu of 10.0 feet (proposed garages to provide parking for Woodridge Apartments).

BOARD OF ZONING ADJUSTMENT APPEAL - APPELLANT/APPLICANT: SHIRLEY BUTLER; ITEM 2, NOVEMBER 2, 2000; DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Shirley Butler of the recommendation of the Board of Zoning Adjustment, dated November 2, 2000, on a request by Shirley Butler of the Zoning Manager's determination that the subject property is in violation of Section 38-77 (Use Table), Orange County Code, specifically that the outdoor/open storage of junk, tires, automobile parts, debris, and other similar waste materials is not a legal nonconforming use for the property; (Note: Property is zoned Single-family Residential) on property which is generally located on the east side of John Street; 400 feet south of West Robinson Street; 1,000 feet west of Hastings Avenue and north of Old Winter

Garden Road at 123 North John Street; District 1; Section 25, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff outlined the request; identified the subject property and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended denial of the request.

Court Reporter

A court reporter, Tammy Kriner, Landmark Reporting, Inc., was present.

Legal Counsel

In response to the Vice-chairman's request to staff regarding legal issues, Senior County Attorney Joel Prinsell advised the Board that this public hearing is a lawful public hearing whether the County Chairman is present or not. Mr. Prinsell stated that it is not necessary to have a question and answer process and that the applicant should present the case herself, to be followed by Board discussion.

Appearances

The following persons addressed the Board regarding the request:

- Johnie McLeod, Esquire; Post Office Box 950; Apopka, Florida; for the applicant.
- Shirley Butler, the applicant (no address given).
- James Butler, 123 North John Street, Orlando, Florida.
- Brantley Slaughter, 3 North Hastings, Orlo Vista, Florida.

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

- Clerk's Composite Exhibit 1 - Letters, Order, and copy of Orange County Code.

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 upheld the decision of the Orange County Board of Zoning Adjustment and denied the appeal of the Board of Zoning Adjustment recommendation, dated November 2, 2000, on a request by Shirley Butler of the Zoning Manager's determination that the subject property is in violation of Section 38-77 (Use Table), Orange County Code, specifically that the outdoor/open storage of junk, tires, automobile parts, debris, and other similar waste materials is not a legal nonconforming use for the property on the above-described property.

DEVELOPMENT REVIEW COMMITTEE APPEAL - APPLICANTS/
 APPELLANTS: ORLANDO BUSINESS PARK, LLC; AND ORLANDO UTILITIES
 COMMISSION; ALAFAYA TRAIL EXTENSION AGREEMENT; DISTRICT 4
 (CONTINUED FROM JANUARY 2, 2001)

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Orlando Business Park, LLC, and Orlando Utilities Commission regarding the Development Review Committee's (DRC) decision to uphold the decision of the Orange County Road Impact Fee Credit Committee (RIFCC) to deny approval of the Alafaya Trail Extension Agreement, which proposes to extend Alafaya Trail from its present terminus south to the Beeline Expressway through property owned by the Orlando Utilities Commission and Orlando Business Park, LLC, continued from the January 2, 2001, Board meeting.

Staff Report

Staff explained that the public hearing was continued to allow time to continue discussion. Staff reported that agreement has

been reached regarding the proposed language and recommends approval of the request.

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:

- overruled the decision of the Development Review Committee to uphold the decision of the Orange County Road Impact Fee Credit Committee (RIFCC) to deny approval of the Alafaya Trail Extension Agreement, which proposes to extend Alafaya Trail from its present terminus south to the Beeline Expressway through property owned by the Orlando Utilities Commission and Orlando Business Park, LLC;
- and further, authorized execution by the County Chairman of the Alafaya Trail Extension Agreement when executed by Orlando Business Park, LLC; Orlando Utilities Commission, and the City of Orlando.

Commissioners Hoenstine and Edwards left the meeting.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 38, ZONING, CREATING BUENA VISTA NORTH DISTRICT STANDARDS, DISTRICT 1 (2ND HEARING)

Notice was given that the Board of County Commissioners would hold the second of two public hearings to consider the following proposed ordinance affecting the use of land:

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 APOPKA-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 stated that this is the second of two public hearings to consider the proposed ordinance. Staff requested the public hearing to adopt the ordinance be continued until February 13, 2001, at 5:01 p.m., to allow time for a neighborhood meeting.

Appearances

No one addressed the Board regarding the proposed ordinance.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; County Chairman Martinez and Commissioners Hoenstine and Edwards were absent; the Board continued the public hearing to consider the proposed ordinance amending Orange County Code, Chapter 38, Zoning, creating Buena Vista North District Standards, until February 13, 2001, at 5:01 p.m.

MEETING ADJOURNED

There being no further business, the Vice-chairman adjourned the meeting at 5:10 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

Vice-chairman

Deputy Clerk

Minutes Coordinator