

MEETING OPENED

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

- County Chairman Mel Martinez
- Commissioners Bob Freeman, Bob Sindler, Ted Edwards, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

Commissioners Mary Johnson and Clarence Hoenstine were absent.

There being a quorum, the County Chairman called the meeting to order at 1:30 p.m.

The Board paused for an invocation by Anne Leibowitz, a resident of Belmont Estates, followed by the Pledge of Allegiance to the Flag.

REPORT OF THE CHARTER REVIEW COMMISSION

Greta Weis, Vice-chairman of the 2000 Charter Review Commission, addressed the Board and presented the Commission's final report. Ms. Weis stated that no prospective amendments will be placed on the November ballot.

Presentation Of Employee Service Awards

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

- Cynthia Smith Jay, Dockets, Corrections Department; and Greta A. Hayward, Central Booking, Direction Supervision, Corrections Department for 20 years of service.

- Thomas Wheeler, Fire Operations Administration, Fire Rescue Department for 25 years of service.

DISABILITY CONFERENCE AND PRESENTATION OF DISABILITY HANDBOOK

Staff Report

Deputy Health and Family Services Department Director Ella Gilmore presented a report on the Disability Awareness Conference held in July 2000.

Marilyn Baldwin, chairman of the Disability Advisory Board, addressed the Board and outlined the functions of the Disability Advisory Board.

COUNTY CONSENT AGENDA

Action

Upon a motion by Commissioner Hartage, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hoenstine were absent; the Board approved the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the September 7, 2000, meeting of the Library District Governing Board (Comptroller Clerk of the Board of County Commissioners).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, as follows:
 - Period from September 8, 2000, to September 13, 2000; total of \$8,985,782.28.

(Finance and Accounting Department)

County Administrator

1. Approval of the Pay Up Program Grant Award in the amount of \$44,754.30 and adjustment of the budget by the same amount as shown in Budget Amendment 00-79 (Office of Management and Budget).

(Budget Amendment 00-79 is on file in the Comptroller Finance and Accounting Department.)

2. Approval of Budget Amendments 00-80, 00-81, 00-82, 00-83, and 00-84 (Office of Management and Budget).

(Budget Amendments 00-80 through 00-84 are on file in the Comptroller Finance and Accounting Department.)

3. Approval of Budget Transfer 00-509 (Office of Management and Budget).

(Budget Transfer 00-509 is on file in the Comptroller Finance and Accounting Department.)

4. Approval of CIP Amendments 57-00, 58-00, 59-00, 60-00, 61-00, 62-00, and 63-00 (Office of Management and Budget).

(CIP Amendments 57-00 through 63-00 are on file in the Office of Management and Budget.)

5. Approval of the proposed holidays for calendar year 2001 for employees of the Board of County Commissioners (Human Resources and Labor Relations).

6. Approval of payment of intergovernmental claims for August 24, 2000, totaling \$267,443.68 (Risk Management Division).

7. Receipt and filing of minutes for the August 17, 2000, meeting of the Intergovernmental Risk Management Committee for the official County record (Risk Management Division).

8. Approval of Resolution 2000-B-13 approving the issuance of Orange County Industrial Development Authority Industrial Development Revenue Bonds (Bishop Moore High School Project) Series 2000, in a principal amount not to exceed \$10,000,000 for the Roman Catholic Diocese of Orlando to finance educational facility capital improvements at Bishop Moore High School (Orange County Industrial Development Authority).

Administrative Support Department

1. Approval to award Invitation for Bid Y0-649-JS to the low responsive and responsible bidder, Mobile Hydraulic Equipment Company, for two two-ton tow trucks with boom crane and power all unit. The total unit cost is \$125,450 for a total contract award amount of \$250,900 ([Utilities Water Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bid Y0-772-BI to the low responsive and responsible bidder, Aagaard-McNary Construction, Inc., for construction of Barber Park hockey court. The total contract award amount is \$191,700 ([Construction Administration Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bid Y0-1017-SI to the low responsive and responsible bidder, Brownie's Environmental Services for a one-year term contract for sewage and liquid sludge hauling. The estimated contract award amount is \$110,250 ([Wastewater Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bid Y0-1020-GH to the low responsive and responsible bidder, Florida Recycling Services, Inc., for a one-year term contract with renewal clause for refuse container services. The estimated contract award amount is \$227,819.64 ([Purchasing and Contracts Division] Purchasing and Contracts Division).

5. Approval of Amendment 1, Contract Y0-119-SI, with H&H Liquid Sludge Disposal, Inc., for biosolids management in the amount of \$106,782 for a total contract amount of \$416,286 ([Wastewater Division] Purchasing and Contracts Division).
6. Approval of Task Authorization 4, Contract Y9-905, with Post, Buckley, Schuh and Jernigan, Inc., to provide administrative/program management support services for the Orange County Convention Center in the lump sum amount of \$483,500.47 ([Public Works Engineering Division] Purchasing and Contracts Division).
7. Approval of Task Authorization 8, Contract Y9-903B, with Nodarse and Associates, Inc., to provide construction materials testing services for Apopka-Vineland Road, Segment 1 (Conroy-Windermere to Westover Roberts) for a not-to-exceed fee of \$131,075 ([Highway Construction Division] Purchasing and Contracts Division).
8. Approval and execution by County Chairman of Joinder and Consent to Amendment to Roadway and Utilities Agreement and Joinder and Consent to Amendment to Master Declaration of Covenants, Conditions, and Restrictions and authorization to record instruments for Orange Avenue (Southern Connector to Taft-Vineland Road), District 4 (Real Estate Management Division).
9. Approval and execution by County Chairman of assignment of contract between Pine Street Plaza, Inc., and Orange County for 100 East Pine Street, Orlando, Florida, District 3 (Real Estate Management Division).
10. Approval and execution by County Chairman of School Facility Joint Use Agreement/Orange County Aloma Elementary School/Cady Way Trail for Cady Way Trail, Phase II (Cady Way to Seminole County Line) between the School Board of Orange County, Florida, and Orange County, District 5 (Real Estate Management Division).

11. Approval of temporary utility easement and authorization to record instrument for Andover Lakes, Village 2B, Phase 1 Plat, District 4 (Real Estate Management Division).
12. Approval of utility easement and subordinations of encumbrances to property rights and authorization to record instruments for Alexan at World Gateway, District 1 (Real Estate Management Division).
13. Approval of temporary access, utility, and drainage easement, and authorization to record instrument for Andover Cay-Phase I, District 4 (Real Estate Management Division).
14. Approval of utility easement and subordination of encumbrance to property rights and authorization to record instrument for Waterford Lakes Apartments, Parcel 8, District 4 (Real Estate Management Division).
15. Approval of temporary easement and authorization to disburse warrant to pay recording fees and record instrument for Lake LaGrange drainage improvements, District 4 (Real Estate Management Division).
16. Approval of sidewalk easement and authorization to disburse warrant to pay recording fees and record instrument for Palm Lake Circle sidewalk improvements, District 1 (Real Estate Management Division).
17. Approval of purchase price above appraised value, contract for sale and purchase between James N. Locke, as Trustee of the James N. Locke 1988 Trust and Orange County; warranty deed, authorization to conduct closing, record instrument, and disburse warrant to pay purchase price and appropriate closing costs for Trimble Park Addition, Lake County (Real Estate Management Division).
18. Approval of Change Order 2, Contract C99752, with Putnam Engineering and Construction Corporation for the Corrections Horizon and Support steam/hot water boiler system in the

amount of \$95,643. Approval will increase the previous contract amount from \$712,341 to \$807,984, District 6 (Construction Administration Division).

Growth Management and Environmental Resources Department

1. Approval to advertise Resolutions 2000-ZON-390 through 2000-ZON-397 to place special assessment liens and amended special assessment liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Resolutions for amended special assessment liens and special assessment liens:

LC 00-317; LC 00-331; LC 00-332; LC 00-333; LC 00-354;
LC 00-355; LC 00-357; LC 00-312

Districts 1 and 2 (Code Enforcement Division).

2. Approval of a developer's agreement between Orange County and Glenwood Holdings, Inc., for "pay-as-you-go" fee payment for the Colonial Woods Subdivision Planned Development, District 5 (Planning Division).
3. Approval of the Subordination Agreement between Orange County and the Fountains at Bay Hill for the subordination of the lien related to the deferral of impact fees, District 1 (Planning Division).
4. Approval of the Weatherization Low Income Home Energy Assistance Program (LIHEAP); Weatherization Low Income Emergency Home Repair Program (LEHRP); and the Weatherization Assistance Program (WAP) agreements between Orange County and the State of Florida Department of Community Affairs for increasing energy efficiency in homes occupied by low-income residents. There is a 20 percent local match for LEHRP in the amount of \$31,097 which will be funded from public service tax funds in the division's budget, all districts (Housing and Community Development Division).

Public Works Department

1. Approval of "Yield" signs for the Bridge Water Subdivision Phase I, District 4 (Traffic Engineering Division).

Utilities Department

1. Approval of Wholesale Potable Water Agreement between Orange County and the City of Winter Garden for the Magnolia Woods Area/Winter Garden Southeast Service Area, District 1 (Engineering Division).
2. Approval of the Waste Tire Grant Agreement for fiscal year 2001 between the State of Florida Department of Environmental Protection and Orange County in the amount of \$443,567, all districts (Solid Waste Division).
3. Approval of the Litter Control and Prevention Grant Agreement for fiscal year 2001 between the State of Florida Department of Environmental Protection and Orange County in the amount of \$16,924, all districts (Solid Waste Division).
4. Approval of the Recycling and Education Grant Agreement for fiscal year 2001 between the State of Florida Department of Environmental Protection and Orange County in the amount of \$115,619, all districts (Solid Waste Division).
5. Approval of the applications for commercial refuse licenses for Maddox Waste Services, Inc., and All Pro Services Co., to provide solid waste hauling services to commercial generators in Orange County, all districts (Solid Waste Division).

ADMINISTRATIVE SUPPORT DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and one alternate to provide engineering services for construction, engineering, and inspection (CEI) phase services for the West Orange Trail

Phase III, RFP Y0-822-BI ([Construction Administration Division] Purchasing and Contracts Division).

Discussion

Commissioner Edwards, present at the Procurement Review Committee meeting of August 23, 2000, reviewed the Committee's selection recommendation from the following firms listed alphabetically:

- KCCS, Inc.
- Mehta & Associates, Inc.

Action

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

- #1 KCCS, Inc.
- #2 Mehta & Associates, Inc.

and further, authorized staff to enter into contract negotiations to provide engineering services for construction, engineering, and inspection (CEI) phase services for the West Orange Trail Phase III, RFP Y0-822-BI.

2. Selection of three firms and one alternate to provide continuing professional engineering studies (Public Works) RFP Y0-907-DB ([Public Works Engineering Division] Purchasing and Contracts Division).

Discussion

Commissioner Edwards, present at the Procurement Review Committee meeting of August 23, 2000, reviewed the Committee's selection recommendation from the following firms listed alphabetically:

- AVCON, Inc.
- Berryman and Henigar

- Kimley-Horn and Associates, Inc.
- Lochrane Engineering, Inc.

Commissioner Edwards requested selection of all four firms. In response to Commissioner Edward's request, the County Administrator confirmed that all four firms may be selected, but would need to be ranked.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Hartage; with County Chairman Martinez and Commissioners Sindler, Edwards, and Hartage voting AYE by voice vote; Commissioner Freeman voting NO by voice vote; Commissioners Johnson and Hoenstine were absent; the Board selected all four firms, and ranked them as follows:

- #1 Berryman and Henigar
- #2 AVCON, Inc.
- #3 Lochrane Engineering, Inc.
- #4 Kimley-Horn and Associates, Inc.

and further, authorized staff to enter into contract negotiations to provide continuing professional engineering studies (Public Works) RFP Y0-907-DB.

CONVENTION CENTER DISCUSSION AGENDA

1. Approval of extension of the Convention Center food service contract with Levy Restaurants through August 2008.

Staff Report

Staff presented a report regarding food service for the Convention Center, the needs of the food service customer, and the terms of the present contract with Levy Restaurants. Staff requested Board approval to extend the current food service contract with Levy Restaurants through August 2008 and to include Phase V as part of the contract.

Discussion

The Board discussed the food service selection process, the possibility of delaying the contract, the value of the new proposed contract, and the positive comments received from conventioners regarding the quality of Levy Restaurants.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, and carried with County Chairman Martinez and Commissioners Freeman, Sindler, and Edwards voting AYE by voice vote; Commissioner Hartage voting NO by voice vote; Commissioners Johnson and Hoenstine were absent; the Board approved the extension of the Convention Center food service contract with Levy Restaurants through August 2008; and further, approved including Phase V in the contract.

GROWTH MANAGEMENT AND ENVIRONMENTAL RESOURCES DEPARTMENT
DISCUSSION AGENDA

1. Direct staff to process the proposed amendment to the Communication Tower Ordinance regarding the City of Ocoee Joint Planning Area, Districts 1 and 2 (Zoning Division).

Staff Report

Staff presented a report regarding a proposed transitional area within the City of Ocoee Joint Planning Area (JPA) that will limit communication towers to within 125 feet of the JPA abutting Ocoee residential areas.

Action

Upon a motion by Commissioner Sindler, seconded by Commissioner Freeman, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hoenstine were absent; the Board directed staff to process the proposed amendment to the Communication Tower Ordinance regarding the City of Ocoee Joint Planning Area.

WORKSESSION - UTILITIES DEPARTMENT

1. Holden Heights/Bithlo/Zellwood Utilities septic tanks and private well retrofits, Districts 2, 5, and 6.

Staff Report

Staff presented a report regarding septic tank and private well retrofit projects for the Holden Heights, Bithlo, and Zellwood areas and overviewed the Community Development Block Grant (CDBG) Assistance Program.

Discussion

The Board discussed financing impact fees through a Municipal Taxing Service Unit (MSTU), the rates paid by residents for services, infrastructure costs, safety, and health issues.

Action

The Board did not take any action.

SEPTEMBER 8, 2000, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hoenstine were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of September 8, 2000, with the exception of Item 5 in the name of New Destiny Christian Center, and with the addition of Item 3 in the name of AT&T Corporation from the August 3, 2000, Board of Zoning Adjustment recommendations (see August 15, 2000, Board of County Commissioners' minutes); subject to the usual right of appeal by any aggrieved parties; and further, authorized scheduling a public hearing for Item 5 in the name of New Destiny Christian Center on October 31, 2000.

For the record, appeals of the recommendations of the Orange County Board of Zoning Adjustment under date of September 8, 2000, were filed in the Zoning Department and scheduled by the Comptroller Clerk's Office for public hearing, as follows:

- Appellant/Applicant: Florida Rock Industries; Item 1; public hearing date: October 10, 2000.
- Appellant: Zion Lutheran Churches; Applicant: Yellow Dog Eats, Inc.; Item 2; public hearing date: October 10, 2000.

ORDINANCE PUBLIC HEARING - AMENDING ORANGE COUNTY CODE, CHAPTER 33, INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT

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

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING CERTAIN SECTIONS IN ARTICLE VIII OF CHAPTER 33 OF THE ORANGE COUNTY CODE, AND AMENDING A SECTION IN ARTICLE III OF ORANGE COUNTY ORDINANCE 92-37, ALL OF WHICH PERTAIN TO THE "INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT"; REPEALING SECTION 33-254 WHICH WOULD HAVE ABOLISHED THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT ("DISTRICT") ON OCTOBER 1, 2000; REPEALING SECTION 33-273(c) WHICH WOULD HAVE REQUIRED THE DISTRICT GOVERNING BOARD TO EVALUATE ALTERNATIVE SOURCES OF REVENUE FOR THE DISTRICT; REPEALING SECTION 3.04 OF ORDINANCE 92-37, AS AMENDED BY ORDINANCE 96-30, WHICH WOULD HAVE REPEALED ORDINANCE 92-37; AND SPECIFYING AN EFFECTIVE DATE.

Staff Report

Staff reviewed the proposed ordinance and outlined its provisions.

Appearances

No one addressed the Board regarding the proposed ordinance.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by County Chairman Martinez, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hoenstine were absent; the Board adopted Ordinance 2000-22 amending Orange County Code, Chapter 33, International Drive Master Transit and Improvement District.

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 Glatting Jackson, Inc.; Keene's Pointe Planned Development/Land Use Plan (PD/LUP); to amend the LUP to absorb the abutting 80-acre Amon PD (aka Windmill Pointe) and its allowable 78 single-family units into Keene's Pointe; add the remaining undeveloped single-family units from Keene's Pointe to be developed at minimum 90-foot-wide lots along the western property line, and minimum 70-foot-wide lots on the balance of the property; and also to allow the previously approved 44 single-family units from the R.D. Keene's Park contribution; pursuant to Orange County Code, Section 38-1207; on property generally located north of S.R. 535 and south of Chase Road between Lake Burden and Lake Tibet-Butler; District 1; Section 29, 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:

- John Rinehart; Glatting Jackson, Inc.; the applicant; 33 East Pine Street, Orlando, Florida.

Discussion

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

Action

Upon a motion by Commissioner Freeman, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hoenstine were absent; the Board approved the request by Glatting Jackson, Inc.; Keene's Pointe Planned Development/Land Use Plan (PD/LUP); to amend the LUP to absorb the abutting 80-acre Amon PD (aka Windmill Pointe) and its allowable 78 single-family units into Keene's Pointe; add the remaining undeveloped single-family units from Keene's Pointe to be developed at minimum 90-foot-wide lots along the western property line, and minimum 70-foot-wide lots on the balance of the property; and also to allow the previously approved 44 single-family units from the R.D. Keene's Park contribution; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

STAFF DETERMINATION APPEAL - APPLICANT: FRANCIS L. LEMAY, UNPERMITTED WETLAND IMPACTS, DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal filed by Francis L. Lemay of the decision of the Environmental Protection Division on a determination of unpermitted wetland impacts, pursuant to Orange County Code, Chapter 15, Article X.

Staff Report

Staff reviewed the request and the determination.

Appearances

The following person addressed the Board regarding the request:

- Francis Lemay, the applicant, 5807 Queen Street, Orlando, Florida.

Discussion

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

Action

Upon a motion by Commissioner Hartage, seconded by County Chairman Martinez, and carried with all present members voting AYE by voice vote; Commissioners Johnson and Hoenstine were absent; the Board upheld the decision of the Environmental Protection Division on a determination of unpermitted wetland impacts, pursuant to Orange County Code, Chapter 15, Article X; and further, directed the applicant to comply with permitting regulations.

MEETING ADJOURNED

There being no further business, the County Chairman adjourned the meeting at 4:35 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Chairman

Deputy Clerk

Minutes Coordinator