

MEETING OPENED

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, March 13, 2001. The following were present:

- County Chairman Richard Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mary Johnson, Clarence Hoenstine, and Ted Edwards
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioner Homer Hartage was absent.

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

The Board paused for an invocation by Willie Barnes, elder of Tildenville Missionary Baptist Church, followed by the Pledge of Allegiance to the Flag.

Commissioner Jacobs presented a certificate of recognition to Mr. Barnes.

NONAGENDA - INTRODUCTION

The County Chairman recognized Public Defender Bob Wesley, Supervisor of Elections Bill Cowles, and Judge John Adams, Sr.

COUNTY CONSENT AGENDA**Action**

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

- **Deferred Administrative Support Department Item 4 for discussion (see page 488 for discussion and subsequent approval);**

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

County Comptroller

1. Approval to pay Clerk of the Courts' invoice in the total amount of \$324,857.42 for services rendered during the month of January 2001 (Administrative/Fiscal Division).
2. Approval of the disposition of tangible personal property:
 - a. Cannibalize assets for their useable parts.
 - b. Scrap assets.
 - c. Demolish assets.
 - d. Donate assets with an approximate value of \$110 to the Evergreen Youth Foundation, in lieu of selling at fair market value.

(Property Accounting Department)

3. Acknowledgment of receipt of the following file for the record documents:
 - a. Financial statements for the year ended September 30, 2000, as follows:
 - Valencia Water Control, with copy of Annual Local Government Report.
 - West Orange Healthcare District.
 - b. Copies of annexing ordinance/notices as follows:
 - Town of Windermere Ordinance 2000-04 annexing the Manor at Butler Bay property into the town limits.
 - City of Orlando, properties owned by Southern Warehousing and Distribution, Ltd.; Mable Groves, Ltd.; Southern Fruit Groves, Ltd.; and Center Lake Properties, Ltd.

- City of Orlando, property located on the east side of North Cottage Hill Road.

(Comptroller Clerk of the Board of County Commissioners)

4. Approval of the minutes of the March 6, 2001, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
5. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
 - March 1, 2001, to March 7, 2001; total of \$17,780,019.70.
 - March 8, 2001, to March 8, 2001; total of \$10,649,618.19.

(Finance and Accounting Department)

County Administrator

1. Approval of Budget Amendments 01-36, 01-37, 01-38, 01-39, 01-40, and 01-41 (Office of Budget and Management).

(Budget Amendments 01-36 through 01-41 are on file in the Comptroller Finance and Accounting Department.)
2. Approval of payment of intergovernmental claims for February 22, 2001, totaling \$175,780.85 (Risk Management Division).
3. Receipt and filing of minutes for February 15, 2001, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
4. Approval and signature of the Faithful Performance Bond for Richard T. Crotty, Orange County Chairman (Risk Management Division).

5. Confirmation of the County Chairman's staff reappointments for the second quarter fiscal year 2000-2001:
- Antonio Aguerrevere, Manager, Construction Administration, Administrative Support Department
 - Donell E. Bjoring, Manager, Operations and Support Services, Corrections Department
 - James Douglas Brock, Manager, Fleet Management, Administrative Support Department
 - Peter D. Clarke, Deputy Director, Health and Family Services Department
 - Ella J. Gilmore, Deputy Director, Health and Family Services Department
 - Shashishekhar B. Gore, Medical Examiner, Health Services, Health and Family Services Department
 - Thomas Hurlburt, Jr.; Director, Office of Public Safety, County Administration
 - Larry A. Jones, Director, Health and Family Services Department
 - Ajit M. Lalchandani, County Administrator, County Administration
 - Fitzhugh Long, Manager, Business Development, Administrative Support Department
 - Susan Pickman, Manager, Office of Professional Standards, County Administration
 - Johnny Richardson, Manager, Purchasing and Contracts, Administrative Support Department
 - George A. Rodon, Jr.; Economic Development Director, Economic Trade and Tourism Development, County Administration
 - Thomas Weinberg, Deputy County Administrator, County Administration

(Human Resources and Labor Relations Division)

Administrative Support Department

1. Approval to award Invitation for Bid Y1-130-NS to the low responsive and responsible bidder, Orlando Paving Company (a division of Hubbard Construction Company), to provide construction term contract cold mix open graded bituminous pavement (in-place). The total estimated contract award amount is \$1,789,500 ([Roads and Drainage Division] Purchasing and Contracts Division).

2. Approval to award Invitation for Bid Y1-719-NS to the low responsive and responsible bidder, Al Bosgraaf & Sons, Inc., for Turnbull Park site improvements. The total contract award amount is \$285,700 ([Construction Administration Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y1-734-NS to the low responsive and responsible bidder, Al Bosgraaf & Sons, Inc., for Barnett Park improvements and pond lighting. The total contract award amount is \$573,777 ([Construction Administration Division] Purchasing and Contracts Division).
4. Approval and execution by County Chairman of Right-of-Way Facilities Use Agreement between Metricom, Inc., and Orange County, Florida, to locate, place, attach, install, operate, and maintain radio equipment in County owned rights-of-way, all districts (Real Estate Management Division).

(As stated in the above motion, this item was deferred for discussion; see page 488 for subsequent approval).

5. Approval and execution by County Chairman of Lease Agreement between Edwards Macy Brenner, Inc., and Orange County, Florida, to provide primary care clinic space for Health and Family Services at 5449 South Semoran Boulevard Suite 14 and a portion of 15, Orlando, Florida, District 4 (Real Estate Management Division).
6. Approval of Letter of Intent to donate additional land and warranty deed and authorization to disburse warrant to pay all closing costs and any additional costs not to exceed \$50, conduct closing, and record instrument for Sheriff's shooting range relocation-additional land (Wewahootee Road), District 4 (Real Estate Management Division).
7. Approval of quit-claim deed and authorization to disburse warrant to pay recording fees and re-record instrument for 392 Railroad Avenue, Winter Garden, Florida, District 1 (Real Estate Management Division).
8. Approval and execution by County Chairman of First Amendment to Drainage Easement and authorization to record instrument for Orange Avenue (Southern Connector to Taft-Vineland Road), District 4 (Real Estate Management Division).

9. Approval and execution by County Chairman of Extension, Modification, and Amendment of Lease between William D. Bishop, Sr., and Orange County, Florida, to provide additional office and warehouse/storage space for the Supervisor of Elections at 117-119 Kaley Avenue Orlando, Florida, District 4 (Real Estate Management Division).
10. Approval of the final reconciliation to the contract for the purchase and improvements to the CNL I and II buildings (Internal Operations Centre) in the amount of \$168,255.62, which is a 1.2 percent increase in the contract amount. The new and final contract amount for this completed project is \$13,901,739.62 (Administrative Support Department).
11. Confirmation of Commissioner Jacobs' appointment of Robert Edward Burke to the Windermere Water and Navigation Control District Advisory Board with a term expiring December 31, 2003 (Agenda Development).

Corrections Department

1. Approval of Supplemental Agreement between the Florida Department of Transportation, District 5, and Orange County that offers juvenile offenders the opportunity to perform community service as part of the Learning Ethics, Accountability, and Responsibility Now (L.E.A.R.N.) Program (Corrections Department).

Growth Management and Environmental Resources Department

1. Approval to advertise Resolutions 2001-CED-078 through 2001-CED-087 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:

LC 01-123; LC 01-130; LC 01-135; LC 01-138; LC 01-139; LC 01-126;
LC 01-131; LC 01-133; LC 01-134; LC 01-140;

Districts 1, 2, and 6 (Code Enforcement Division).

Health and Family Services Department

1. Approval of the renewal Certificate of Public Convenience and Necessity for Florida Flight I - Florida Hospital to provide advanced life support air transport services. The term of this certificate is from March 1, 2001, through March 1, 2003. There is no cost to the County (Emergency Medical Services Office).
2. Approval of the interlocal agreements between Orange County and the Orlando Fire Department and Orange County and the Winter Garden Fire Department for distribution of radio equipment purchased with the 1998-99 Emergency Medical Services Trust Fund grant award. There is no cost to the County (Emergency Medical Services Office).
3. Approval of the application to license the East Orange Head Start Center between the State of Florida Department of Children and Families and Orange County, Florida (Head Start).
4. Approval of the application to license the Hannibal Head Start Center between the State of Florida Department of Children and Families and Orange County, Florida (Head Start).
5. Approval of the application to license the Lila Mitchell Head Start Center between the State of Florida Department of Children and Families and Orange County, Florida (Head Start).
6. Approval of the application to license the Reeves Terrace Head Start Center between the State of Florida Department of Children and Families and Orange County, Florida (Head Start).
7. Approval to accept funding award between the City of Kissimmee, Florida, and Orange County, Florida, in the amount of \$37,000 to provide financial support for the Osceola County Community Action Program. There is no cost to the County (Health and Family Services Department).
8. Approval to accept funding award between Osceola County, Florida, and Orange County, Florida, in the amount of \$42,500 to provide financial support for the Osceola County Community Action Program. There is no cost to the County (Health and Family Services Department).

Public Works Department

1. Approval of the master agreement between Orange County and the Orlando Utilities Commission for roadway lighting facilities on state highways in Orange County, all districts (Public Works Department).
2. Approval of "Stop" and "Yield" sign installation in Willow Pond-Phase 2 Subdivision, District 4 (Traffic Engineering Division).

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION**Administrative Support Department**

4. Approval and execution by County Chairman of Right-of-Way Facilities Use Agreement between Metricom, Inc., and Orange County, Florida, to locate, place, attach, install, operate, and maintain radio equipment in County owned rights-of-way, all districts (Real Estate Management Division).

Discussion

Commissioner Edwards stated that he wanted the Board to consider the long-term nature of the agreement. He requested the language in the agreement be revised to reflect that in the event Metricom, Inc., enters into an agreement for a right-of-way with any other government entity in the Central Florida area, whereby that entity receives a higher rate of revenue than stated in this agreement, this agreement shall be amended to provide such higher rate to Orange County.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved and authorized execution of the Right-of-Way Facilities Use Agreement between Metricom, Inc., and Orange County, Florida, to locate, place, attach, install, operate, and maintain radio equipment in County owned rights-of-way; and further, amended the language of the proposed agreement to reflect that in the event Metricom, Inc., enters into an agreement for a right-of-way with any other government entity in the Central Florida area, whereby that entity receives a higher rate of revenue than stated in this agreement, this agreement shall be amended to provide such higher rate to Orange County.

COMMISSIONERS' REPORT DISCUSSION AGENDA

1. Commissioner Jacobs wishes to discuss the public notification process.

Commissioner's Report

Commissioner Jacobs stated that the public notification process could be enhanced by creating a task force to evaluate the current process and make recommendations to the Board.

Discussion

The Board discussed problems with the notification system, useful technology such as the Geographical Information System (GIS) mapping system, and the process of updating owner's addresses.

County Comptroller Martha Haynie requested that her office be included in this process because her office is involved with the recording process and the actual mailing process.

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved creating a task force of Board-appointed representatives to review, evaluate, and make recommendations to the Board for improvement to the current public notification process; and further, directed staff to provide support to the task force.

2. Commissioner Hoenstine wishes to discuss the City of Orlando's annexation of property located on Michigan Avenue.

Commissioner's Report

Commissioner Hoenstine stated that the City of Orlando annexed privately-owned property in conjunction with the Boone High School annexation without notification to the property owners. He noted that the property owners were not provided an opportunity to voice their opinion on an impending annexation of their property.

Legal Counsel

In response to a question from the County Chairman regarding the process of deannexation and replatting, the County Attorney explained that the City determines the outcome of a deannexation request, and the State cannot force the determination. He noted that the change in the State statutes regarding annexation occurred in 1993, and he will research the issue of replatting.

In response to a question from Commissioner Sindler regarding annexation notification, the County Attorney stated that prior to the 1993 statutory amendment, the City was required to notify all property owners and seek their approval for a proposed annexation. He noted there also were limitations as to how much additional commercial or vacant property could be added to a voluntary annexation.

In response to a question from Commissioner Johnson regarding the legality of payment by the County of the \$1,500 deannexation fee, the County Attorney stated that it would be legal for the County to incur this expense.

In response to question from Commissioner Jacobs regarding the possibility of the County Chairman and the mayor of Orlando meeting to discuss resolve, the County Attorney stated that the Board could subsequently reconsider the issue.

Appearances:

The following persons addressed the Board:

- Scott Baker, Office of Economic Development, City of Orlando, 400 South Orange Avenue, Orlando, Florida.
- Dr. Greg Reddish, president of the condominium association of the 1400 block of East Michigan Street, 1414 East Michigan Street, Orlando, Florida.
- Richard McMillan (no address given).
- Gene Curtis Stewart (no address given).
- Brantley Slaughter, 3 North Hastings Street, Orlo Vista, Florida.

Discussion

The Board discussed the City's policy of notification and annexation, the statute governing annexation, the deannexation request and fee, impact fees and other incentives, and replatting property.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved the following recommendations regarding the City of Orlando's annexation of property located on Michigan Avenue:

- 1. Pursue legislative action that prohibits municipalities from annexing property without prior notice and consent of the commercial and residential property owners, as per Florida Statutes before 1991. Cities should also be required to have neighborhood meetings to inform the property owners being annexed.**
- 2. Given the City's record, the County should have more neighborhood meetings to inform property owners who are the subject of annexation. The public would be in a position to attend the public hearings and object.**
- 3. Increase staffing in the Planning Division to better track these annexations. The Board should know about them so that the County could have its own neighborhood meetings to notify and educate the public. Devote several staff members to the task since this issue impacts all County districts.**
- 4. The County should explore replatting a group of properties that are individually being annexed into the City. The County should look at the properties that are institutional for educational or for parks, and if it is legal, do a replat. This would be brought to the Board for review.**
- 5. The County should join with the property owners and pay the \$1,500 application fee for the deannexation request, and the School Board property and business properties should be treated separately, and**

the 63 business properties should be pulled out separately. Then if the City chooses to pursue annexation of these properties on an individual basis or enlarge it, then it would go through the proper process of notifying the individuals.

as amended below.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards, and carried with County Chairman Crotty and Commissioners Jacobs, Johnson, Sindler, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Hartage was absent; the Board amended the main motion to revise Recommendation 1 to read as follows: "The County to pursue legislative action that prohibits municipalities from annexing property without prior notice and consent of property owners, as was written in the Florida Statutes prior to 1993."

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board amended the main motion to add a recommendation to read as follows:

Direct staff to evaluate the issues pertaining to annexation and the protection of the County's interest through reducing impact fees in urban areas subject to annexation and offering other incentives to develop a strategy to address the annexation issues; and further, to report to the Board within 90 days.

Action

A motion by Commissioner Johnson, seconded by Commissioner Jacobs, and carried with Jacobs and Johnson voting AYE by voice vote; County Chairman Crotty, and Commissioners Sindler, Hoenstine, and Edwards voting NO by voice vote; Commissioner Hartage was absent; to amend the main motion by removing Recommendation 5 as follows:

- The County should join with the property owners on the deannexation request and the School Board property and business properties should be treated separately, and the 63 business properties should be pulled out separately. Then if the city chooses to pursue annexation of these properties on an individual basis or enlarge it, then they would go through the proper process of notifying the individuals;
- and further, amended by a motion by Commissioner Jacobs, seconded by Commissioner Edwards, and carried with County Chairman Crotty, and Commissioners Jacobs, Johnson, and Edwards voting AYE by voice vote; Commissioners Sindler and Hoenstine voting NO by voice vote; Commissioner Hartage was absent; the Board amended the above motion to only support the \$1,500 fee to the City for the deannexation request, but to not execute the document;

failed.

Commissioner Sindler left the meeting.

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:

Agricultural Advisory Board

Action

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

- Reappointed Bobby R. Beagles, Doug Jones, and Maureen Henderson for terms expiring December 31, 2002.

- Appointed John T. Lamb in the bedding plant industry representative category for a term expiring December 31, 2001;

to the Agricultural Advisory Board.

Citizens' Commission for Children

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioners Sindler and Hartage were absent; the Board appointed Gina Edwards Dole, to succeed Rebecca Lou Palmer, to the Citizens' Commission for Children for a term expiring December 31, 2002.

Commissioner Sindler rejoined the meeting.

Housing Finance Authority

Action

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

- Appointed Jeffrey Allen Stueve, to succeed A. Wayne Rich, for a term expiring December 31, 2004.
- Appointed Anna D. Diaz, to succeed William Donegan, for a term expiring December 31, 2001;

to the Housing Finance Authority.

Industrial Development Authority

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board appointed Dr. G.M. Darden, to succeed Leon Noga, to the Industrial Development Authority for a term expiring December 31, 2004.

Local Health Council of East Central Florida, Inc.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board appointed Meryl A. Biszick in the health care purchaser category to the Local Health Council of East Central Florida, Inc., for a term expiring September 30, 2001.

MetroPlan Orlando Citizens' Advisory Committee

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board appointed Cathy Brown-Butler to the MetroPlan Orlando Citizens' Advisory Committee for a term expiring December 31, 2004.

2. Selection of one firm and two alternates to provide engineering services for the Closure of Class I Landfill Cell 7B/8, RFP Y1-805-PH from the following three firms:

- CH2M Hill, Inc.
- SCS Engineers
- WCG, Inc.

([Solid Waste Division] Purchasing and Contracts Division).

Staff Report

Staff announced this item has been deleted from the agenda and will be presented at a later date.

PUBLIC SAFETY DISCUSSION AGENDA

1. Public Safety Communications Update (Public Safety Communications Division).

Staff Report

Staff presented an overview of the activity of the Public Safety Communications Division since October 2000 when Radio Services and 9-1-1 were combined, including radio coverage, the 3-1-1 public safety nonemergency access number, and the 9-1-1 mapping wireless caller location system. Staff noted that consultants were hired to advise upgrades for the system which is migrating to digital.

Discussion

The Board discussed the County's connection with neighboring cities' systems, equipment options, and funding.

Action

The Board did not take any action.

PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA

1. I-Drive Transportation Update (Engineering).

Staff Report

County Administrator Ajit Lalchandani announced this item would be discussed after the public hearings (see page 515).

The County Chairman adjourned the morning session.

MEETING RECONVENED

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

- County Chairman Richard Crotty
- 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

Commissioner Homer Hartage was absent.

Presentation Of Employee Service Awards

The County Chairman presented service awards and pins to the following employees:

- Ngoc M. Tran, Information Services, Corrections; Jack Robert Whitaker and David W. Hart, Fire Field Services, Fire Rescue Department; James M. Peach, ISS, Administrative Support Department; and Carmela J. Davila, Fiscal, Health and Family Services Department, for 20 years of service.
- Margarite Rolle, Head Start, for 35 years of service.

NONAGENDA - INTRODUCTION

Commissioner Edwards recognized his new aide, Carol Saviak.

MARCH 1, 2001, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Commissioner's Report

Commissioner Hoenstine stated that during the January 23, 2001, Board meeting he had called for a public hearing on Item 9 in the name IRT Property Company for Publix Supermarkets, under date of January 4, 2001. He stated that his questions have been answered and that he would like to add this recommendation to those being considered today.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards , and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board amended the Orange County Board of Zoning Adjustment Recommendations under date of March 1, 2001; to include Item 9 in the name IRT Property Company for Publix Supermarkets, under date of January 4, 2001.

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Edwards , and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of March 1, 2001; to include Item 9 in the name IRT Property Company for Publix Supermarkets, under date of January 4, 2001; subject to the usual right of appeal of any aggrieved parties.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of March 1, 2001, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- None filed.

(NOTE: THE FOLLOWING FOUR PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGES 499 AND 500 FOR APPEARANCES, DISCUSSION, AND ACTION.)

MSTU/BU PUBLIC HEARING - AMEND BRIDGE WATER AND BRIDGE WATER PHASE 2 FOR STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider an amendment of an MSTU/BU for streetlighting at Bridge Water and Bridge Water Phase 2; District 4; Section 23, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reported that this request from the developer has an annual cost of \$90 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - AMEND CHESTERHILL ESTATES PHASE 1 AND 2 FOR STREETLIGHTING AND RETENTION POND(S) MAINTENANCE, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider an amendment of an MSTU/BU for streetlighting and maintenance of retention pond(s) at Chesterhill Estates Phase 1 and 2; District 2; Section 5, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reported that this request from the developer has an annual cost of \$76 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING - AMEND TANNER ROAD PHASES 1, 2, AND 3 FOR STREETLIGHTING, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider an amendment of an MSTU/BU for streetlighting at Tanner Road Phases 1, 2, and 3; District 5; Section 1, Township 22, Range 31; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reported that this request from the developer has an annual cost of \$81 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING - ESTABLISH ANDOVER CAY PHASE 1 AND 1A FOR STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for streetlighting at Andover Cay Phase 1 and 1A; District 4; Section 9, Township 23, Range 31; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reported that this request from the developer has an annual cost of \$97 per lot for streetlighting.

Appearances

No one addressed the board regarding the requests.

Discussion

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

Action

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

- **Amending Bridge Water and Bridge Water Phase 2 MSTU/BU, annual cost of \$90 per lot for streetlighting.**
- **Amending Chesterhill Estates Phase 1 and 2 MSTU/BU, annual cost of \$76 per lot for streetlighting and annual cost of \$54 per lot for retention pond(s) maintenance.**
- **Amending Tanner Road Phases 1, 2, and 3 MSTU/BU, annual cost of \$81 per lot for streetlighting.**
- **Establishing Andover Cay Phase 1 and Phase 1A MSTU/BU, annual cost of \$97 per lot for streetlighting.**

NONAGENDA – INTRODUCTION

The County Chairman recognized City of Belle Isle Mayor Bill Hand.

MSTU/BU PUBLIC HEARING - ESTABLISH PORT SAID STREET/HARBOR EAST UNIT 3 FOR SPEED HUMPS, DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider the establishment of an MSTU/BU for speed humps at Port Said Street/Harbor East Unit 3; District 5; Section 12, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff Report

Staff reported that this request from the property owners has an annual cost of \$102 per lot for speed humps.

Legal Counsel

In response to a question from Commissioner Hoenstine regarding unsafe speed humps, the County Attorney stated the Board should be concerned with the correct type of traffic calming device.

Appearances:

The following persons addressed the Board regarding this request:

- Jim Stallard, 8605 Port Said Street, Orlando, Florida
- George Stevenson, 8720 Port Said Street, Orlando, Florida.
- Doug Bishop, 3313 Arnel Court, Winter Park, Florida.; for Citizens of Central Florida Dump the Humps.
- Robert Pollack, 8430 Port Said Street, Orlando, Florida.
- Bill Smith, 8237 Pamlico Street, Orlando, Florida.
- Barry Petravage, 8666 Port Said Street, Orlando, Florida.

- Holly Johnson, 8665 Port Said Street, Orlando, Florida.
- Gary Umsberger (phonetic), Percival Street, Orlando, Florida.
- John Flynn, 8646 Port Said Street, Orlando, Florida.

Discussion

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

Commissioner Edwards requested that approval of the speed humps be conditioned upon staff monitoring the quality of construction.

Action

Upon a motion by Commissioner Edwards, seconded Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted a resolution establishing Port Said Street/Harbor East Unit 3 MSTU/BU, annual cost of \$102 per lot for speed humps; and further, directed staff to monitor the quality of construction.

(NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 503 FOR DISCUSSION AND ACTION.)

PETITION TO VACATE PUBLIC HEARING - APPLICANT: PABLO MARULANDA; NO. 01-08, PORTIONS OF UNNAMED RIGHTS-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Pablo Marulanda, Petition to Vacate 01-08, to vacate portions of unnamed rights-of-way in Munger's Subdivision, which is generally located south of International Drive and east of Apopka-Vineland Road; District 1; Section 35, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

and

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: PABLO MARULANDA;
NO. 01-09, PORTIONS OF UNNAMED RIGHTS-OF-WAY; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Pablo Marulanda, Petition to Vacate 01-09, to vacate portions of unnamed rights-of-way in Munger's Subdivision, which is generally located south of International Drive and east of Apopka-Vineland Road; District 1; Section 35, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff Report

Staff stated that the applicant has requested these public hearings be continued to coincide with another hearing related to the property.

Appearances

No one addressed the Board regarding these requests.

Discussion

The County Chairman closed the public hearings and opened the matters 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; Commissioner Hartage was absent; the Board continued the public hearings to consider the following:

- **A resolution granting Petition to Vacate 01-08 vacating portions of unnamed rights-of-way in Munger's Subdivision.**
- **A resolution granting Petition to Vacate 01-09 vacating portions of unnamed rights-of-way in Munger's Subdivision;**

on the above described properties until April 17, 2001, at 2 p.m.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: CASEY HERLIHY, ROYAL CUSTOM BUILDERS; NO. 00-21, 10.0-FOOT UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Casey Herlihy, Royal Custom Builders; Petition to Vacate 00-21; to vacate a 10.0-foot utility easement on Lot 10, Reserve at Cypress Point Subdivision, which is generally located south of Cypress Point Drive and west of Kilgore Street; District 1; Section 33, Township 23, Range 28; 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 addressed the Board regarding the request.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted a resolution granting Petition to Vacate 00-21 vacating a 10.0-foot utility easement on Lot 10, Reserve at Cypress Point Subdivision, on the above-described property.

Commissioner Johnson left the meeting.

PETITION TO VACATE PUBLIC HEARING - APPLICANT: REGIONAL DEVELOPMENT GROUP, INC.; NO. 00-37, 25.0-FOOT-WIDE PORTION OF RIGHT-OF-WAY; 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 00-37; to

vacate a portion of a 25.0-foot-wide right-of-way known as Second Street, along a 10.0-foot-wide alley, which is generally located east of South Orange Avenue and north of the Beeline Expressway; District 4; Section 36, Township 23, Range 29; 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

The following person addressed the Board regarding the request:

- Lionel Rubio, Esquire; Winderweedle, Haines, Ward & Woodman, P.A.; Post Office Box 880, Winter Park, Florida; for the applicant.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hartage were absent; the Board adopted a resolution granting Petition to Vacate 00-37 vacating a portion of a 25.0-foot-wide right-of-way known as Second Street, along a 10.0-foot-wide alley on the above-described property.

SHORELINE ALTERATION PUBLIC HEARING - APPLICANT: CITY OF BELLE ISLE, DREDGE AND FILL PERMIT, STORMWATER IMPROVEMENTS, LAKE CONWAY, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by City of Belle Isle for a shoreline alteration/dredge and fill permit for the extension of pipes for stormwater improvement and dredging silt around pipes pursuant to Orange County Code Chapter 15, Article VI, on property located adjacent to Little Lake Conway and Lake Conway, located at 3507 Cullen Lake Shore Drive; Section 17, Township 23, Range 30; 3519 Cullen Lake Shore Drive; Section 17, Township 23, Range 30; 3303 Cullen Lake Shore Drive; Section 17, Township 23, Range 30; Swann

Park; Section 25, Township 23, Range 29; Belle Vista Drive; Section 24, Township 23, Range 29; Homewood Drive; Section 19, Township 23, Range 30; Trentwood Drive; Section 29, Township 23, Range 30; Saint Regis Place; Section 19, Township 23, Range 30 District 4; 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:

- Larry Williams, Belle Isle City Administrator; 1600 Nela Avenue, Belle Isle, Florida; for the applicant.
- David Woods, 3042 Hoffner Avenue, Orlando, Florida.
- Julian Coto; Excel Engineering Consultants, Inc.; 122 Wilshire Boulevard, Casselberry, Florida; consultant for the City of Belle Isle, Florida.

Commissioner Johnson rejoined the meeting.

Discussion

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

Action

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with County Chairman Crotty and Commissioners Jacobs, Johnson, Sindler, and Hoenstine voting AYE by voice vote; Commissioner Edwards voting NO by voice vote; Commissioner Hartage was absent; the Board approved a request by City of Belle Isle for a shoreline alteration/dredge and fill permit for the extension of pipes for stormwater improvements and dredging silt around pipes on property on Little Lake Conway and Lake Conway, subject to the following conditions:

1. **The dredging and filling activities must be constructed according to the plans submitted with the permit application.**
2. **Environmental Protection Division must be notified by the applicant or contractor of 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.**

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING – PLEASANT GARDENS
(AKA PLEASANT OAKS) PRELIMINARY SUBDIVISION, DISTRICT 2**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Pleasant Gardens (aka Pleasant Oaks) Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of Votaw Road, east of Lake Pleasant Road; District 2; Section 12, Township 21, Range 28; 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.

Appearances

The following persons addressed the Board regarding the plan:

- Jeff Ottaway; Neal Hiler Engineering, Inc.; 1415 S.R. 434, Longwood, Florida; for the developer.
- Terry Hagen, 1335 Myrtle Drive, Longwood, Florida.
- Jim Dombrowski, 1656 Stefan Cole Lane, Orlando, Florida.

Discussion

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

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved the Pleasant Gardens (aka Pleasant Oaks) Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

- 1. Development shall conform to the Pleasant Gardens (aka Pleasant Oaks) Preliminary Subdivision, dated "Received January 25, 2001," 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 March 13, 2002, in accordance with the Orange County Subdivision Regulations as amended.

2. **Prior to construction plan approval, certification with supporting calculations shall be submitted which demonstrates that the existing drainage system along Votaw Road has the capacity to accommodate this project.**
3. **A left-turn lane shall be constructed at the project entrance at Votaw Road.**

**PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING - MILLINOCKETT
PRELIMINARY SUBDIVISION, DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Millinockett Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located south of Millinockett Lane, west of LeJay Street; District 3; Section 24, Township 22, Range 30; 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.

Legal Counsel

In response to a question from Commissioner Hoenstine regarding safeguards to ensure proper installation of infrastructure, the County Attorney stated that there are safeguards, such as a letters of credit and bonds, that prevent builders from selling lots before the infrastructure is complete.

Appearances

The following persons addressed the Board regarding the plan:

- Karl Pecht; Pecht Evans Engineering, Inc.; 501 East Jackson Street, Orlando, Florida; for the applicant.
- Paulette Torres, 830 McLean Court, Orlando, Florida.
- Adelle Popolo, 1011 Candle Berry Road, Orlando, Florida.

- Marilyn Hankins, 713 McLean Court, Orlando, Florida.
- Melinda Furr, 947 LeJay Street, Orlando, Florida; for Valencia Greens Homeowners' Association.
- James Hance, Jr.; 9554 Brackin Street, Orlando, Florida.
- R.P. Mohnacky, 1820 Prairie Lake Boulevard, Ocoee, Florida.
- Jim Stowell; Stowell Builders, Inc.; 7217 East Colonial Avenue, Orlando, Florida,

Discussion

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

Commissioner Johnson requested conditions be added as follows:

- All retention ponds shall be fenced.
- All lots abutting College Cove shall be 80-feet-wide.
- A six-foot-high (6') PVC fence shall be required along the perimeter of the property except as required by the Subdivision Regulations.
- The applicant, prior to platting, shall install four speed humps on Constantine Street per the requirements of the County engineer or will pay the County an amount sufficient for the County to install the speed humps.
- A two-inch (2") caliber ten-foot-high (10') tree shall be placed in the front yard and the same in the back yard.

Action

Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved the Millinockett Preliminary Subdivision Plan on the above-described property, subject to the following conditions:

1. **Development shall conform to the Millinockett Preliminary Subdivision, dated "Received September 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 Orange County Board of County Commissioners (BCC), or by action of the BCC.**

Preliminary Subdivision Plan approval automatically expires on March 13, 2002, in accordance with the Orange County Subdivision Regulations as amended.

2. **Prior to construction plan approval, certification with supporting calculations shall be submitted which demonstrates that the existing drainage system has the capacity to accommodate this project.**
3. **All retention ponds shall be fenced.**
4. **All lots abutting College Cove shall be 80-feet-wide.**
5. **A six-foot-high (6') PVC fence shall be required along the perimeter of the property except as required by the Subdivision Regulations.**
6. **The applicant, prior to platting, shall install four speed humps on Constantine Street per the requirements of the County engineer or will pay the County an amount sufficient for the County to install the speed humps.**
7. **A two-inch (2") caliber ten-foot-high (10') tree shall be placed in the front yard and the same in the back yard.**

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: AKERMAN, SENTERFITT & EIDSON, P.A., INC.; WEST ORANGE PLAZA (DORSCHER PLAZA) PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Akerman, Senterfitt & Eidson, P.A., Inc.; West Orange Plaza (Dorscher Plaza) Planned Development/Land Use Plan (PD/LUP) to amend the LUP to convert Parcel G's 3,000 square feet of office uses to 146 hotel rooms pursuant to Orange County Code, Section 38-1207. The property is generally located south of S.R. 50, north of the East-West Expressway, west of Hiawasse Road, and east of Dorscher Road; District 1; Section 26, Township 22, Range 28; 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.

Legal Counsel

In response to a request from Commissioner Sindler for the definition of a boarding house, the County Attorney stated that the rooms of a boarding house share common areas and/or a common dining room.

In response to a question from the County Chairman regarding the development plan, the County Attorney clarified that the Board can require a public hearing for approval of the development plan subject to conditions regarding appearance or aesthetics of the project.

Appearances

The following persons addressed the Board regarding the request :

- Cecelia Bonifay, Esquire; Akerman, Senterfitt & Eidson, P.A., Inc.; 255 South Orange Avenue, Orlando, Florida.
- Greg Zuckerman, the developer; JIZ Properties, Inc.; 1600 North Orange Avenue, Orlando, Florida.

Discussion

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

Action

A motion by Commissioner Jacobs, seconded by Commissioner Johnson; with Commissioners Jacobs and Johnson voting AYE by voice vote; County Chairman Crotty and Commissioners Sindler, Hoenstine, and Edwards voting NO by voice vote; Commissioner Hartage was absent; to deny the request by Akerman, Senterfitt & Eidson, P.A., Inc.; West Orange Plaza (Dorscher Plaza) Planned Development/Land Use Plan (PD/LUP) to amend the LUP to convert Parcel G's 3,000 square feet of office uses to 146 hotel rooms; which constitutes a substantial change to the development on the above-described property; failed.

Commissioner Edwards proposed the following two conditions:

- There will be no boarding house rentals (longer than 30 days).
- The development plan shall be subject to a public hearing before the Board of County Commissioners for review and approval of the design, design standards, landscaping, signage, and other aesthetic aspects.

For the record, the developer agreed to the proposed conditions.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hoenstine, and carried with County Chairman Crotty, and Commissioners Johnson, Sindler, Hoenstine, and Edwards voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; Commissioner Hartage was absent; the Board approved the request by Akerman, Senterfitt & Eidson, P.A., Inc.; West Orange Plaza (Dorscher Plaza) Planned Development/Land Use Plan (PD/LUP) to amend the LUP to convert Parcel G's 3,000 square feet of office uses to 146 hotel rooms; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. There will be no boarding house rentals (longer than 30 days).
2. The development plan shall be subject to a public hearing before the Board of County Commissioners for review and approval of the design, design standards, landscaping, signage, and other aesthetic aspects;

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

SUBSTANTIAL CHANGE PUBLIC HEARING - APPLICANT: GLATTING JACKSON, INC.; KEENE'S POINTE PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP), AMEND LUP; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Glattig Jackson, Inc., Keene's Pointe Planned Development/Land Use Plan/Preliminary Subdivision Plan (PD/LUP/PSP) to amend the LUP to reduce the perimeter lot widths on Parcel J from 90 feet to 70 feet. This change will amend both the LUP and PSP pursuant to Orange County Code, Section 38-1207. The property is generally located north of S. R. 535 and South of Chase Road; District 1; Section 31, Township 23, Range 28; 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:

- Neal Harris, Castle & Cooke, 6304 Jack Nicklaus Parkway, Windermere, Florida; for the applicant.

Discussion

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

Action

Upon a motion by Commissioner Jacobs, seconded by Commissioner Hoenstine, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board approved a request by Glatting Jackson, Inc.; Keene's Pointe Planned Development/Land Use Plan/Preliminary Subdivision Plan (PD/LUP/PSP); to amend the LUP to reduce the perimeter lot widths on Parcel J from 90 feet to 70 feet; which constitutes a substantial change to the development on the above-described property.

PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA DEFERRED

1. I-Drive Transportation Update (Engineering) (see page 496).

Staff Report

Staff presented an overview of the status of current transportation projects and Transportation Master Plan for the Orange County Convention Center and additional regional transportation initiatives being advanced in the region that impact the International Drive Resort Area.

Discussion

The Board discussed the status of required road projects, project funding, the tollgate location issue, and connecting the two Convention Centers.

Action

The Board did not take any action.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 6:30 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator