

**MEETING OPENED**

The Board of County Commissioners met in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, April 17, 2001. The following were present:

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

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

The Board paused for an invocation by Ericka Dunlap, Miss Orlando, followed by the Pledge of Allegiance to the Flag.

The County Chairman presented a certificate of recognition to Ms. Dunlap.

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

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

- Deleted County Chairman's Report Item 1, the appointment of Kathleen Cepregi only.
- Deleted Administrative Support Department Item 7.
- Deferred Growth Management and Environmental Resources Department Item 3 for discussion (see page 59 for discussion and subsequent approval).
- Deferred Growth Management and Environmental Resources Department Addendum 1 for discussion (see page 61 for discussion and subsequent approval);

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

### **County Chairman's Report**

1. Confirmation of the County Chairman's appointments as follows:
  - Steve Triggs, Manager, Communications Division, County Administration.
  - Jerry Daigle, Deputy General Manager, Convention Center.
  - Betty Meeks, Human Resources Manager, Convention Center Human Resources.
  - Greg Forehand, Security and Transportation Manager, Convention Center.
  - John Plescia, Operations Manager, Convention Center.
  - Kathleen Cepregi, Human Resources Manager, Public Safety Human Resources.
  - James M. Fitzgerald, Deputy Chief of Administration, Fire Rescue Department.
  - Steve Smith, Chief Information Officer, ISS, Administrative Support Department.

**(As stated in the above motion, the appointment of Kathleen Cepregi only was deleted from the agenda.)**

### **County Comptroller**

1. Approval of the disposition of tangible personal property:
  - a. Cannibalize assets for their useable parts.
  - b. Scrap assets.
  - c. Return assets to the vendor for a replacement under a maintenance agreement.
  - d. Trade in assets for an allowance towards the purchase of new equipment.
  - e. Dispose of assets that were destroyed in a fire.
  - f. Dispose of assets that were returned to the vendor for a full refund.
  - g. Transfer assets to the Orlando Fire Department per an approved Interlocal Agreement.

(Property Accounting Department)

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

- April 6, 2001, to April 11, 2001; total of \$13,928,174.49.

(Finance and Accounting Department)

### **County Administrator**

1. Approval for the Sheriff's Office to spend approximately \$27,035 from the Law Enforcement Trust Fund for Sheriff's programs/equipment purchases and contributions to the following:

- \$19,035 to the Stalker Radar.
- \$500 to the New Salem Missionary Baptist Church.
- \$1,000 for the WDBO No Guns in School Brochures.
- \$2,500 to the YMCA Aquatic and Family Center.
- \$1,000 to the House of Hope.
- \$1,000 to the S.P.I. Alumni Association.
- \$1,000 to the National Conference for Community and Justice.
- \$1,000 to the Florida Citrus Sports Camp 2001.

(Office of Management and Budget)

2. Approval of Budget Amendments 01-51, 01-55, and 01-57 (Office of Management and Budget).

(Budget Amendment 01-51, 01-55, and 01-57 are on file in the Comptroller Finance and Accounting Department.)

3. Approval of Budget Transfer 01-329 (Office of Management and Budget).

(Budget Transfer 01-329 is on file in the Comptroller Finance and Accounting Department.)

4. Approval of CIP Amendments 22-01, 23-01, 24-01, 25-01, 26-01, 27-01, and 28-01 (Office of Management and Budget).

(CIP Amendments 22-01 through 28-01 are on file in the Office of Management and Budget.)

5. Approval of payment of intergovernmental claims for March 27, 2001, totaling \$157,643.92 (Risk Management Division).
6. Receipt and filing of minutes for the March 22, 2001, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).
7. Approval of Resolution 2001-B-07 approving the issuance of the Florida Development Finance Corporation Enterprise Bond Program Industrial Development Revenue Bonds (MLMJC, Inc., Project), Series 2001, in an aggregate principal amount not to exceed \$2,000,000 (Florida Development Finance Corporation).

#### **Administrative Support Department**

1. Approval to award Invitation for Bid Y1-157-JS to the low responsive and responsible bidder, Southern Electric Supply dba Rexel Consolidated Electric Supply, for electrical supplies and parts for the Orange County Convention Center. The estimated contract award amount is \$140,874.23 ([Orange County Convention Center] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y1-721-NS to the low responsive and responsible bidder, J. M. Construction & Associates, Inc., for Goldenrod park and trailhead improvements. The total contract award amount is \$597,700 ([Department of Capital Projects] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y1-729-PM to the low responsive and responsible bidder, F.E. Development Recycling, Inc., for Boggy Creek Road drainage improvements. The total contract award amount is \$120,110 ([Roads and Drainage Division] Purchasing and Contracts Division).

4. Approval of Task Authorization 19, Contract Y8-902A, with Professional Engineering Consultants, Inc., for engineering services for Bonneville water supply facility storage and repump conversion in the lump sum amount of \$204,542 ([Utilities Engineering Division] Purchasing and Contracts Division).
5. Approval to award a sole source contract with Armor Screen Corporation for the purchase and installation of fabric hurricane protection devices for the Fire Rescue Department in the amount of \$232,785 ([Department of Capital Projects] Purchasing and Contracts Division).
6. Request for prior authority to award Invitation for Bid Y1-1004-GJ, to the low responsive and responsible bidder to supply meals for the summer food service program for children. The total budget is not to exceed \$819,000 (see page 80 for correction to \$617,762) ([Office of Community Action] Purchasing and Contracts Division).
7. Approval and execution by County Chairman of County deed and authorization to record instrument for The Manors at Butler Bay, District 1 (Real Estate Management Division).

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

8. Approval of utility easement and subordinations of encumbrances to property rights and authorization to record instruments for Waterford Pointe Apartments, District 4 (Real Estate Management Division).
9. Approval of quit-claim deed and authorization to disburse warrant to pay recording fee and record instrument for the State of Florida Department of Transportation surplus property parcels 11.5-4A/11.5-5A/11.5-9A (Gotha Road and the Turnpike), District 1 (Real Estate Management Division).
10. Confirmation of the appointment of Robert Carl Hewitt to the Board of Zoning Adjustment as the County Chairman's representative for a term expiring December 31, 2002 (Agenda Development Division).

**Growth Management and Environmental Resources Department**

1. Receipt and filing of the minutes of the Windermere Water and Navigation Control District Advisory Board meeting of February 19, 2001, for the official County record, District 1 (Environmental Protection Division).
2. Receipt and filing of the minutes of the Lake Jessamine Water Advisory Board meeting of February 15, 2001, for the official County record, District 4 (Environmental Protection Division).
3. Approval of resolution adopting the Orange County State Housing Initiatives Partnership Funds (SHIP) Local Housing Assistance Plan for state fiscal year 2001-2002 amending the adopted Local Housing Assistance Plans pursuant to the State Housing Initiative Partnership Act for state fiscal years 1998-1999, 1999-2000, and 2000-2001; and approval of the certification to the Florida Housing Finance Corporation, all districts (Housing and Community Development Division).

**(As stated in the above motion, this item was deferred for discussion; see page 59 for subsequent approval.)**

4. Approval of the Multi-family Affordable Housing Funding and Program Administration agreement between Orange County and Florida Community Capital Corporation (FCC) for Local Housing Assistance Plan Funding and Program Administration, all districts (Housing and Community Development Division).
5. Retroactive ratification of the State of Florida Department of Environmental Protection Cooperative Aquatic Plant Control Grant Agreement executed on September 29, 2000, that provides for reimbursement to Orange County for expenditures for aquatic plant control in the amount of \$71,738, all districts (Environmental Resources Division).

**Growth Management and Environmental Resources Department Addendum 1**

6. Approval of resolution opposing the reallocation or reduction of Preservation 2000 and Florida Forever funding, all districts (Growth Management and Environmental Resources Department Office).

**(As stated in the above motion, this item was deferred for discussion; see page 61 for subsequent approval.)**

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

1. Approval of the renewal Certificate of Public Convenience and Necessity Certificate for Greater Orlando Aviation Authority to provide advanced life support transport services. The term of this certificate is from April 30, 2001, through April 30, 2003. There is no cost to the County (Emergency Medical Services Office).
2. Approval of the Summer Food Services Program Application for Participation and Agreement with the State of Florida Department of Education in the amount of \$890,463. There will be no cost to the County (Health and Family Services Department).

### **Public Works Department**

1. Approval of the Lake Rose Ridge screen wall construction agreement for a 50/50 cost sharing between the County and the Lake Rose Ridge Homeowners' Association, District 1 (Public Works Engineering Division).
2. Approval of the agreement among Orange County, the City of Orlando, and the Orlando Utilities Commission regarding realignment and widening of Moss Park Road, District 4 (Public Works Engineering Division).

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

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

3. Approval of Resolution 2001-M-12 adopting the Orange County State Housing Initiatives Partnership Funds (SHIP) Local Housing Assistance Plan for state fiscal year 2001-2002 amending the adopted Local Housing Assistance Plans pursuant to the State Housing Initiative Partnership Act for state fiscal years 1998-1999, 1999-2000, and 2000-2001; and approval of the certification to the Florida Housing Finance Corporation, all districts (Housing and Community Development Division).

#### Discussion

Commissioner Edwards stated that he deferred this item to discuss the possibility of including nursing under the designated profession category. He explained that there is a severe shortage of nurses in the community and that this may be an opportunity to help improve the situation.

The Board discussed the importance of including the nursing, law enforcement, and firefighter professions in future programs; the advantages of the expanded program; the importance of ensuring that the program conforms to federal standards; and budgeting difficulties of revising the program at this time.

#### Action

**A motion by Commissioner Edwards to approve a resolution adopting the Orange County State Housing Initiatives Partnership Funds (SHIP) Local Housing Assistance Plan for state fiscal year 2001-2002 amending the adopted Local Housing Assistance Plans pursuant to the State Housing Initiative Partnership Act for state fiscal years 1998-1999, 1999-2000, and 2000-2001; further, to approve the certification to the Florida Housing Finance Corporation; and further, to include the profession of nursing in the specific occupation category to be funded by the program died for the lack of a second.**

#### Action

**Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler and carried with all members present and voting AYE by voice vote, the Board approved Resolution 2001-M-12 adopting the Orange County State Housing Initiatives Partnership Funds (SHIP) Local Housing Assistance Plan for state fiscal year 2001-2002 amending the adopted Local Housing Assistance Plans pursuant to the State Housing Initiative Partnership Act for state fiscal years 1998-1999, 1999-2000, and 2000-2001; and further, approved the certification to the Florida Housing Finance Corporation.**

## **Growth Management and Environmental Resources Department Addendum 1**

6. Approval of Resolution 2001-M-13 opposing the reallocation or reduction of Preservation 2000 and Florida Forever funding, all districts (Growth Management and Environmental Resources Department Office).

### Discussion

Commissioner Edwards stated that he deferred this item for more information.

The Board discussed involvement with the Senate budgeting process, the urgency of the request, the purpose of the resolution, the need for timely information, and the possible impact to the County.

### Action

**Upon a motion by County Chairman Crotty, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board approved Resolution 2001-M-13 opposing the reallocation or reduction of Preservation 2000 and Florida Forever funding subject to revision of the proposed language as follows:**

- Page 2: delete Section 1.
- Page 2, Section 2: after, "President of the Senate expressing," change, "said opposition," to, "his opposition."

## **COMMISSIONER'S REPORT DISCUSSION AGENDA**

1. Commissioner Hartage wishes to discuss renaming of the BeeLine to "BeachLine."

### Commissioner's Report

Commissioner Hartage stated that, in an effort to promote regionalism, Brevard County has proposed renaming the "BeeLine" as the "BeachLine." He explained that the renaming would not affect the portion of the roadway known as "Bennett Causeway" or the portion named for the Kennedy Space Center. Commissioner Hartage reported that supporting resolutions have been adopted by several local entities. He stated the Brevard County Tourist Development Council has agreed to cover the cost of the name change and to be responsible for all efforts related to moving this process through the proper authority.

#### Appearances

The following person addressed the Board:

- Bonnie King, assistant director of the Space Coast Office of Tourism (no address given).
- Jorge Figueredo (no address given), for the Orlando/Orange County Expressway Authority's executive director Harold Worrall.

#### Discussion

The Board discussed the percentages of vehicles using the BeeLine after leaving the Orlando International Airport, the hidden costs of replacing highway signage and reprinting maps, and Orlando/Orange County Expressway Authority's and Volusia County's position.

#### Action

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

#### **ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA**

1. Selection of one firm and two alternates to provide engineering services for the Lake Apopka Basin master drainage plan, RFP Y1-804-PH ([Stormwater Management Division] Purchasing and Contracts Division).

#### Discussion

Commissioner Hartage, who was unable to attend the March 21, 2001, Procurement Review Committee meeting, reviewed the committee's recommendation from the following firms listed alphabetically:

- Camp Dresser & McKee, Inc.
- Parsons Engineering Sciences, Inc.
- PBS&J

The Board discussed jurisdictional division of funding for water management projects.

**Action**

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

- #1 Camp Dresser & McKee, Inc.**
- #2 PBS&J**
- #3 Parsons Engineering Sciences, Inc.**

**and further, authorized staff to enter into contract negotiations for engineering services for the Lake Apopka Basin master drainage plan, RFP Y1-804-PH.**

2. Selection of four firms and one alternate to provide continuing stormwater engineering services, RFP Y1-902-PH ([Stormwater Management Division] Purchasing and Contracts Division).

Discussion

Commissioner Hartage, present at the March 28, 2001, Procurement Review Committee meeting, reviewed the committee's recommendation from the following firms listed alphabetically:

- Camp Dresser & McKee, Inc.
- Civil Engineering Group, Inc.
- Inwood Consulting Engineers, Inc.
- Professional Engineering Consultants, Inc.
- Singhofen & Associates, Inc.

**Action**

**Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler, and carried with Commissioners Jacobs, Johnson, Sindler, Hoenstine, and Hartage voting AYE by voice vote; County Chairman Crotty and Commissioner Edwards voting NO by voice vote; the Board selected five firms as follows:**

- Civil Engineering Group, Inc.
- Camp Dresser & McKee, Inc.
- Inwood Consulting Engineers, Inc.
- Professional Engineering Consultants, Inc.
- Singhofen & Associates, Inc.

and further, authorized staff to enter into contract negotiations for continuing stormwater engineering services, RFP Y1-902-PH.

**HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA**

1. Overview of the Streetscape Program (Health and Family Services Department).

**Staff Report**

Staff presented a report on the Streetscape Program, a partnership with communities, and highlighted the program's budget, major components, and results.

**Discussion**

The Board discussed the program's benefits, rising budgetary expenses, maximizing budget funding through matching grants, and the participation of all cities within the County.

**Action**

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

**NONAGENDA - WASHINGTON PARK STREETLIGHTING MSTU**

Commissioner Hartage stated that the required vote of 66 2/3 percent for scheduling MSTU for streetlighting in Washington Park was not met because of absentee ownership and vacant lots. He requested that the Board authorize a public hearing be scheduled to consider the establishment of a streetlighting MSTU for Washington Park.

The County Chairman directed staff to research the issue and determine an appropriate hearing date for the proposed MSTU so that the Board can take action on the matter later in the day (see page 65).

**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 I. Johnson, Clarence Hoenstine, Ted Edwards, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

**NONAGENDA - WASHINGTON PARK STREETLIGHTING MSTU - CONTINUED****Action**

**Upon a motion by Commissioner Hartage, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board authorized a public hearing be scheduled to consider a streetlighting MSTU for Washington Park on May 22, 2001, at 2 p.m.**

**APRIL 5, 2001, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS****Action**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Hoenstine, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of April 5, 2001; subject to the usual right of appeal by any aggrieved party.**

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of April 5, 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 TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 66 FOR APPEARANCES, DISCUSSION, AND ACTION.)**

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: PABLO MARULANDA; NO. 01-08, PORTIONS OF UNNAMED RIGHTS-OF-WAY; DISTRICT 1 (CONTINUED FROM MARCH 13, 2001)**

By consensus, the Board reopened the 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, continued from the March 13, 2001, Board meeting.

and

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: PABLO MARULANDA; NO. 01-09, PORTIONS OF UNNAMED RIGHTS-OF-WAY; DISTRICT 1 (CONTINUED FROM MARCH 13, 2001)**

By consensus, the Board reopened the 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, continued from the March 13, 2001, Board meeting.

**Staff Report**

Staff stated that the applicant has requested that these public hearings be continued so that they may be heard the same day as other related issues.

**Appearances**

No one appeared regarding the 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 members present and voting AYE by voice vote, the Board continued the public hearings to consider the following:**

- **Petition to Vacate 01-08 to vacate portions of unnamed rights-of-way in Munger's Subdivision.**

- **Petition to Vacate 01-09 to vacate portions of unnamed rights-of-way in Munger's Subdivision;**

**until May 15, 2001, at 2 p.m.**

**PETITION TO VACATE PUBLIC HEARING - APPLICANT: ORLANDO UTILITIES COMMISSION; NO. 01-06, 60-FOOT DRAINAGE EASEMENT; DISTRICT 3**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Orlando Utilities Commission, Petition to Vacate 01-06, to vacate a 60.0-foot drainage easement on the former Naval Training Center property and also a portion of a Lake Susannah Outfall Canal drainage easement, which is located at 1400 Truman Road which is generally located north of Old Cheney Highway and west of North Semoran Boulevard; District 3; Section 21, Township 22, Range 30,; 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 County Chairman closed the public hearing and opened the matter for Board discussion.

**Action**

**Upon a motion by Commissioner Johnson, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 01-06 vacating a 60.0-foot drainage easement on the former Naval Training Center property and also a portion of a Lake Susannah Outfall Canal drainage easement on the above-described property.**

**BOAT RAMP PUBLIC HEARING - APPLICANT: MATTHEW F. MUENZNER, SETBACK VARIANCE, LAKE SHEEN, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Matthew F. Muenzner for a variance to the 25-foot setback for the construction (resurfacing) of a 15-foot-wide by 76-foot-long boat ramp (the proposed boat ramp has a four-foot (4') setback on the west side of the property and a 79-foot setback on the east side) pursuant to Orange County Code, Chapter 15, Article XV, on property located at 10018 Lone Tree Lane which is adjacent to Lake Sheen, District 1; Section 32, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

**Staff Report**

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

**Appearances**

The following person addressed the Board regarding the request:

- John Russell (no address given).

**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 members present and voting AYE by voice vote, the Board approved a request by Matthew F. Muenzner for a variance to the 25-foot setback for the construction (resurfacing) of a 15-foot-wide by 76-foot-long boat ramp (the proposed boat ramp has a four-foot (4') setback on the west side of the property and a 79-foot setback on the east side) on Lake Sheen, subject to the following conditions:**

- 1. The boat ramp must be slanted to one side to direct as much of the stormwater runoff into the grassy yard as possible.**

2. The driveway and parking areas above the boat ramp must be designed so that these areas do not drain down the boat ramp. This can be accomplished by grade elevation changes or by the incorporation of a trench drain between the boat ramp and parking areas.
3. The construction of a berm and swale system behind the existing seawall to treat the runoff from the home and yard.
4. The boat ramp is for private use only.
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. The Environmental Protection Division must be notified by the applicant or the contractor of the start and completion dates of the project.
7. The permit must be posted in a conspicuous place on site before activity begins and must remain until completion.
8. Any existing aquatic vegetation impacted by the construction of the boat ramp must be replanted.
9. At the completion of the project, the shoreline must be planted with 600 native, aquatic plants on two-foot (2') centers.
10. The construction of the boat ramp shall be in accordance with the stamped, approved drawings.
11. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the boat ramp to the lake.
12. The boat ramp permit may be rescinded in the event that sufficient evidence of adverse environmental impact is provided by Orange County and issuance of this permit shall not be deemed to create any reliance or vested rights in favor of any third party.

13. **An Orange County building permit must be obtained in addition to this permit.**
14. **A separate permit from the State of Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.**

**BOAT DOCK PUBLIC HEARING - APPLICANT: BRIAN GILCRIST, SETBACK VARIANCE, LAKE CONWAY, DISTRICT 4**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Brian Gilcrist for variance approval to the ten-foot (10') property line setback for a boat dock that was constructed in a different location and configuration than was originally permitted pursuant to Orange County Code, Chapter 15, Article XV, on property adjacent to Lake Conway, located at 5240 Driscoll Court; District 4; Section 20, Township 23, Range 30; Orange County, Florida (the legal property description is on file).

**Staff Report**

Staff requested that the public hearing be continued because of an error in notification.

**Appearances**

No one appeared regarding the request.

**Discussion**

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

**Action**

**Upon a motion by Commissioner Hoenstine, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Brian Gilcrist for variance approval to the ten-foot (10') property line setback for a boat dock that was constructed in a different location and configuration than was originally permitted on Lake Conway until May 15, 2001, at 2 p.m.**

**BOAT DOCK PUBLIC HEARING - APPLICANT: KHALID MANSUR, PERMIT, BIG SAND LAKE, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Khalid Manzur for approval to construct a boat dock pursuant to Orange County Code, Chapter 15, Article XV, on property adjacent to Big Sand Lake; located at 8931 Southern Breeze Drive; District 1; Section 3, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

**Staff Report**

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

**Appearances**

No one appeared regarding the request.

**Discussion**

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

**Legal Counsel**

In response to a question from Commissioner Sindler regarding the Board's authority to enforce homeowners' association's covenants and restrictions, the County Attorney stated that the Board does not have the authority to enforce homeowners' association's covenants and restrictions but that it can deny a request based on them.

**Action**

**Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Khalid Manzur for approval to construct a boat dock on Big Sand Lake until May 15, 2001, at 2 p.m.**

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: GIFFORD ANGLIM, GOODINGS PLAZA; CASE Z-00-053, FEBRUARY 15, 2001; DISTRICT 1 (APPEAL FILED BY VINCENT A. MARCHETTI, ADDITIONALLY)**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gifford Anglim, Goodings Plaza, to rezone from General

Commercial District (C-2) (1978) to Planned Development (PD), on property generally located on the east side of International Drive approximately 1,440 feet south of Sand Lake Road; District 1; Section 36, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

#### Staff Report

Staff outlined the request and identified the location of the subject property and the surrounding zoning classifications.

Staff recommended that proposed Condition 11 be revised as follows:

- An irrigated landscape buffer consisting of one live oak, seven inches (7") in caliber, every 50 feet and a continuous anise hedge running along the northern property line from a point beginning 210 feet from International Drive and ending 300 feet from Universal Boulevard. Furthermore, if the existing fence along the northern boundary is determined by survey to be within the boundaries of the subject property, it shall be retained.

#### Appearances

The following person addressed the Board regarding the request:

- John Howell; Holland and Knight, LLP; 200 South Orange Avenue, Orlando, Florida; for the applicant.
- Vincent Marchetti, the appellant (no address given).

#### 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 members present and voting AYE by voice vote, the Board approved the request by Gifford Anglim, Goodings Plaza, to rezone from General Commercial District (C-2) (1978) to Planned Development (PD), on the above described property; subject to the following conditions:**

1. **Development shall conform to the Goodings Plaza Land Use Plan, dated "Received October 19, 2000," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent (the applicable laws, ordinances, and regulations) are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or action of the BCC.**
2. **Signage shall be consistent with the approved master sign plan.**
3. **Four (4) existing monument signs [12-foot-high (12'); eight-foot-wide (8'); with 80 square feet of copy area] shall be reduced in height to 10 feet and shall be retained until substantial redevelopment of the shopping center occurs.**
4. **Prior to or in conjunction with any new development, all the CPD standards, including the provision of ten-foot (10') sidewalks, pedestrian rest areas, and transit services, shall be provided or upgraded throughout the PD.**
5. **If off-site retention is found by developer and deemed appropriate by the County engineer, this shall constitute a nonsubstantial change to the land use plan.**
6. **A master wastewater plan and collection system study including calculations shall be approved prior to approval of construction plans.**
7. **Prior to development plan approval, a developer's agreement needs to be in place to address the maintenance and functioning of the drainage system.**
8. **A 20-foot building setback shall be required along the northern property line.**
9. **The proposed development shall have a maximum building height of 75 feet.**
10. **There shall be no more than two hotel buildings constructed along the northern boundary of the subject property. Only hotel buildings shall be located along the northern boundary of the subject property.**

11. **An irrigated landscape buffer consisting of one live oak, seven inches (7") in caliber, every 50 feet and a continuous anise hedge running along the northern property line from a point beginning 210 feet from International Drive and ending 300 feet from Universal Boulevard. Furthermore, if the existing fence along the northern boundary is determined by survey to be within the boundaries of the subject property, it shall be retained.**
12. **A 35-foot easement shall be provided along International Drive.**

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: SYC CIVIL ENGINEERING, VISTA DEL LAGO; CASE Z-00-078, FEBRUARY 15, 2001; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by SYC Civil Engineering, Vista Del Lago, to rezone from Mobile Home Park District (RT) (1984) to Planned Development (PD), on property generally located north of West Irlo Bronson Memorial Highway and 4,700 feet east of Avalon Road (S.R. 545); District 1; Section 32, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

**Staff Report**

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

**Appearances**

The following persons addressed the Board regarding the request:

- Stephen Chun, president of SYC; 2304 East Robinson Street, Orlando, Florida; for the applicant.
- Terry Michin, 1692 Arrowhead Boulevard, Orlando, Florida.
- Loretta Vale, Arrowhead Boulevard, Orlando, Florida.

**Discussion**

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

Commissioner Jacobs requested that proposed Condition 3 be revised as follows:

- Launching motorized watercraft and commercial nonmotorized watercraft on Little Lake Osage from the subject property is prohibited.

**Action**

**Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the request by SYC Civil Engineering, Vista Del Lago, to rezone from Mobile Home Park District (RT) (1984) to Planned Development (PD), on the above described property; subject to the following conditions:**

- 1. Development shall conform to the Vista Del Lago land use plan, dated "Received November 22, 2000," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent (the applicable laws, ordinances, and regulations) are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.**
- 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. Launching motorized watercraft and commercial nonmotorized watercraft on Little Lake Osage from the subject property is prohibited.**
- 4. Pole signs, billboards, and outdoor storage and display shall be prohibited. The existing billboard shall be removed at the time the existing permit expires in 2002.**
- 5. The east boundary line setback may be reduced from 30 feet to 15 feet upon receipt of a letter of no objection from affected abutting property owners.**

6. **This project's approval is for 136,253 square feet of retail commercial with the ability to convert this use to a maximum of 601,128 square feet of office, or a maximum of 551 timeshare/hotel units or a combination of these uses that does not exceed the number of trips associated with 136,253 square feet of retail/commercial.**
7. **A conservation area determination is required prior to development plan approval.**

**PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING - APPLICANT: LARRY GODWIN, LAKE AUSTIN PLANNED DEVELOPMENT; CASE Z-00-112, FEBRUARY 15, 2001; DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Larry Godwin, Lake Austin Planned Development, to rezone from Citrus Rural (A-1) (1957) and Farmland Rural (A-2) (1957) to Planned Development (PD), on property generally located west of the Avalon Road and Hartzog Road intersection, north of U.S. 192; District 1; Sections 30 and 31, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

**Staff Report**

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, and the future land use map designations in the area.

Staff recommended that proposed Condition 4 be revised as follows:

- No residential development shall occur until:
  - i. Sufficient capacity is or will be available at the affected school to accommodate the additional students expected from the later phase(s) or
  - ii. The Board of County Commissioners determines that the Orange County Public Schools otherwise can manage the addition of the students expected from the later phase(s) without material adverse impact on the quality of education at the affected schools.

Staff also recommended an additional condition be added as follows:

- As part of the planned development zoning process, Orange County shall approve specific development regulations or developers agreements to implement the Growth Center/Resort/Planned Development. Such regulations shall include the following, if applicable:
  - a. Specific development guidelines including, but not limited to, floor area ratios (FAR), stormwater facilities, parking landscaping, lighting, open space, access, building coverage, signage, buffers height pedestrian access, impervious surface area, permitted and prohibited uses, traffic streetscape, and provisions for residential clustering, density bonuses, transfer of development rights, and required approved mixture of uses.
  - b. Specific buffering requirements between the Resort/Planned Development and adjacent properties. Such buffers may include, but not limited to, compatibility of lots adjacent to the perimeter, increased setbacks, enhanced structural or natural buffers.

#### Appearances

The following person addressed the Board regarding the request:

- Kendall Keith; Miller Sellen Conner & Walsh, Inc.; 214 East Lucerne Circle, Orlando, Florida.

#### 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 Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the request by Larry Godwin, Lake Austin Planned Development, to rezone from Citrus Rural (A-1) (1957) and Farmland Rural (A-2) (1957) to Planned Development (PD), on the above described property; subject to the following conditions:**

- 1. Development shall conform to the Lake Austin Property land use plan, dated "Received January 26, 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 Board of County Commissioners (BCC), or by action of the BCC.**
- 2. Prior to construction plan approval, a master stormwater management system and master water and wastewater plans (including preliminary calculations) shall be approved.**
- 3. Pole signs, billboards, and outdoor storage and display are prohibited.**
- 4. No residential development shall occur until:**
  - i. Sufficient capacity is or will be available at the affected school to accommodate the additional students expected from the later phase(s) or**
  - ii. The Board of County Commissioners determines that the Orange County Public Schools otherwise can manage the addition of the students expected from the later phase(s) without material adverse impact on the quality of education at the affected schools.**
- 5. Potential conservation areas exist on site (i.e., wetlands). Prior to plan submittal for development, a conservation area determination is required (reference Section 15-378, Orange County Code).**
- 6. As part of the planned development zoning process, Orange County shall approve specific development regulations or developers agreements to implement the Growth Center/Resort/Planned Development. Such regulations shall include the following, if applicable:**

- a. **Specific development guidelines including, but not limited to, floor area ratios (FAR), stormwater facilities, parking landscaping, lighting, open space, access, building coverage, signage, buffers height pedestrian access, impervious surface area, permitted and prohibited uses, traffic streetscape, and provisions for residential clustering, density bonuses, transfer of development rights, and required approved mixture of uses.**
- b. **Specific buffering requirements between the Resort/Planned Development and adjacent properties. Such buffers may include, but not limited to, compatibility of lots adjacent to the perimeter, increased setbacks, and enhanced structural or natural buffers.**

**JOINT PLANNING AGREEMENT (JPA) PUBLIC HEARING - FIRST AMENDMENT TO RESTATED JPA BETWEEN ORANGE COUNTY AND THE CITY OF WINTER GARDEN, DISTRICT 1**

Notice was given that the Board of County Commissioners would hold a public hearing to consider the first amendment to the Restated Joint Planning Area Agreement between Orange County and the City of Winter Garden; District 1; Orange County, Florida.

**Staff Report**

Staff outlined the proposed amendment, identified the subject property; and further noted that staff recommended approval of the amendment.

**Appearances**

No one appeared regarding the amendment.

**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 members present and voting AYE by voice vote, the Board approved the first amendment to the Restated Joint Planning Area Agreement between Orange County and the City of Winter Garden.**

**NONAGENDA – ADMINISTRATIVE SUPPORT DEPARTMENT CONSENT AGENDA ITEM 6**

Staff announced a correction to Administrative Support Department Consent Agenda Item 6 as follows: The total budget is not to exceed \$617,712 (see page 57 ).

**BOARD OF ZONING ADJUSTMENT BOARD-CALLED PUBLIC HEARING - APPLICANT: WESTGATE LAKES PLANNED DEVELOPMENT; NOVEMBER 2, 2000, ITEM 5; DISTRICT 1 (ADDITIONALLY APPEAL FILED BY DAVID A. SIEGEL; WESTGATE LAKES, INC.; CENTRAL FLORIDA INVESTMENTS, INC.; AND WESTGATE LAKES HOMEOWNERS' ASSOCIATION, REPRESENTING INDIVIDUAL PROPERTY OWNERS WITHIN THE WESTGATE LAKES PLANNED DEVELOPMENT (PD)) (CONTINUED FROM JANUARY 23 AND MARCH 6, 2001)**

By consensus, the Board reopened the public hearing to consider an appeal by David A. Siegel; Westgate Lakes, Inc.; Central Florida Investments, Inc.; and Westgate Lakes Homeowners' Association, representing individual property owners within the Westgate Lakes Planned Development (PD), of the zoning manager's determination that the Westgate Lakes PD prohibits all vessels with internal combustion engines whether rented through a commercial enterprise or privately owned, except for one emergency rescue boat, continued from the January 23 and March 6, 2001, Board meetings (the legal property description is on file).

**Staff Report**

Assistant County Attorney Alan Lawson outlined the request, identified the location of the subject property, and further, requested testimony, under oath, from staff as follows:

- Assistant Zoning Division Manager Tim Boldig, presented testimony on the project's background.
- Assistant Planning Division Manager John Smogor, presented testimony on the project's compatibility with the County's comprehensive policy plan.
- Tracy Watson, planning director for the city of Austin, Texas, and former Planning Department Manager for the County, presented testimony on the project's history in the early 1990s.
- Code Enforcement Division Manager Melvin Pittman, presented testimony on code enforcement activities related to the project.

Court Reporter

A court reporter, Maria Majiros, Miller Reporting, was present.

Appearances

The following persons addressed the Board regarding the request:

- Michael Marder (no address given) for Central Florida Investments, Inc. (CFI).
- Richard Spears (no address given) for the Orange County Homeowners' Association.
- David Leoce, 10082 Brandon Circle, Orlando, Florida.

The County Chairman accepted the following exhibit from Mr. Lawson:

- Composite Clerk's Exhibit 1
  1. May 17, 2000, letter from Zoning Manager Mitch Gordon to Michael E. Marder, Esquire.
  2. Transcript of testimony and deliberations before the Board of Zoning Adjustment.
  3. Complete record of items submitted before the Board of Zoning Adjustment at its hearing on this matter.
  4. Order of Board of Zoning Adjustment upholding Zoning Manager's determination.
  5. Map showing zoning around Big Sand Lake in the early 1980s before rezoning of Westgate Lakes property.
  6. Map showing current zoning around Big Sand Lake.
  7. Current photographs of the Westgate Lakes Resort and homes in residential areas on the opposite shore of Big Sand Lake taken from the lake.

8. Affidavit of Tracy Watson (also submitted before Board of Zoning Adjustment).
9. Memorandum from then Assistant County Attorney Paul H. Chipok to Orange County Chairman and Board of County Commissioners, dated September 7, 1995.
10. Original application to establish lake usage rights for planned development.
11. Minutes from July 19, 1984, Orange County Planning and Zoning Commission hearing at which application was acted upon and condition at issue was adopted.
12. July 19, 1994, notice from Orange County Planning and Zoning Commission.

The County Chairman accepted the following exhibit from Mr. Marder:

- Composite Clerk's Exhibit 2, Central Florida Investments, Inc., vs. Orange County Code Enforcement Board and Orange County, Florida, Case 93-5706, index of documents for hearing April 17, 2001.

#### 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 Sindler, and carried with all members present and voting AYE by voice vote, the Board upheld the zoning manager's determination that the Westgate Lakes Planned Development (PD) prohibits all vessels with internal combustion engines whether rented through a commercial enterprise or privately owned, except for one emergency rescue boat; and further, adopted findings of fact as follows:**

1. **The Westgate Lakes Planned Development is a high-density resort and commercial planned development located on the east shore of Big Sand Lake. The west shore of Big Sand Lake is zoned for and comprised of single-family residences.**
2. **In the early 1980s, the entire shoreline of Big Sand Lake was zoned for low-density residential development. As part of the compromise to allow the owner of the Westgate Lakes property to rezone for a higher density use, the owner agreed to a condition of approval prohibiting the use of watercraft with internal combustion engines.**
3. **This restriction was necessary to protect surrounding residential areas from the noise, disturbance, and safety concerns associated with a disproportionately high volume of motorized boat traffic that would be expected from a high-density resort-type development.**
4. **Orange County has placed similar restrictions on all other high-density or commercial planned developments approved for development on lakes in Orange County where the shoreline is primarily zoned for residential use. This is consistent with the County's comprehensive policy plan, which directs that residential areas should be protected from disruption by poorly located activity.**
5. **By its very terms, the restriction against motorized watercraft adopted in 1984 for the Westgate Lakes Planned Development clearly applies to all watercraft operated from the planned development, whether rented through a commercial enterprise to resort guests or privately owned by individual property owners within the planned development.**
6. **In addition, the Board finds that it was the intent and understanding of both the County and the owner (at the time this restriction was adopted) that the restriction would apply to all motorized watercraft operated from the planned development, whether rented or privately owned.**
7. **Finally, the Board finds that any other interpretation would be unreasonable in that it would allow the very harms that the restriction was designed to prevent: a high volume of motorized boat traffic negatively affecting the peaceful use and enjoyment of adjacent residential neighborhoods.**

**MEETING ADJOURNED**

There being no further business, the County Chairman adjourned the meeting at 4:55 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Chairman

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

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