

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, October 2, 2007  
Location: Commission Chambers, Orange County Administration Center,  
First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Richard T. Crotty; Commissioners Teresa Jacobs,  
Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal,  
Tiffany Moore  
Others Present: County Comptroller as Clerk Martha Haynie, County Administrator  
Ajit Lalchandani, County Attorney Tom Drage, Deputy Clerk Rosilyn  
Stapleton

- CALL TO ORDER, 9:05 a.m.
- Invocation-Senior Pastor Terence Gray, Saint Mark African Methodist Episcopal Church
- Pledge of Allegiance
- Presentation-Proclamations designating the month of October 2007 as "Hispanic Heritage Month"
- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Fernandez/Stewart  
AYE (voice vote): All members  
Action: The Board deleted County Administrator Item 10 and Utilities Department Item 2; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the August 28, September 6, and September 10, 2007, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorization to make quarterly payments to the Comptroller from the Building/Planning/Zoning, Convention Center/Tourist Development Tax, Water Utilities Division, Solid Waste Division, and Public Works Department funds, for fees beginning October 2007 through September 2008 (Administration).
3. Authorization to make monthly payments to the Comptroller from the General Fund, Fire Rescue, Parks and Recreation, and Public Service Tax funds for fees beginning October 2007 through September 2008 (Administration).

4. 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:

- September 14, 2007, to September 20, 2007; total of \$20,442,645.39
- September 21, 2007, to September 27, 2007; total of \$112,306,843.22

(Finance and Accounting Department).

#### County Administrator

1. Approval of budget amendments #07-82, #07-86, and #07-87 (Office of Management and Budget).

(Budget amendments are on file in the Comptroller Finance and Accounting Department.)

2. Approval of budget transfer #07-1733 (Office of Management and Budget).

(Budget transfer is on file in the Comptroller Finance and Accounting Department.)

3. Approval of County observed holidays for the 2008 calendar year (Human Resources Division).

4. Approval of payment of Intergovernmental claims of March 29, 2007; April 12, 2007; April 26, 2007; May 3, 2007; May 17, 2007; May 31, 2007; June 7, 2007; June 21, 2007; June 28, 2007; July 12, 2007; July 26, 2007; August 9, 2007; and August 16, 2007; totaling 3,664,756.84 (Risk Management Division).

5. Approval to award Invitation for Bids Y7-1065-DG, Heavy Duty Truck Parts - Fire Rescue, to the low responsive and responsible bidder, Florida Detroit Diesel, for Lots 1, 3, 6, 9, 11, and 13. The total contract award amount is \$208,061.60 for a 1-year term ([Fire Rescue Department] Purchasing and Contracts Division).

6. Approval to award Invitation for Bids Y7-1097-LC, Fence Installation and Repair, to the low responsive and responsible bidder, All-Rite Fence Company, Inc. The estimated contract award amount is \$689,285 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).

7. Approval to award Invitation for Bids Y7-644-GJ, Dish Machines for the Orange County Convention Center, to the low responsive and responsible bidder, Beltram Edge Tool Supply, Inc. The total contract award amount is \$170,975 ([Convention Center] Purchasing and Contracts Division).

8. Approval to award Invitation for Bids Y8-109-JS, Temporary Labor - Television Production Assistance, to the low responsive and responsible bidder, TAC Worldwide Companies. The estimated contract award amount is \$634,459 for a 1-year term ([Communications Division] Purchasing and Contracts Division).
9. Approval to award Invitation for Bids Y7-791-J2, Lisa Waterway Canal Pollutant Removal Structures, to the low responsive and responsible bidder, Emerald Utilities and Site Development, Inc. The total contract award amount is \$341,515 ([Highway Construction Division] Purchasing and Contracts Division).
10. Approval to award Invitation for Bids Y7-792-J2, Hansel Avenue Pond Outfall Improvements, to the low responsive and responsible bidder, Price Construction, Inc. The total contract award amount is \$219,502.50 ([Highway Construction Division] Purchasing and Contracts Division).

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

11. Confirmation of Commissioner Stewart's appointment of Kevin R. Sutton to the Lake Jessamine Water Advisory Board with a term expiring December 31, 2008 (Agenda Development Office).
12. Confirmation of Commissioner Stewart's reappointment of Rabon Vause and appointment of Stephen M. Udouj to the Lake Conway Water and Navigation Control District Advisory Board with terms expiring December 31, 2008 (Agenda Development Office).

#### Administrative Services Department

1. Approval and execution by the County Mayor of Lease Agreement between Thomas J. Karr, Jr., and James L. Gissy, Trustee of the James L. Gissy Revocable Trust, dated April 19, 1999, and Orange County; and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, for a temporary fire station for Fire Station #35 temporary location located at 12144 Chase Road, Orlando, Florida, District 1 (Real Estate Management Division).
2. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Rouse Road (Lake Underhill Road to Corporate Boulevard), Districts 3 and 5 (Real Estate Management Division).
3. Approval and execution by the County Mayor of Resolution 2007-M-54 regarding repudiation of any interest in tax parcel 12-22-27-6496-27-004 and authorization to disburse funds to pay recording fees and record instrument for Windtree Lane, District 1 (Real Estate Management Division).

4. Approval of Utility Easement between Hud-Fourteen, LLC, and Orange County and Subordination of Encumbrance to Property Rights between Wachovia, N.A., and Orange County and authorization to record instruments for Hudson Furniture @ South Center - Utility File No. 49885, District 4 (Real Estate Management Division).
5. Approval of Utility Easement between KFC U.S. Properties, Inc., and Orange County and authorization to record instrument for KFC @ Waterford Lakes - Utility File #42948, District 4 (Real Estate Management Division).
6. Approval of Temporary Access Easement between RA Investment Holdings, Inc., and Grant-Allan Enterprises, Inc., and Orange County and Temporary Access, Drainage, and Utility Easement between RA Investment Holdings, Inc., and Grant-Allan Enterprises, Inc., and Orange County and authorization to record instruments for Lake Sawyer South Phase 3 Plat, District 1 (Real Estate Management Division).
7. Approval of Drainage and Utility Easement between Taft Pit, Inc., and Orange County and Drainage and Utility Easement between Taft Recycling, Inc., and Orange County and authorization to record instruments for Petition to Vacate #06-39 (West 7th Street), District 4 (Real Estate Management Division).
8. Approval of Utility Easement between East Central District, Florida Annual Conference, United Methodist Church, Inc., successor by merger with the Methodist Church District Board of Missions and Church Extension of Orlando District, Inc., and Orange County, Utility Easement between University Baptist Church of Orlando, Inc., also known as University Baptist Church, and Janet Warner, Ted McAfee, and Steve Dunnavant as Trustees of University Baptist Church of Orlando, Inc., and Orange County, Utility Easement between Juan E. Repollet, joined by his wife, Michelle Rodriguez, and Orange County and authorization to record instruments for Petition to Vacate #06-43 (Knox Avenue and Radnor Avenue), District 5 (Real Estate Management Division).

#### Health and Family Services Department

1. Approval of the Community Action Board bylaws revisions (Community Action Division).
2. Board approval to process Department of Juvenile Justice invoices for the remainder FY 2006-07 and for FY 2007-08. The invoices for FY 2006-07 are estimated to be \$8,255,223. The invoices for FY 2007-08 are estimated to be \$8,559,840 (Fiscal Division).
3. Board approval to enter into an interagency agreement with the Department of Juvenile Justice for the sharing of confidential information pertaining to juveniles in the custody of Department of Juvenile Justice. This is necessary to verify the accuracy of charges to Orange County (Fiscal Division).

4. Approval of Family of Readers® Subcontract Agreement between Reading Is Fundamental, Inc., and Orange County for participation in the Inexpensive Book Distribution Program (Head Start Division).

#### Public Safety

1. Modification #3 to Grant Agreement between the State of Florida Division of Emergency Management and Orange County to reinstate and to modify Contract Number 06-DS-3W-06-58-01-250, CFDA Number 97.067, dated November 17, 2005 (Office of Emergency Management).
2. Approval of the Second Amendment to Interlocal Agreement between Orange County Fire Rescue and the Town of Oakland regarding Joint Public Safety Facility (Fire Rescue Logistics Division).

#### Public Works Department

1. Approval of "Stop" sign installations in Grandview Isles Subdivision, District 1 (Traffic Engineering Division).
2. Approval to install a "Stop" sign on Merriewood Drive at Winnetka Court, District 6 (Traffic Engineering Division).
3. Approval to install multi-way "Stop" signs at the intersection of Derexa Drive and Venetta Way, District 1 (Traffic Engineering Division).
4. Approval of "Stop" and "Yield" sign installations in Lake Burden South Phase 1 Subdivision, District 1 (Traffic Engineering Division).
5. Approval to install a "No Parking" zone on the north side of E. Canterclub Trail from N. Wekiva Springs Road to 275 feet east, District 2 (Traffic Engineering Division).
6. Approval to increase the existing 25 miles-per-hour posted speed limit on J. Lawson Boulevard to 35 miles-per-hour from Boggy Creek Road to a point 0.4 mile west, and to 40 miles-per-hour from that point to Victoria Falls Drive, District 4 (Traffic Engineering Division).
7. Approval of Homeowners' Association Agreement for Subdivision Traffic Control Devices in the Shadow Bay Springs Subdivision that provides for the Association to install and maintain decorative street name and traffic control signposts, District 1 (Traffic Engineering Division).

## Utilities Department

1. Approval of the Interlocal Agreement for Sharing of Data related to the Orlando Utilities Commission Billing Activity for the Orange County Utilities Department, all districts (Customer Service).
2. Approval of the Utility Work by Highway Contractor Agreement (at utility expense) and Memorandum of Agreement between State of Florida Department of Transportation and Orange County (Project #420086-1-56-01 - Good Homes Road) and Utility Work by Highway Contract Agreement (at utility expense) and Memorandum of Agreement between State of Florida Department of Transportation and Orange County (Project #239535-4-56-01 - State Road 50) for construction improvements for State Road 50 (Colonial Drive) from Good Homes Road to Pine Hills Road in the amount of \$7,168,000 (Engineering).

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

3. Approval of the Water Main Utility Line Construction Agreement between Orange County, Florida, and Quorum Mandalay, L.P., for the Lake Pickett Road Realignment and Water Main Extension project in the amount of \$145,671.69, District 5 (Engineering).
4. Approval of the Carter-OCC Land Trust Lift Station and Sewer System Construction and Easement Agreement between Orange County and Daryl M. Carter, Trustee, Carter-OCC Land Trust for the construction of a master pump station near the intersection of Goldenrod Road and Hoffner Avenue, District 4 (Engineering).

• INFORMATIONAL ITEMS\*

1. Receipt of the following items to file for the record:
  - a. Memorandum dated August 31, 2007, from the County Administrator's Office acknowledging fulfillment of the July 26, 2007, Board condition for the approval of the Community Venues that a Sports Complex Lease be negotiated and approved.
  - b. Florida Public Service Commission Final Order Amending Certificate No. 040-W and Closing Docket re: Application for quick-take amendment of Certificate No. 040-W to extend water service to certain territory in Orange County by Utilities, Inc., of Florida.
  - c. Florida Public Service Commission Prehearing Order re: Petition for determination of need for Lake Agnes-Gifford 230 kV transmission line in Polk and Orange Counties by Progress Energy Florida and Tampa Electric Company.

2. Clarification of the August 21, 2007, file for the record item with regards to receipt of the Ranger Drainage District Public Facility Report, dated February 22, 1995; to state receipt of notification letter from the Ranger Drainage District that there have been no changes to the report.

(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.

#### HEALTH AND FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA

1. Commission on Aging Annual Report (Commission on Aging Division).

Staff presented a report. James R. Auffant, chairman, Commission on Aging; Sandra Johnson, Serving Health Insurance Needs of Elders (SHINE); and Bill Schafer, vice-president, Growing Bolder; contributed to the report. Board discussion ensued.

Action: None

Member Exited-Commissioner Stewart

#### ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval and execution by the County Mayor of Lease Agreement between Orange County and Farmworker Association of Florida, Inc., and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, for office space for Farmworker Services Center located at 1264 South Apopka Boulevard, Apopka, Florida, and approval to award Invitation for Bids Y7-784-CD, Construct Farmworker Services Center, to the low responsive and responsible bidder, Sloan Builders, Inc., in the contract award amount of \$1,124,268 for Farmworker Services Center located at 1264 South Apopka Boulevard, Apopka, Florida (Real Estate Management Division/Purchasing and Contracts Division).

Staff presented a report and recommended approval of this item. Board discussion ensued.

Commissioner Brummer requested that a condition be added as follows: A bronze plaque is to be mounted on a granite foundation or pedestal in the vicinity of the entrance stating: "This property was donated by Wayne Harrod and dedicated to the memory of his son, Michael Derek Harrod, for the benefit of the farm workers of Central Florida." Additionally, the building will be named the "Michael Derek Harrod Building" and this name will be on the front of the building in accordance

with the standards used for County buildings. The cost of the plaque, stand, and building designation plaque are to be borne by Wayne Harrod.

Motion/Second: Commissioners Brummer/Fernandez

Absent: Commissioner Stewart

AYE (voice vote): All present members

Action: The Board approved and authorized execution by the County Mayor of the Lease Agreement between Orange County and Farmworker Association of Florida, Inc., and delegated authority to the Real Estate Management Division to exercise renewal options, if needed, for office space for Farmworker Services Center located at 1264 South Apopka Boulevard, Apopka, Florida; further, awarded Invitation for Bids Y7-784-CD, Construct Farmworker Services Center, to the low responsive and responsible bidder, Sloan Builders, Inc., in the contract award amount of \$1,124,268 for Farmworker Services Center located at 1264 South Apopka Boulevard, Apopka, Florida; and further, subject to the following:

- A bronze plaque is to be mounted on a granite foundation or pedestal in the vicinity of the entrance stating: "This property was donated by Wayne Harrod and dedicated to the memory of his son, Michael Derek Harrod, for the benefit of the farm workers of Central Florida."
- Additionally, the building will be named the "Michael Derek Harrod Building" and this name will be on the front of the building in accordance with the standards used for County buildings. The cost of the plaque, stand, and building designation plaque are to be borne by Wayne Harrod.

#### COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. "Orange to Green" Climate Change Summit Debriefing (Environmental Protection Division).

Staff presented a report. Board discussion ensued. County Comptroller Haynie, County Administrator Lalchandani, and Deputy County Administrator Weinberg contributed to the discussion.

Member Re-entered-Commissioner Stewart

Action: None

- MEETING ADJOURNED, 10:55 a.m.

• MEETING RECONVENED, 2 p.m.

Members Present: County Mayor Richard T. Crotty; Commissioners Teresa Jacobs, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, Tiffany Moore

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Deputy Clerk Rosilyn Stapleton

Presentation of Employee Service Awards to: William R. Smith (25), Fleet Management, Administrative Services; Wynnette Bryant Hinkle (20), In-Custody Security, Corrections; Jon M. Haskett (20), Operations, Fire Rescue; Almastine Coleman (30), Shirley A. Brown (30), Head Start, Health and Family Services; Eugenio Morales (25), Fiscal and Administrative Services, Patricia Jane Spear (20), Customer Service, Willie Lemon (20), and Daniel D. Deleon (30), Water Reclamation, Utilities.

NOTE: The following public hearings meet applicable statutory and code requirements for publication/notification. Associated affidavits of publication, legal property descriptions, and staff reports are on file.

• DEVELOPMENT PLAN PUBLIC HEARING

Applicant: J.D. Alsabbagh, Sycamore Engineering, Inc., Dorscher Plaza Planned Development-Lot G-Holiday Inn Express & Suites Development Plan

Consideration: Request for a development plan; this plan proposes the construction of a 111-room hotel, with a maximum building height of 50 feet, on a total of 2.15 acres

Location: District 6; property generally located south of West Colonial Drive, east of Dorscher Road; Parcel ID 26-22-28-2139-07-000; Section 26, Township 22, Range 28; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- J.D. Alsabbagh, the applicant
- Lazar Ouzounov, area resident

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

Motion/Second: Commissioners Moore/Segal

AYE (voice vote): All members

Action: The Board approved Dorscher Plaza Planned Development (PD)-Lot G-Holiday Inn Express & Suites Development Plan (DP) on the described property, subject to the following conditions:

1. The development shall conform to the Dorscher Plaza PD; Orange County Board of County Commissioners (BCC) approvals; Holiday Inn Express & Suites DP, dated "Received July 19, 2007"; and to the following conditions of approval. Development based upon this approval shall comply with all 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. In the event of a conflict or inconsistency between a condition of approval of this DP and the actual DP, dated "Received July 19, 2007," the condition of approval shall control to the extent of such conflict or inconsistency.
2. There shall be no boarding house rentals for longer than 30 days.
3. Outdoor storage and display shall be prohibited.
4. Billboards and additional pole signs shall be prohibited. Ground signs shall comply with the Master Sign Plan and fascia signs shall comply with Chapter 31.5.
5. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
6. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this PD.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Lance Bennett, MSCW, Inc., Signature Lakes Planned Development (PD)/Land Use Plan

Consideration: Substantial change request to grant 5 waivers to reconcile the Horizon West approved PD Guidelines by the PD Zoning Code specifically:  
- A waiver from Section 38-1258(f), which requires a 6-foot-high masonry, brick, or block wall between multi-family and single-family residences

- A waiver from Section 38-1258(g), to allow multi-family to directly access right-of-way serving single-family residences
- A waiver from Section 38-1258(i), which requires the multi-family tract to be fenced when directly across from single-family residences
- A waiver from Section 38-1258(a), which requires the maximum building height be restricted to 1 story within 100 feet of single-family residences
- A waiver from Section 38-1258(e), to allow parking for multi-family to be less than 25 feet from single-family residences and to require a 25-foot Type C landscape buffer; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located northwest of Ficquette Road, southwest of Lake Speer; Parcel IDs 22-23-27-0000-00-001, 28-23-27-0000-00-008, 27-23-27-0000-00-009; Sections 22, 27, and 28, Township 23, Range 27; Orange County, Florida (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- Geoffrey McNeill for the developer
- Jose Gaztambide, area resident
- Edmundo Burruezo, area resident

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

Motion/Second: Commissioners Jacobs/Stewart

AYE (voice vote): All members

Action: The Board continued the public hearing until October 23, 2007, 2 p.m., to consider the substantial change request by Lance Bennett, MSCW, Inc., Signature Lakes Planned Development (PD)/Land Use Plan (LUP), to grant 5 waivers to reconcile the Horizon West approved PD Guidelines by the PD Zoning Code specifically:

- A waiver from Section 38-1258(f), which requires a 6-foot-high masonry, brick, or block wall between multi-family and single-family residences
- A waiver from Section 38-1258(g), to allow multi-family to directly access right-of-way serving single-family residences
- A waiver from Section 38-1258(i), which requires the multi-family tract to be fenced when directly across from single-family residences
- A waiver from Section 38-1258(a), which requires the maximum building height be restricted to 1 story within 100 feet of single-family residences
- A waiver from Section 38-1258(e), to allow parking for multi-family to be less than 25 feet from single-family residences and to require a 25-foot Type C landscape buffer; pursuant to Orange County Code, Chapter 30, Section 38-1207;

which constitutes a substantial change to the development on the described property.

- LAKESHORE PROTECTION PERMIT APPEAL

Applicant: Gale Ashbridge  
Appellant: Michael O'Keeffe  
Consideration: Appeal of the June 27, 2007, decision of the Environmental Protection Commission on a request by Gale Ashbridge for a Lakeshore Protection Permit (LSP 06-144)  
Location: District 4; property located at 3684 Gatlin Place Circle on Lake George; Parcel ID 09-23-30-2957-01-150; Section 09, Township 23, Range 30; (legal property description on file)

Staff presented a report; the County Mayor opened the public hearing for comments. The following persons addressed the Board:

- Gale Ashbridge, the applicant
- Scott Frazier, for the appellant
- John Conboy, area resident
- Nancy Hoebelheinrich, area resident

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

Motion/Second: Commissioners Stewart/Segal

AYE (voice vote): All members

Action: The Board upheld the Environmental Protection Commission's decision and approved the request by Gale Ashbridge for a Lakeshore Protection Permit (LSP 06-144) subject to the following new specific conditions:

1. All plantings shall be located within the legal boundaries of the applicant's property.
2. The Clean Lakes Initiative Program (CLIP) reimbursement funds shall only be applied to the removal of invasive/exotic plants and purchase and planting of approved herbaceous ground-cover plants.
3. The Lakeshore Protection permit shall not authorize the violation of any property rights of any adjacent property owner. If it is determined by a court of competent jurisdiction that the Planting Plan, or any condition of this permit, violates property rights, including riparian rights, of an adjacent property owner, then the applicant shall seek to amend the permit accordingly.

- MEETING ADJOURNED, 4:30 p.m.

There being no further business, the County Mayor adjourned the meeting.

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