

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 1, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Deputy County Comptroller as Clerk Jim Moye
- Deputy Clerk Rosilyn Stapleton

Commissioners Teresa Jacobs and Bob Sindler were absent.

The Board paused for the invocation by Father Brian R. Sheridan of the Good Shepherd Catholic Church, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Father Sheridan.

PRESENTATIONS

Presentation of proclamation designating the month of February as "Black History Month" to the chairman of the Black History Month Steering Committee, Deloris Batson.

Presentation of proclamation recognizing School Crossing Guards to the school crossing guard program coordinator, Bertis Negron. Orange County Sheriff Kevin Beary addressed the Board and expressed gratitude to the crossing guards for their dedication.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Sindler were absent; the Board approved the County Consent Agenda items as follows:

## County Comptroller

1. Authorization for execution by the County Mayor of the Agreement for the MSBU for Granada Maintenance Corporation. The purpose of the agreement is for the approved Granada Maintenance Corporation MSBU for maintenance of nonpaved portions of road rights-of-way and areas over which Orange County has a landscape easement (Administrative/Fiscal Division).
2. Authorization for execution by the County Mayor of the Agreement for the MSBU for Ginger Mill. The purpose of the agreement is for the approved Ginger Mill MSBU for reimbursable common area maintenance (Administrative/Fiscal Division).
3. Authorization for execution by the County Mayor of the Agreement for the MSBU for Rio Pinar East. The purpose of the agreement is for the approved Rio Pinar East MSBU for reimbursable common area maintenance (Administrative/Fiscal Division).
4. Authorization for execution by the County Mayor of the Agreement for the MSBU for Watermill Cove. The purpose of the agreement is for the approved Watermill Cove MSBU for reimbursable common area maintenance (Administrative/Fiscal Division).
5. Approval of the minutes of the January 4, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
6. Approval of the Disposition of Tangible Personal Property:
  - a. Scrap assets.
  - b. Trade in assets for an allowance towards the purchase of new equipment.
  - c. Dispose of an asset that was totaled out by our Third Party Administrator.
  - d. Sell an asset through sealed bid.

(Property Accounting Department)

7. 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:

- January 14, 2005, to January 20, 2005; \$22,799,309.47
- January 21, 2005, to January 27, 2005; \$29,016,416.15

(Finance and Accounting Department).

#### County Administrator

1. Approval for the Sheriff's Office to spend \$38,732 from the Law Enforcement Trust Fund to provide eligible contributions to Restore Orlando, Inc. (\$500) and to the National Latino Peace Officers Association, Central Florida Chapter (\$1,000); Sheriff Programs/Equipment for the Drug Abuse Resistance Education Program/Tee's Plus (\$31,232); and the Orange County Sheriff's Officers Crisis Intervention Team (\$6,000) (Office of Management and Budget).
2. Approval for payment of budgeted administrative expenses for the Orange Blossom Trail Development Board (Office of Management and Budget).
3. Approval of the Membership and Mission Review Board's recommendation of the reappointment to the Animal Services Classification Committee of Deborah J. Turner in the at large representative category and Scott F. Friedman in the American Kennel Club representative category with terms expiring December 31, 2006; and the appointment of Cpl. Ron L. Walker to the Animal Services Classification Committee to succeed Sgt. Jay Stephen Hinton, Jr., in the K-9 handler category with a term expiring December 31, 2005 (Agenda Development Office).

#### County Sheriff

1. Acceptance and execution of the application for the Florida Department of Law Enforcement's (FDLE) Edward Byrne Memorial State and Local Law Enforcement Formula Grant, and authorization for the County Mayor to execute the Certificate of Acceptance. The Orange County Sheriff's Office will be reimbursed 100 percent for coordinating the Intoxilyzer 8000 Phase III Project. Project costs are based on a budget of \$24,650 (\$18,487 federal and \$6,162 match by the FDLE) (Grants).

## Administrative Services Department

1. Approval of Contract Y5-175, HVAC Preventive Maintenance and Repairs, with Trane Orlando, a Division of American Standard, Inc. The total contract award amount is not to exceed \$227,880 for an eight-month period ([Facilities Management Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-705-PH, Duo Lakes Drive Water Distribution System, to the low responsive and responsible bidder, Schuller Contractors, Inc. The total contract award amount is \$138,000 (Utilities Engineering Division] Purchasing and Contracts Division).
3. Approval of Amendment 1, Contract Y3-501, Consulting Services for Customer Information System Project (CIS), with Langham Consulting Services, Inc., in the amount of \$715,200 for a new not-to-exceed contract amount of \$1,354,200 ([Customer Services Division] Purchasing and Contracts Division).
4. Approval and execution by the County Mayor of Sovereignty Submerged Lands Lease Modification to Increase Square Footage between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County, and authorization to disburse warrant to pay recording fees and record instrument for Moss Park Mooring Dock, District 4 (Real Estate Management Division).
5. Approval and execution by the County Mayor of Second Amendment and Extension of Lease between Liberty Property Limited Partnership and Orange County for office and warehouse space for Sheriff's Training Facility, located at 8556 Exchange Drive, Suites 200 and 234, Orlando, Florida, District 6 (Real Estate Management Division).
6. Approval and execution by the County Mayor of Partial Release of Lands Encumbered by Non-Exclusive Stormwater Drainage and Retention Pond Easement Agreement, and approval of Non-Exclusive Easement Agreement and Subordination of Encumbrances to Property Rights, and authorization to record instruments for Curry Ford Road (Eastern Beltway to Alafaya Trail) Lockheed Martin/Woodland Lakes, District 4 (Real Estate Management Division).

7. Approval and execution by the County Mayor of Distribution Easement and authorization to record instrument for Orange County Landfill Southern Expansion Site, District 4 (Real Estate Management Division).
8. Approval of Utility Easement and Ingress-Egress Easement and authorization to record instruments for Horizons at Vista Lakes, District 4 (Real Estate Management Division).
9. Approval of Temporary Utility Easements and authorization to record instruments for Woodland Lakes Preserve, District 4 (Real Estate Management Division).
10. Approval of Contract for Sale and Purchase and Warranty Deed, authorization to disburse warrant to pay purchase price and closing costs, and perform all actions necessary and incidental to closing for Green PLACE, District 5 (Real Estate Management Division).

#### Community and Environmental Services Department

1. Approval of the Florida Communities Trust Grant Award Agreement in the amount of \$166,550.98 and Grant Award Calculation Statement for the Fort Christmas Community Park Addition (Parks and Recreation Division).
2. Approval to advertise Resolutions 2005-CED-036 through 2005-CED-044 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:  
  
LC 05-098; LC 05-101; LC 05-073; LC 05-086; LC 05-089; LC 05-112;  
LC 05-128; LC 05-129; LC 05-130;  
  
Districts 4 and 6 (Code Enforcement Division).

#### Growth Management Department

1. Approval of a Developer's Agreement between Orange County and Rigo Tile Warehouse for the "Pay-As-You-Go" Fee Payment for Rigo Tile Warehouse on Goldenrod Road, affecting the road segment on Colonial Drive from Semoran Boulevard to Central Florida Greenway, District 3 (Fiscal and Administrative Services).

#### Health and Family Services Department

1. Approval of the application to license the Hal Marston Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start).
2. Approval of the application to license the Pine Hills Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start).
3. Approval of the renewal Certificate of Public Convenience and Necessity for Maitland Fire Department to provide Advanced Life Support Transport Services. The term of this certificate is from February 1, 2005, through February 1, 2007. There is no cost to the County (Emergency Medical Services Office).

#### Public Safety

1. Approval to increase the authorized manning table for the Government Service Center by 16 new positions (Public Safety Communications).

#### Public Works Department

1. Approval of the Interlocal Agreement among Orange County, the City of Orlando, and the Millenium Parc, Inc. (developer), regarding the City's maintenance of stormwater pipes in the County's right-of-way for John Young Parkway, District 6 (Public Works Department).
2. Approval of the Project Agreement between Orange County and the United States Department of Agriculture, Natural Resources Conservation Service, to install watershed protection measures to relieve hazards and damages created by Hurricane Frances, all districts (Stormwater Management Division).
3. Approval of the Grant (Economic Development Transportation Trust Fund Agreement) between State of Florida Office of Tourism, Trade, and Economic Development and Orange County and accompanying Resolution 2005-M-05 accepting future maintenance and attendant costs for the roadway in connection with the WinDoor Incorporated Project, District 4 (Public Works Engineering Division).

## INFORMATIONAL ITEMS\*

## County Comptroller

1. Receipt of the following file for the record documents:
  - a. St. Johns River Water Management District 2005 Governing Board meeting schedule.
  - b. Copy of Resolution 04-019, Tohopekaliga Water Authority schedule of annual meetings for the calendar year 2005.
  - c. International Drive Master Transit and Improvement District Financial Statements for the year ended September 30, 2004.
  - d. Follow-Up audit of the Orange County Courthouse Construction-Minority/Women Business Enterprise Issues (Administrative/Fiscal Division).

(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.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of 1 firm and 1 alternate to provide Communications and Public Relations Consulting Services for the Convention Center, Request for Proposals Y5-104-HF ([Convention Center] Purchasing and Contracts Division).

Staff reviewed the committee's recommendation for the selection of 1 firm and 1 alternate to provide Communications and Public Relations Consulting Services for the Convention Center from the following firms listed alphabetically:

- MPB Communications, Inc.
- Patterson-Bach Communications, Inc.

Upon a motion by Commissioner Fernandez, seconded by County Mayor Crotty, and carried with County Mayor Crotty and Commissioners Fernandez, Stewart, and Hartage voting AYE by voice vote; Commissioner Segal voting NO by voice vote; Commissioners Jacobs and Sindler were absent; the Board selected 1 firm:

- Patterson-Bach Communications, Inc.

and 1 alternate:

- MPB Communications, Inc.

and further, authorized staff to enter into contract negotiations to provide Communications and Public Relations Consulting Services for the Convention Center, Y5-104-HF.

#### HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Orange County Regional History Center Annual Report (Regional History Center Division).

Staff presented a report on this item. Alesandra Saunders, president of the Historical Society of Central Florida, Inc., addressed the Board and contributed to the report. Board discussion ensued. No action was taken.

#### COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Code Enforcement Division Annual Report to the Board on program highlights and code enforcement activities and Board approval of the Fee Resolution for permitting directional signage in the public rights-of-way (Code Enforcement Division).

Staff presented a report and requested approval of the resolution; Board discussion ensued.

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Sindler were absent; the Board adopted Resolution 2005-M-06 for permitting directional signage in the public rights-of-way.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA-CONTINUED

2. Presentation on the merits of owning or leasing real property to meet Orange County's facility needs (Administrative Services Department).

Staff presented a report on this item; 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 Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Administrator Ajit Lalchandani
- Senior Assistant County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioners Teresa Jacobs and Bob Sindler were absent.

NONAGENDA

The County Mayor acknowledged the presence of former Commissioner Tom Staley in attendance.

PRESENTATION

Presentation of Employee Service Awards to: Kimberly J. Krause (20), Animal Services, Community and Environmental Services; Chester Zysk (20), Community Corrections, Tammi J. Unser (20), Professional Services, Josephine Reid (20), Charles N. Hudson (20), Billy Joe Richardson (20), Ernestine Farrell (20), In-Custody Security, Corrections Department; Curtis W. Norton, Jr. (25), Operations, Fire Rescue; Alex Sanchez (25), Zoning, Growth Management; Sadie M. Rivera (20), and Lillian R. McCray (20), Head Start, Vanessa O. Hood (20), Health Services, Health and Family Services; Rogelio D. Lambo (20), Engineering, Roscoe J. Friend, Jr. (20), Highway Construction, Public Works.

JANUARY 20, 2005, PLANNING AND ZONING COMMISSION 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 Sindler were absent; the Board accepted the recommendations of the Planning and Zoning Commission under date of January 20, 2005, with the exception of Cases Z-04-078 and Z-05-011; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings for Case Z-04-078 in the name of Hugh Harling, Windermere Professional Park Planned Development; and Case Z-05-011 in the name of Louis R. Haubner, Jr.; on March 8, 2005.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: COLE WHITAKER, TRUSTEE; LAKE DAVIS PRESERVE PRELIMINARY SUBDIVISION PLAN; AMEND PLAN; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Cole Whitaker, trustee; Roper Real Estate, Inc.; Lake Davis Reserve Preliminary Subdivision. As part of the original approval, Tract C was depicted as a private roadway for the property boundary of Marleon Drive. This request is to convert Tract C as a 60-foot public right-of-way. Tract C will also include Orange County Utility facilities (Tract A will remain a private roadway); pursuant to Orange County Code, Section 34-27; on property generally located east of S.R. 525, south of West Lake Butler Road; Parcel ID 13-23-27-0000-00-006; District 1; Section 13, 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; Commissioners Jacobs and Sindler were absent; the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Cole Whitaker, trustee; Roper Real Estate, Inc.; Lake Davis Reserve Preliminary Subdivision to convert Tract C as a 60-foot

public right-of-way (Tract C will also include Orange County Utility facilities. Tract A will remain a private roadway); which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Lake Davis Reserve Subdivision, dated "Received November 8, 2004"; 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 any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. All previous conditions shall apply.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-THE ENCLAVE PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider The Enclave Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located north of Oak Drive, west of North Hiawassee Road; Parcel ID 02-22-28-5844-00-330; District 2; Section 02, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 18.95-acre site for 50 single-family units with a minimum living area of 1,200 square feet.

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Staff stated that Commissioner Sindler requested this public hearing be continued because he is unable to be in attendance.

The following person addressed the Board regarding the request:

- Dennis Hall, area resident

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

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Sindler were absent; the Board continued the public hearing to consider The Enclave Preliminary Subdivision Plan (PSP), until March 8, 2005, at 2 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-ENERGY AIR LOTS 1, 2, 3, AND 4 PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Energy Air Lots 1, 2, 3, and 4 Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; on property generally located east of Pine Hills Road, north of Rimar Ridge Subdivision; Parcel ID 31-21-29-0000-00-037; District 2; Section 31, Township 21, Range 29; Orange County, Florida (the legal property description is on file).

This plan proposes the development of a 12.836-acre site for 4 lots.

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Staff stated that Commissioner Sindler requested this public hearing be continued because he is unable to be in attendance.

The County Mayor noted the applicant present and concurs with the continuance.

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 Sindler were absent; the Board continued the public hearing to consider the Energy Air Lots 1, 2, 3, and 4 Preliminary Subdivision Plan (PSP), until March 8, 2005, at 2 p.m.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, PERTAINING TO SCHOOL IMPACT FEES/NEW RESIDENTIAL CONSTRUCTION

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

AN ORDINANCE PERTAINING TO SCHOOL IMPACT FEES IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 23-122 OF THE ORANGE COUNTY CODE TO PROVIDE CERTAIN UPDATED

FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 23-124 OF THE ORANGE COUNTY CODE TO ADOPT AND INCORPORATE BY REFERENCE A REVISED AND UPDATED STUDY AND ANALYSIS REGARDING THE SCHOOLS IN CONJUNCTION WITH NEW RESIDENTIAL CONSTRUCTION; AMENDING SECTION 23-141 TO INCREASE THE AMOUNTS TO BE PAID AS IMPACT FEES FOR SCHOOLS IN CONJUNCTION WITH NEW RESIDENTIAL CONSTRUCTION; AMENDMENT TO SECTION 23-144 ALTERNATIVE SCHOOL IMPACT FEE CALCULATION; PROVIDING FOR VARIOUS MISCELLANEOUS MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff stated that the School Board Chairman and Commissioner Sindler requested the public hearing be continued to allow them to attend.

The following person addressed the Board regarding the proposed ordinance:

- Roy Messenger

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioners Jacobs and Sindler were absent; the Board continued the public hearing to consider the proposed ordinance amending Orange County Code pertaining to school impact fees/new residential construction until March 8, 2005, at 3:30 p.m.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 3 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Mayor

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Deputy Clerk

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Senior Minutes Coordinator

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