

### 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, April 19, 2005. The following were present:

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

The Board paused for the invocation by the Reverend Mason Dorsey of the Azalea Park United Methodist Church, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Pastor Dorsey.

### PRESENTATIONS

The County Mayor presented a proclamation designating Friday, April 22, 2005, as "Earth Day" to Environmental Protection Division Assistant Manager Dennis Weatherford.

The County Mayor presented a proclamation designating the week of May 1 through May 7, 2005, as "Corrections Professionals Appreciation Week" to Corrections Deputy Chief Scott Bradstreet.

### COUNTY CONSENT AGENDA

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

#### County Mayor's Report

1. Confirmation of the following appointments: James M. Fitzgerald as Deputy Chief, Fire Rescue Department; Preston D. Cook as Manager, Office of Emergency Management, Fire Rescue Department; and Julie R. Naditz, P.E. as Manager, Highway Construction Division, Public Works Department.

## County Comptroller

1. Approval of the Disposition of Tangible Personal Property
  - a. Cannibalize assets for their useable parts.
  - b. Scrap assets.
  - c. Dispose of an asset that was returned to the vendor for a full refund.
  - d. Trade in assets for a \$38,934.57 allowance towards the purchase of new equipment.
  - e. Donate assets with an approximate value of \$375 to the Florida Department of Corrections, in lieu of selling at fair market value.

(Property Accounting Department).

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:

- April 8, 2005, to April 14, 2005; total of \$31,087,003.91

(Finance and Accounting Department).

## County Administrator

1. Approval of Budget Transfer 05-1134 (Office of Management and Budget).

(Budget transfer is on file in the Comptroller Finance and Accounting Department.)
2. Approval of CIP Amendment 05C-9106 (Office of Management and Budget).

(CIP amendment is on file in the Comptroller Finance and Accounting Department.)
3. Approval of payment of intergovernmental claims of March 3, March 10, March 17, March 24, and March 31, 2005, totaling \$1,370,610.08 (Risk Management Division).

4. a) Nomination of Michael Lay for appointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee in the City of Orlando representative category with a term expiring April 4, 2009; b) nomination of Richard T. Aldinger for appointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee in the at large representative traditionally from the Conway area category with a term expiring April 4, 2006; c) nomination of William H. Prather, Jr., for reappointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee in the Osceola County representative category with a term expiring April 4, 2009; d) nomination of Anthony E. Enright for reappointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee in the at large representative of Orange County east of Goldenrod Road category with a term expiring April 4, 2009; and e) nomination of Simon Snyder for reappointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee in the at large representative of North Orange County category with a term expiring April 4, 2009 (Agenda Development Office).
5. Appointment of Bob Yohe to the City of Maitland Community Redevelopment Agency (CRA) Advisory Board with a term expiring June 30, 2008 (Agenda Development Office).
6. Appointment of Dale Crosby to the City of Winter Garden Community Redevelopment Agency (CRA) Advisory Board with a term expiring June 30, 2008 (Agenda Development Office).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y5-1014-GH, Sodding, Seeding, and Mulching, to the low responsive and responsible bidder, Parthenon Construction Company. The estimated contract award amount is \$525,800 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-1017-GH, On-Site X-Ray Services, to the low responsive and responsible bidder, Mobile X-ray and EKG Services, Inc., dba RADS Mobile X-ray and Digital Imaging. The estimated contract award amount is \$107,500 for a 1-year term ([Corrections Health Services Division] Purchasing and Contracts Division).

3. Selection of Barnes Ferland & Associates, Inc., to develop a plan for the Lake Susannah Neighborhood Improvements, under Request for Proposals Y5-806-EZ. The final contract should not exceed the budget amount of \$300,000 for Phase I and Phase II ([Stormwater Management Division] Purchasing and Contracts Division).
4. Approval and execution by the County Mayor of Supplemental Lease Agreement and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Orange County and the United States of America for office space for FEMA Disaster Recovery Center in the Nicor Building located at 1602 North Goldenrod Road, Orlando, Florida, District 3 (Real Estate Management Division).
5. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Rock Springs Road from Ponkan Road to Kelly Park Road, District 2 (Real Estate Management Division).
6. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Rouse Road (Lake Underhill Road to Corporate Boulevard), District 5 (Real Estate Management Division).
7. Approval and execution by the County Mayor of Notice of Federal Interest and authorization to disburse warrant to pay recording fees and record instrument for Pine Hills Community Center located at 6400 Jennings Street, Orlando, Florida, District 6 (Real Estate Management Division).
8. Approval of Utility Easement and authorization to record instrument for Horizon's Orlando, District 1 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval to advertise Resolutions 2005-CED-098 through 2005-CED-107 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC05-092;      LC05-179;      LC05-176;      LC05-065;      LC05-146;  
LC05-163;      LC05-167;      LC05-168;      LC05-170;      LC05-172;

Districts 1, 2, 4, and 6 (Code Enforcement Division).

### Health and Family Services Department

1. Approval of the Alternative Transportation Services License for VGA, Inc., to provide wheelchair/stretchers service. The term of this certificate is from April 19, 2005, through April 19, 2007. There is no cost to the County (Emergency Medical Services Office).
2. Approval of the renewal Certificate of Public Convenience and Necessity for Apopka Fire Department to provide Advanced Life Support Transport and Basic Life Support Services. The term of this certificate is from April 30, 2005, through April 30, 2007. There is no cost to the County (Emergency Medical Services Office).
3. Approval of the renewal Certificate of Public Convenience and Necessity for Orlando Regional Healthcare to provide Advanced Life Support Air Transport Services. The term of this certificate is from April 30, 2005, through April 30, 2007. There is no cost to the County (Emergency Medical Services Office).
4. Approval of the application to license the Southwood 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 Division).
5. Approval of the renewal application to license the Frontline 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 Division).

### Public Works Department

1. Approval to issue Excavation Permit #93-E2-231, District 2 (Development Engineering Division).
2. Approval of "Stop" and "Yield" sign installations in Signature Lakes-Parcel 1A Subdivision, District 1 (Traffic Engineering Division).
3. Approval to install traffic calming devices in Medallion Estates, Holden Estates, and Lake Holden Grove Subdivision, District 4 (Traffic Engineering Division).

PUBLIC SAFETY DISCUSSION AGENDA

1. Update on the Integrated Criminal Justice Information System (ICJIS).

Staff presented a report on this item; Board discussion ensued. No action was taken.

COUNTY ATTORNEY DISCUSSION AGENDA

1. Annual Report of the Citizen Review Board (CRB).

Staff presented a report on this item; Earnest DeLoach, Jr., CRB Chairman; and Charles Hargrove, CRB General Counsel, contributed to the report. Board discussion ensued. No action was taken.

Commissioner Jacobs left the meeting.

COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Update on "The Club" Youth Recreation Program. Information only. No action requested by the Board, all districts (Parks and Recreation Division).

Staff presented a report on this item; Board discussion ensued. No action was taken.

PUBLIC SAFETY DISCUSSION AGENDA (continued)

2. Update on the 2004 Hurricane Season and overview of the FEMA reimbursement process.

The County Mayor announced that this item will be considered during the afternoon session.

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, and Bill Segal
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- Senior Assistant County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioners Teresa Jacobs, Bob Sindler, and Homer Hartage joined the meeting where indicated.

COUNTY DISCUSSION AGENDA ITEM DEFERRED FROM THE MORNING SESSION.

PUBLIC SAFETY DISCUSSION AGENDA (continued)

2. Update on the 2004 Hurricane Season and overview of the FEMA reimbursement process.

Staff presented a report on this item; Board discussion ensued. No action was taken.

Commissioners Jacobs, Sindler, and Hartage joined the meeting.

APRIL 7, 2005. BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of April 7, 2005, subject to the usual right of appeal by any aggrieved party.

NOTE: THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 500 FOR APPEARANCES AND ACTIONS TAKEN.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: LINDSEY PHILLIPS, KELLOGG ESTATES PLANNED DEVELOPMENT; CASE Z-04-045, MARCH 17, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Lindsey S. Phillips, Kellogg Estates Planned Development (PD), fka Clarcona Estates, to rezone from Agricultural (A-1) to PD, on property generally

located on the southeast corner of North Apopka-Vineland Road and Gilliam Road; Parcel ID 34-21-28-0000-00-006; District 2; Section 34, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications and the future land use map designations in the area.

and

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: LINDSEY PHILLIPS, OLD FORTY PINES PLANNED DEVELOPMENT; CASE Z-04-046, MARCH 17, 2005; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Lindsey S. Phillips, Old Forty Pines Planned Development (PD), fka Clarcona Pines, to rezone from Agricultural (A-1) to PD, on property generally located on the northeast corner of East McCormick Road and Damon Road, 675 feet west of North Apopka-Vineland Road; Parcel ID 34-21-28-0000-00-012; District 2; Section 34, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications and the future land use map designations in the area.

Staff requested these items be continued to hold a community meeting.

No one appeared regarding the requests.

The County Mayor closed the public hearings and opened the matters for Board discussion.

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board continued the public hearings to consider:

- A request by Lindsey S. Phillips, Kellogg Estates Planned Development (PD) (fka Clarcona Estates), to rezone from Agricultural (A-1) to PD
- A request by Lindsey S. Phillips, Old Forty Pines Planned Development (PD), fka Clarcona Pines, to rezone from Agricultural (A-1) to PD;

until June 14, 2005, at 2 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: JIM HALL, PROJECT ABC  
PLANNED DEVELOPMENT/LAND USE PLAN (PD/LUP); AMEND LUP; DISTRICTS 1 AND 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Jim Hall; Canin Associates, Inc.; Project ABC Planned Development/Land Use Plan (PD/LUP); to amend the LUP to add access points along John Young Parkway, incorporating a middle school site within the development, adding a car sales use (Parcel 2B only), and delineate potential wetland impacts, pursuant to Orange County Code, Section 38-1207; on property generally located at the intersection of John Young Parkway and Central Florida Parkway; multiple parcels located in Districts 1 and 4; Sections 8 and 9, Township 24, Range 29, 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.

Staff requested that proposed Condition 1 be amended to read as follows:

"Development shall conform to the LUP, dated "Received February 28, 2005," and the renderings submitted at the public hearing 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."

The following persons addressed the Board regarding the request:

- Jim Hall, the applicant
- Chris Draco, area resident
- Lee Mayor, area property owner

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; further, made a finding that because this property is not adjacent to any residential properties and is located at the intersection of 2 major thoroughfares, it will not cause a significant impact to existing residential communities in the area; and further, approved a substantial change request by Jim Hall, Canin Associates, Inc.; Project ABC Planned Development/Land Use Plan (PD/LUP); to amend the LUP to add access points along John Young Parkway, incorporating a middle school site within the development, adding a car sales use (Parcel 2B only), and delineating potential wetland impacts; 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 February 28, 2005," the renderings submitted at the public hearing, 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. Outdoor storage and display shall be prohibited on Lot 2B.
4. Billboards and pole signs shall be prohibited.

5. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
6. Master water, wastewater, and reclaimed water plans, including preliminary calculations, shall be required to be submitted for review and approval prior to submission of construction plans.
7. The following performance standards shall apply for Lot 2B:
  - The building shall be 40 feet from the right-of-way of John Young Parkway and Central Florida Parkway. The porte-cochere on the southeast corner of the building shall extend into the 40-foot setback. Except for under the porte-cochere, no vehicles shall be allowed in front of the building setback line (40 feet). The porte-cochere shall be limited to no more than 25 percent of each of the building facades.
  - Cars shall be permitted under the porte-cochere only; no parking or display shall occur beyond clearly distinguished porte-cochere stage surface.
  - Lighting shall comply with Article XVI of Chapter 9 of the Orange County Code.
  - There shall be no outdoor loud speakers or sound system.
  - Temporary signs, banners, and balloons shall be prohibited.
  - Only 2 ground signs shall be permitted. Facia signs shall comply with Chapter 31.5 of the Orange County Code.
  - A detailed landscape and lighting plan, and complete architectural elevations and final building footprint shall be submitted.
  - There shall be only 1 structure on site.
  - All parking and display areas (except under the porte-cochere) shall be set back at least 40 feet from all rights-of-way.
  - A knee wall, minimum 36 inches high, shall be provided along the length of John Young Parkway and Central Florida Parkway except in front of the porte-

cochere. Said wall shall include closely-spaced plaster/columns with cap feature.

- The finished grade of the parking/display areas shall be at or below the finished grade of the knee wall.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: ELLEN AVERY-SMITH, VINELAND 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 Ellen Avery-Smith; Foley & Lardner, LLP; Vineland Pointe Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert the currently approved theme park use, 85,000 square feet of retail and 358 timeshare units, into 580,000 square feet of tourist commercial uses. Additionally, the 245 hotel rooms and 440 multi-family/townhome units shall remain as currently approved uses, pursuant to Orange County Code, Section 38-1207; on property generally located east of Interstate-4, southwest of Lake Willis; Parcel IDs 14-24-28-0000-00-006 and 14-24-28-4796-01-000; District 1; Section 14, Township 24, Range 28; 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.

Commissioner Jacobs requested a condition be added as follows: "No access to Lake Willis Drive or the East Road."

The following persons addressed the Board regarding the request:

- Duke Woodson, for the applicant
- Jerry Aldrich, area resident

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the Vineland Pointe Planned Development/Land Use Plan (PD/LUP); to amend the LUP to convert the currently approved theme park use, 85,000 square feet of retail and 358 timeshare units, into 580,000 square feet of tourist commercial uses. Additionally, the 245 hotel rooms and 440 multi-family/townhome units shall remain as currently approved uses; 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 March 4, 2005," 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. Outdoor storage and display shall be prohibited.
4. Pole signs and new billboards shall be prohibited. Existing billboards shall remain until June 1, 2013, as stipulated in the Agreement, dated August 14, 2000.
5. Project shall conform to the Lake Willis Guidelines.
6. No access to Lake Willis Drive or the East Road.

PLANNING AND ZONING COMMISSION APPEAL-APPELLANT/APPLICANT: EARL CRITTENDEN; CASE RZ-05-03-025, MARCH 17, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Earl M. Crittenden of the recommendation of the Planning and Zoning Commission, dated March 17, 2005, on a request by Earl M. Crittenden to rezone

R-1AA (Single-family-10,000 square-foot lots) to R-2 (Residential I-4 unit structures). The property is generally located on the south side of El Prado, 4,920 feet west of Econlockhatchee Trail; Parcel ID 36-22-30-0000-00-018; District 3; Section 36 Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Commissioner Fernandez requested that this item be continued to hold a community meeting.

The County Mayor noted the applicant present and in concurrence.

The following person addressed the Board regarding the request:

- Mike Nickloff, area resident

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider an appeal by Earl M. Crittenden of the recommendation of the Planning and Zoning Commission, on a request by Earl M. Crittenden to rezone R-1AA (Single-family-10,000 square-foot lots) to R-2 (Residential I-4 unit structures) on the above-described property until May 24, 2005, at 2:30 p.m.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 4 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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Minutes Coordinator