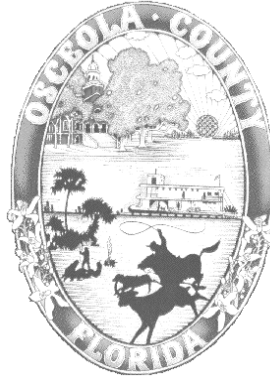


# OSCEOLA COUNTY

[www.osceola.org](http://www.osceola.org)

## Board of Commissioners

**John Quiñones, Chairman**  
**Ken Smith, Vice Chairman**  
**Michael E. Harford, Commissioner**  
**Brandon Arrington, Commissioner**  
**Fred Hawkins, Jr., Commissioner**



**Michael J. Freilinger, County Manager**  
**Jo O. Thacker, County Attorney**  
**Kathy Wall, Commission Auditor**

**October 19, 2009**

<b>TIME</b>	<b>MEETING TYPE</b>	<b>DESCRIPTION</b>
3:00 P.M.	Workshop meeting	Legislative Priorities 1 Courthouse Square, Suite 4100 Kissimmee, Florida 34741
5:30 P.M.	Regular meeting	Commission Chambers 1 Courthouse Square, Suite 4100 Kissimmee, Florida 34741

As a courtesy to others, please silence all electronic devices during the meeting.

Citizens wishing to address any item on the agenda during the “Hear the Audience” portion of the meeting should complete a Request to Speak form and submit it to the Clerk of the Board prior to the commencement of the meeting. These forms are available from the Commission Ambassadors. Comments will be limited to three minutes. The Commissioners will not vote on any item during this portion of the meeting, but at their discretion issues can be placed on the agenda for a vote at a later date.

The Board welcomes comments from citizens about any issue or concern. Your opinions are valued in terms of providing input to the Board members. However, it is requested that when you address the Board, comments not be directed personally against a Commissioner or staff member, but rather directed at the issues. This provides a mutual respect between the Board members and the public.

In accordance with the Americans with Disabilities Act, Florida Statutes, Chapter 286.26, persons requiring special accommodations because of a disability or physical impairment to participate in any of these proceedings should contact the Office of the Clerk of the Board, 1 Courthouse Square, Suite 4400, Kissimmee, Florida, 34741, (407) 742-2100, by noon, on the Friday, prior to the meeting.

# OSCEOLA COUNTY

Commission Chambers  
1 Courthouse Square, Suite 4100  
Kissimmee, Florida, 34741  
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## REGULAR MEETING – 10/19/2009 - 5:30 PM

### Agenda

#### Pledge of Allegiance

Invocation by Pastor Rodney Rowe from St. Cloud Missionary Baptist Church

#### Approval of Agenda

The Commission will approve an agenda which sets the order of the meeting. This approval could include an addendum representing new items, additions, corrections, and/or deletions of existing items as submitted by the Clerk of the Board.

#### Presentations/Proclamation

##### Presentations/Proclamation

1. Presentation on the Constitution by Ms. Lori McCarley and the students from the Kissimmee Charter Academy.
2. Presentation by the students of Harmony High School, as the winners for Osceola County High School 2009 Envirothon.

2.1 A Proclamation declaring November 01, 2009, as Domestic Violence Awareness Day in Osceola County, Florida. The Proclamation will be read into the record by Chairman Quiñones and presented at the Bikers Against Domestic Violence ride on November 01, 2009.

## **Hear the Audience**

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## **Consent Agenda**

The Consent Agenda is a technique designed to expedite the handling of routine and miscellaneous business of the County Commission. The County Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any Board Member, an item may be removed from the Consent Agenda for discussion.

### **Property Appraiser's Office**

3. Authorization for the Chairman/Vice-Chairman for approval to carry forward to FY 2010 \$300,000 of an estimated \$500,000 of excess fees for technology improvements. Also, approval is requested for Budget Transfer #09/10-005.

### **County Attorney's Office**

4. Settlement of Claim #A8H1051.
5. Adoption of Resolution #09-094R regarding the acquisition of certain real property interests by agreement or right of eminent domain for the purpose of improving Osceola Parkway.

### **County Administration**

6. Approval of the following minutes: June 15, 2009, regular session, 5:30 p.m.; and August 10, 2009, workshop session, 3:00 p.m.
7. Approval and authorization for Chairman/Vice Chairman to execute Amendment #1 with R.J. Steedman Incorporated, for the renewal of manufacturing roadway lighting and pole fixtures located along West 192 corridor on an as-needed basis. Estimated expenditures are \$91,500 for the period beginning October 01, 2009, through September 30, 2010. This is a request for approval of Single Source. All appropriate forms, procedures, and processes have been completed in accordance with the Florida Statutes and the Procurement Services Office has validated this request. (SG #08-518-CV)
8. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Tourism and Policing Unit Night Vision Systems, which is a sub-grant award of the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance Grant (JAG) under the American Recovery and Reinvestment Act of 2009, (contract #2010-ARRC-OSCE-11-W7-082); \$8,498.

9. Approval and authorization for the Chairman/Vice Chairman to sign the Certificate of Acceptance for the Narcotics Detecting K-9 Units, which is a sub-grant award of the Florida Department of Law Enforcement, Edward Byrne Memorial JAG under the American Recovery and Reinvestment Act of 2009 (contract #2010-ARRC-OSCE-3-W7-121); \$25,385.
10. Approval and authorization for Chairman/Vice Chairman to execute Amendment #1 with Sirsi Corporation d/b/a SirsiDynix for annual software maintenance services to the Unicorn Database System used by the Library Services not to exceed a collective amount of \$76,802.68 for the period beginning October 01, 2009, through September 30, 2010. (SS #05-605-CP)
11. Authorization to waive the formal procurement process for contracting with realtors/brokers, for miscellaneous real property related services, and authorization for the County Manager to execute agreements for said services with qualified realtors/brokers in an amount not to exceed \$100,000 in accordance with Resolution #04-021R.
12. Approval of revised and updated Personnel Policies Statements to replace current Personnel Policies and Procedures, Chapter Two of the Osceola County Administrative Code.
13. Approval of County Manager's submitted Strategic Plan.
14. Approval and authorization for the Chairman/Vice Chairman to sign the assignment agreement between Acuity Solutions, LLC, as assignor, and Fishnet Security, Incorporated, as the assignee, accepting the assignment relating to (PBA #08-045-CV) which provides for Enterasys equipment used by the County.

#### **Growth Management Administration**

15. Approval and permission to negotiate with EDAW Incorporated; HDR Engineering Incorporated; Kimley-Horn and Associates Incorporated; and RJ Whidden and Associates Incorporated, to provide continuing planning and design consultant services on an as needed basis. (PS #09-139-LM)

#### **Public Works Administration**

16. Adoption of Resolution #09-091R providing the County Manager or his designee signatory authority for permit applications submitted to government agencies; and providing an effective date.
17. Approval and authorization for the Chairman/Vice Chairman to sign a service agreement with APAC- Southeast Incorporated, Hubbard Construction Company, and Ranger Construction Industries Incorporated, for the purchase of road base asphalt leveling and resurfacing on an as needed basis, from October 16, 2009, through October 15, 2011 (AR # 09-593-FH); not to collectively exceed \$2,000,000 annually, for a cumulative not to exceed amount of \$4,000,000.
18. Approval and authorization for Chairman/Vice Chairman to execute a service agreement with Clean Harbors Environmental Services Incorporated, for the purchase of hazardous waste

disposal services. Expenditures shall not exceed \$78,250 annually, for a cumulative not to exceed amount of \$156,500 for the term beginning November 18, 2009, through November 17, 2011. (A/R# 09-591-FH)

18.1 Approval and authorization for all five of the County Commissioners to sign a welcome letter to Dr. John C. Reed, President and CEO, Burnham Institute for Medical Research.

### **Growth Management Consent**

All of these items will be approved as recommended by the Planning Commission (PC) action in a single public hearing, with one motion by the County Commission. Any citizen has the right to request an item be removed for discussion, comment, and/or consideration during a separate public hearing.

#### **Planning and Zoning**

19. CU09-00009: NOAH'S G.P. (APPLICANT) AND REGENT OLD TAMPA, LLC.  
(OWNER)  
Commission District: 3  
Request: Applicant requests approval of a Conditional Use to allow for a self-storage facility with a manager's apartment and office on approximately 7 acres of land within a Commercial Restricted (CR) Zoning District. The subject property is located on the north side of South Orange Blossom Trail, south of Old Tampa Highway and east of South Poinciana Boulevard.  
Staff Recommendation: If approved, Special Conditions are recommended.  
PC Action: Approval, subject to Special Conditions
20. CU09-00012: BEECH OUTDOOR AF. (APPLICANT) AND AVATAR PROPERTIES INCORPORATED (OWNER)  
Commission District: 3  
Requests: Approval of a Conditional Use to allow for a V style billboard on approximately 13 acres of land within a Planned Development (PD) Zoning District. The subject property is located on the north of South Orange Blossom Trail, south of Old Tampa Highway, east of South Poinciana Boulevard and west of Louis Drive.  
Staff Recommendation: Approval  
PC Action: Approval
21. CU09-00018: OSCEOLA COUNTY (APPLICANT AND OWNER)  
Commission District: 4  
Request: Approval of a Conditional Use for allow for a modular building at an existing Fire Station site on approximately 2 acres of land within a Public Institution (IN) Zoning District. The subject property is located on the east of Shady Lane, north of Partin Settlement Road and west of Villa Verano Way.  
Staff Recommendation: If approved, a Special Condition is recommended.  
PC Action: Approval, subject to Special Conditions.
22. CU09-00019: OSCEOLA COUNTY PARKS DIVISION (APPLICANT AND OWNER)  
Commission District: 4  
Requests approval of a Conditional Use to improve an existing boat ramp and marina and add

a passive recreation park on approximately 12 acres of land within a Residential Single Family (RS-1) Zoning District. The subject property is located on the north side of Parsons Road, west of Kings Highway and south of Lake Tohopekaliga.

Staff Recommendation: If approved, Special Conditions are recommended.

PC Action: Approval, subject to Special Conditions.

23. CU09-00021: PASTOR JOSE SANTIAGO (APPLICANT) AND IGLESIA DE CRISTO MISIONERA EL TABERNACULO DE; POINCIANA INCORPORATED (OWNER)  
Commission District: 3  
Request: Approval of a Conditional Use to allow for an expansion to a house of worship on a parcel consisting of approximately 19 acres, in an Agricultural Development and Conservation (AC) Zoning District. The subject property is located on the north side of Reaves Road, south of Freedom Road and north of Poinciana Boulevard.  
Staff Recommendation: If approved, Special Conditions are recommended.  
PC Action: Approval subject to Special Conditions.

## **Public Hearings**

### **Growth Management Administration**

24. Consideration of a petition by Boynton West Land and Development Company for a road vacation (RV #09-00007), and adoption of Resolution #09-047R to vacate a portion of Cottage Lane, being a part of Northshore, Stage Two, as filed and recorded in Plat Book 17, Pages 35 and 36, of the Public Records of Osceola County, Florida.

NOTE: This item was continued from September 14, 2009, Board meeting.

25. CU09-00016: BERNARDO MORALES (APPLICANT) AND STS PERPETUA AND FELICITY CATHOLIC CHURCH (OWNER)  
Commission District: 5  
Request: Approval of a Conditional Use to allow an existing mobile home to be converted into a house of worship. The subject property consists of approximately 2 acres of land in an Estate Development (E-2) Zoning District. The subject property is located on the west side of Canoe Creek Road, south of Settlers Trail and west of Indian Lakes Boulevard West.  
Staff Recommendation: If approved, Special Conditions are recommended.  
PC Action: Approval, Subject to Revised Conditions.  
Updated Staff Recommendation: Staff recommends modification of Condition #3 of the Planning Commission and addition of Condition #7.
26. Consideration of a petition by Mr. George Chen, Trustee, for an easement vacation (EV09-00002), and to adopt Resolution #09-095R, to vacate a portion of a 7.5' landscape, wall and utility easement located along the rear line of Lots 1 through 15, and 20, Island Estates at Formosa Gardens, as recorded in Plat Book 17, Page 177, of the Public Records of Osceola County, Florida.  
(NOTE: This public hearing item will be continued to the regular Board meeting of October 19, 2009, at 5:30 p.m.)

## **Regular**

### **Department of Economic Development**

27. Adoption of Resolution #09-096R, recommending Project Electron Boost be approved as a Qualified Target Industry.

## **Reports**

### **Constitutional Officers and Governmental Agencies/Other**

#### **Departments/Divisions**

#### **Growth Management Administration**

28. Update regarding recommendation on human directional advertising from the August 17, 2009, workshop.

#### **Commission Auditor**

#### **County Attorney**

#### **County Manager**

#### **Commissioners**

## **Committee Appointments – No Items**

### **For Information**

#### **County Administration**

29. The 2009 Value Adjustment Board will hold a Final Meeting, in the Commission Chambers, on October 20, 2009, at 3:30 p.m.
30. The Cypress Woods Common Facilities District will meet on Tuesday, October 20, 2009, at 6:30 p.m., in Conference Room #4727.
31. The Clerk of the Board has received for the record, notification on September 24, 2009, that Ordinance #09-22, designating Osceola County a recovery zone for purposes of Sections 1400U-1, 1400U-2, and 1400U-3, of the Internal Revenue Code of 1986, was filed with the Bureau of Administrative Code on September 21, 2009.
32. The Clerk of the Board has received for the record, the re-recorded title insurance policy and Permanent Drainage and Maintenance Easement Agreement with Jerry Lee Brown, for the Poinciana Boulevard, Phase II, Widening Project.

33. The Clerk of the Board has received for the record, a copy of Resolution #2009-09, identifying Fiscal Year 2009/2010 meeting schedule for the Anthem Park Community Development District.
34. The Clerk of the Board submits for the record, the minutes of the Indian Point Common Facilities District Board of Supervisors meetings held on April 09, 2009, and May 28, 2009.
35. Procurement Services has submitted for the record a list of Task Authorizations signed by the County Manager during the month of September 2009 and a list of projects going before a Selection Committee during the month of October 2009.
36. The Clerk of the Board has received for the record, a copy of the Title Insurance Policy #O-2201-560067, and the Temporary Construction Easement from Pablo L. and Marisa Bernal to Osceola County, for the Narcoossee Road, Phase III Project.
37. The Clerk of the Board has received for the record, a copy of the Title Insurance Policy #O-2201-553295; the recorded deed from Cheryl L. Barnett, Trustee and individually, to Osceola County, dated August 20, 2009, and recorded on August 24, 2009; and a copy of the Temporary Construction Easement from Phillips/Vliet to Osceola County for the Narcoossee Road, Phase III Project.
38. The Clerk of the Board has received for the record, a copy of the Title Insurance Policy #O-2201-553327, and the recorded deed from Laura Jean Phillips and Larry II Vliet, joint tenants with right of survivorship, to Osceola County, dated August 20, 2009, and recorded on August 26, 2009, for the Narcoossee Road, Phase III Project.
39. The Clerk of the Board has received for the record, the Florida Public Service Commission Conference Agenda from the October 06, 2009, 9:30 a.m., conference, held in the Betty Easley Conference Center, Joseph P. Cressee Hearing Room #148.

### **Public Works Administration**

40. On August 26, 2009, Jennifer Nicholson of the Public Works Department was designated as the Floodplain Program and Community Rating System Coordinator for Osceola County.

### **Adjournment**

In accordance with Florida Statutes, Chapter 286.0105, any person wishing to appeal a decision made by the Board of County Commissioners with respect to any matter considered at such a meeting or hearing, will need a record of the proceedings. For such purposes he or she may need to ensure that a verbatim record of the proceedings is made, which may include the testimony and evidence upon which the appeal is based.