

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:10 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 18, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Bob Sindler, Mildred Fernandez, Linda Stewart, and Bill Segal
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Deputy Clerk Rosilyn Stapleton

Commissioner Teresa Jacobs was absent. Commissioner Homer Hartage joined the meeting where indicated.

The Board paused for the invocation by Imam Muhammad Musri, president of the Islamic Society of Central Florida, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Imam Musri.

PRESENTATIONS

The County Mayor presented a proclamation to former Cooperative Extension Service Director Dee Wilkins recognizing her retirement from Orange County on December 31, 2004.

Commissioner Hartage joined the meeting.

The County Mayor presented a proclamation instituting the Senior Academy to Ann Manley, chairman of the Commission on Aging.

Arts and Cultural Affairs Office Administrator Terry Olson and N.Y. Nathiri, executive director of the Association to Preserve the Eatonville Community, addressed the Board regarding the art of Leon L. Theodore currently on display in the chambers.

NONAGENDA

Commissioner Sindler presented the Board with an award from the Town of Eatonville

which he accepted on behalf of Orange County for its participation in the Martin Luther King, Jr., parade.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board deferred Administrative Services Department Item 5 for discussion in conjunction with the public hearing to consider Petition to Vacate 04-18 (see page 269 for subsequent approval); and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Authorization for execution by the Mayor of the Agreement for the MSBU for Orangewood Village for the approved Orangewood Village MSBU for reimbursable common area maintenance (Administrative/Fiscal Division).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for the following period:
 - January 7, 2005, to January 13, 2005; total of \$17,083,554.05

(Finance and Accounting Department).

County Administrator

1. Approval for the Sheriff's Office to spend \$5,000 from the Law Enforcement Trust Fund to provide eligible contribution to Central Florida YMCA Black/Hispanic Achievers Program (Office of Management and Budget).
2. Approval of payment of intergovernmental claims of December 16, 2004, December 23, 2004, and December 30, 2004, totaling \$995,894.04 (Risk Management Division).
3. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).

4. Nomination of Ralph G. Winterhoff for appointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee with a term expiring April 4, 2006 (Agenda Development Office).
5. Confirmation of the appointment of Lorraine T. Tuliano as the District 3 representative on the Planning and Zoning Commission and confirmation of the reappointment of John Ellis, Jr., as the District 6 representative on the Planning and Zoning Commission. The terms of the appointments will expire December 31, 2006 (Agenda Development Office).
6. Confirmation of the appointment of Luis Orlando Soto as the District 3 representative on the Board of Zoning Adjustment and confirmation of the appointment of Frank J. Detoma as the District 5 representative on the Board of Zoning Adjustment. The terms of the appointments will expire December 31, 2006 (Agenda Development Office).
7. Confirmation of the reappointment of Patricia Tyson as the District 6 representative on the Citizen Review Board with a term expiring December 31, 2006 (Agenda Development Office).
8. Confirmation of the reappointment of John Munro as the District 6 representative on the Membership and Mission Review Board with a term expiring December 31, 2006 (Agenda Development Office).

Administrative Services Department

1. Approval to award Invitation for Bids Y5-131-HF, Paper Products for the Convention Center, to the low responsive and responsible bidders, The Eco Store for Lot 1, in the estimated annual contract award amount of \$179,800, and Peninsular Paper for Lot 2, in the estimated annual contract award amount of \$217,000 ([Convention Center] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-143-JS, Temporary Clerical Labor, to the low responsive and responsible bidders, Kforce, Inc., Florida Employer Solutions, Inc., Ablest Staffing Company, and AppleOne Employment Services. The estimated contract award amount is \$3,457,800 ([Purchasing and Contracts Division] Purchasing and Contracts Division).

3. Approval of Amendment 5, Contract Y0-832, Eastern Regional Water Supply Facility Phase 2B Expansion, with Black & Veatch Corporation in the amount of \$809,314 for a total contract amount of \$4,786,643 ([Utilities Engineering Division] Purchasing and Contracts Division).
4. Approval of Drainage Easement and authorization to record instrument for Lot Split at 9940 C.R. 535, District 1 (Real Estate Management Division).
5. Approval of Temporary Access Easement and authorization to record instrument for Hartzog Road Realignment (Road Impact Fee Credit Committee), PTV 04-18, District 1 (Real Estate Management Division).

(As stated in the above motion, this item was deferred for consideration in conjunction with the public hearing for Petition to Vacate 04-18 (see page 269 for subsequent approval.)

Community and Environmental Services Department

1. Acceptance of an Orange County Proposed Consent Agreement with a \$15,000 administrative penalty made payable to the Windermere Water and Navigation Control District, in the case of Windermere Botanical Gardens, L.P. (aka Chaine Du Lac Subdivision), for unpermitted dredging and for exceeding the limits of, and not fully complying with, the permit for lakeshore vegetation removal, District 1 (Environmental Protection Division).

Public Works Department

1. Approval of the Agreement between Orange County and The Fountains at Rio Pinar Homeowners' Association, Inc., for Traffic Law Enforcement on Private Roads, District 3 (Development Engineering Division).
2. Approval of the Agreement between Orange County and Pebble Creek Homeowners' Association for Traffic Law Enforcement on Private Roads, District 4 (Development Engineering Division).
3. Approval to issue Change Order No. 1-PW to Contract No. Y3-740, Sand Lake Hills Stormwater Outfall Improvements-Phase II to Schuller Contractors, Inc., in the amount of \$168,453.30, District 1 (Highway Construction Division).

4. Approval to install 3 speed humps on Citrus Oaks Avenue, District 1 (Traffic Engineering Division).
5. Approval to install a traffic signal at the intersection of Avalon Park Boulevard and Timber Creek High School North Driveway, District 4 (Traffic Engineering Division).

Utilities Department

1. Approval of the Bay Meadow Relief Elementary School water main oversizing in the amount of \$157,824.80, District 1.

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following file for the record documents:
 - a. Meeting minutes of December 17, 2004, County Chairman Crotty, Commissioner Stewart, and Dr. John C. Hitt, president of the University of Central Florida.
 - b. Florida Public Service Commission notice of hearing and prehearing re: Adoption of the National School Lunch Program and an income-based criterion at or below 135 percent of the federal poverty guidelines as eligibility criteria for the Lifeline and Link-Up Programs.

(Comptroller Clerk of the Board of County Commissioners)

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Discussion regarding the MetroPlan Orlando 2025 Transportation Long Range Plan.

Harold Barley, executive director of MetroPlan Orlando, addressed the Board and presented a report; Board discussion ensued. No action was taken.

COUNTY ATTORNEY DISCUSSION AGENDA1. Appointments to Consolidation Study Commission.

The County Mayor presented a report on this item and a list for consideration of proposed nominees by the district commissioners. He noted that he and the Vice-mayor were not submitting nominees.

Upon a motion by County Mayor Crotty, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board appointed César Calvet, Jimmy Goff, Doug Kelly, Monty Knox, and Fran Pignone to serve as its representatives on the Consolidation of Services Study Commission.

COUNTY COMPTROLLER DISCUSSION AGENDA1. Presentation of Annual Investment Report for FY 2004 (Administration/Fiscal Division).

County Comptroller Haynie presented the annual investment report. Board discussion ensued. No action was taken.

The County Mayor 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 Mayor Richard T. Crotty
- Commissioners Bob Sindler, Mildred Fernandez, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- Senior Assistant County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Teresa Jacobs was absent. Commissioner Linda Stewart joined the meeting where indicated.

JANUARY 6, 2005, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Hartage, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Stewart were absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of January 6, 2005, subject to the usual right of appeal by any aggrieved party.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: MICHAEL MURRAY FOR CROWN LAKE EVE CONDOMINIUMS, LLC; NO. 03-30; RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Michael Murray for Crown Lake Eve Condominiums, LLC; Petition to Vacate 03-30, to vacate a right-of-way known as East Road, generally lying north of International Drive and west of Westwood Boulevard; Parcel ID 14-24-28-0000-00-004; District 1; Section 14, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

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

The County Mayor noted the applicant present and in concurrence with the recommendation.

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

Upon a motion by Commissioner Segal, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Stewart were absent; the Board adopted a resolution granting Petition to Vacate 03-30 vacating a right-of-way known as East Road on the above-described property.

THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER.COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

Administrative Services Department

5. Approval of Temporary Access Easement and authorization to record instrument for Hartzog Road Realignment (Road Impact Fee Credit Committee), PTV 04-18, District 1 (Real Estate Management Division).

and

PETITION TO VACATE PUBLIC HEARING-APPLICANT: BRIAN T. LOWER FOR ORANGE LAKE COUNTRY CLUB; NO. 04-18, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Brian T. Lower for Orange Lake Country Club, Inc.; Petition to Vacate 04-18, to vacate a portion of a right-of-way known as Hartzog Road, on property located at 14001 Hartzog Road and an unaddressed parcel; generally lying north of the Irlo Bronson Memorial Highway and east of Avalon Road; Parcel IDs 29-24-27-0000-00-005 and 29-24-27-0000-00-016; District 1; Section 29, Township 24, Range 27; Orange County, Florida (the legal property description is on file).

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

The County Mayor noted the applicant present and in concurrence with the recommendation.

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

Upon a motion by Commissioner Hartage, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Stewart were absent; the Board adopted a resolution granting Petition to Vacate 04-18 vacating a portion of a right-of-way known as Hartzog Road and an unaddressed parcel on the above-described property.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Stewart were absent; the Board approved a temporary access easement and authorized recording an instrument for Hartzog Road Realignment (Road Impact Fee Credit Committee) Petition to Vacate 04-18.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: DANIEL G. PELLETIER; NO. 04-25 PORTION OF DRAINAGE AND UTILITY EASEMENT, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Daniel G. Pelletier, Petition to Vacate 04-25, to vacate a portion of

a drainage and utility easement lying north of Curry Ford Road and west of Central Florida Greenway in the Villages of Rio Pinar Phase 1 Subdivision, on property located at 2032 Winding Oaks Drive; Parcel ID 06-23-31-2100-02-082; District 3; Section 06, Township 23, Range 31; Orange County, Florida (the legal property description is on file).

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

The County Mayor noted the applicant present and in concurrence with the recommendation.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Stewart were absent; the Board adopted a resolution granting Petition to Vacate 04-25 vacating a portion of a drainage and utility easement on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: CHRISTOPHER HERON; NO. 04-26; PORTION OF DRAINAGE EASEMENT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Christopher Heron, Petition to Vacate 04-26, to vacate a portion of a 30-foot-wide drainage easement lying north of Windy Ridge Road and east of Hempel Road in the Lake Down Cove Subdivision, on property located at 2508 Hempel Cove Court; Parcel ID 04-23-28-4397-00-080; District 1; Section 04, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

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

The County Mayor noted the applicant present and in concurrence with the recommendation.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and

Stewart were absent; the Board adopted a resolution granting Petition to Vacate 04-26 vacating 30-foot-wide drainage easement on the above-described property.

Commissioner Stewart joined the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: DAVID BEELER, BEELER BUILT, INC.; WINDERMERE ESTATES 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 David Beeler; Beeler Built, Inc.; Windermere Estates Planned Development/Land Use Plan (PD/LUP); to amend the LUP to reduce the rear principal building setback for Lot 44 from 50 feet to 40 feet, pursuant to Orange County Code, Section 38-1207; on property generally located on the north side of Ridgewind Way, west of McKinnon Road; Parcel ID 01-23-27-2519-00-440; District 1; Section 01, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

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.

The County Mayor noted the applicant present and in concurrence with the recommendation.

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by David Beeler, Beeler Built Inc.; Windermere Estates Planned Development/Land Use Plan (PD/LUP); to amend the LUP to reduce the rear principal building setback for Lot 44 from 50 feet to 40 feet; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the LUP, dated "Received September 28, 1994," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances,

and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.

2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County.

The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

3. All previous conditions of approval shall apply.

BUDGET AMENDMENT PUBLIC HEARING-AMENDING FY 04-05 BUDGET

Notice was given that the Board of County Commissioners would hold a public hearing to consider encumbrance rollovers, grant rollovers/carryover funding, capital improvement program rebudget adjustments, actual fund balances, and other necessary adjustments.

Staff outlined the proposed budget amendments.

No one appeared regarding the request.

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

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

- Budget Amendment 05-14, Encumbrance Rollover Amendments-amends the adopted budget for all encumbrance rollovers for 50 nongrant funds.

- Budget Amendment 05-15, Grant Rollover Amendments-amends the adopted budget for all carryover funding for 67 grant funds.
- Budget Amendment 05-16, Fund Balance Amendments-amends the adopted fund balance budget for all nongrant funds for the difference between actual and estimated fund balance with adjustments allocated between personal services, operating expenses, capital, and reserves.
- CIP Amendment 05-17, Capital Improvement Adjustments-amends project costs for the capital improvement budget for differences between actual and estimated rebudgets, revisions to fund balance, and other adjustments.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 2:35 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Senior Minutes Coordinator