

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:15 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, January 31, 2006. The following were present:

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

Commissioner Bill Segal joined the meeting where indicated.

Invocation-Eddie Engram, Communications Division
Pledge of Allegiance

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Segal was absent; the Board deleted Administrative Services Department Item 5; and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the Disposition of Tangible Personal Property:
 - a. Scrap assets.
 - b. Cannibalize an asset for its useable parts.
 - c. Trade in assets for an allowance towards the purchase of new equipment.
 - d. Sell an asset for \$200 to the highest bidder after receiving 3 bids.
 - e. Sell assets through sealed bid.

(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: January 20, 2006, to January 26, 2006; total of \$22,214,301.25 (Finance and Accounting Department).

County Administrator

1. Confirmation of Commissioner Stewart's appointment of Paul Robert Lance to the Lake Conway Water and Navigation Control District Advisory Board with a term expiring December 31, 2007 (Agenda Development Office).
2. Confirmation of County Mayor Crotty's appointment of Rebecca A. Sebren to the Orange County Citizen Corps Council with a term expiring December 31, 2006 (Agenda Development Office).
3. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official County record (Agenda Development Office).

Administrative Services Department

1. Approval to award Invitation for Bids Y6-144-JS, Non-Food and Janitorial Supplies for Head Start and Great Oaks Village, to the sole responsive and responsible bidder, PRIDE Enterprises. The estimated contract award amount is \$235,622.37 for a 1-year term ([Head Start Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y6-145-JS, Paging Services, to the low responsive and responsible bidder, Metrocall, Inc. The estimated contract award amount is \$370,998 for a 3-year term ([Fire Rescue Communications Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y6-157-LC, MSTU Retention Ponds Weed Control, to the sole responsive and responsible bidder, Aquatic Biologist, Inc. The estimated contract award amount is \$1,104,360 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y6-167-GH, 50 percent Liquid Caustic Soda, to the low responsive and responsible bidder, Key Chemical, Inc. The estimated contract award amount is \$758,873.21 for a 1-year term ([Water Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bids Y6-173-JS, Liquid Carbon Dioxide, to the low responsive and responsible bidder, Air Liquide Industrial, U.S., L.P. The

estimated contract award amount is \$540,750 for a 1-year term ([Water Division] Purchasing and Contracts Division).

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

6. Approval to award Invitation for Bids Y6-708-PH, E-14 Canal/Curry Ford Road Force Main Improvements, to the low responsive and responsible bidder, Maxwell Contracting, Inc. The total contract award amount is \$397,000 ([Utilities Engineering Division] Purchasing and Contracts Division).
7. Approval of Amendment 2, Contract Y3-616, Customer Information System Software, to continue the services of the senior consultant for the Customer Information Project, with BearingPoint, Inc., in the amount of \$149,184 ([Customer Service Division] Purchasing and Contracts Division).
8. Approval to award Sole Source Contract Y6-178, Water Supply and Water Permitting Legal Services, to Lewis, Longman & Walker, P.A. The estimated contract award amount is \$120,000 for a 1-year contract ([County Attorney's Office] Purchasing and Contracts Division).
9. Approval to award Contract Y6-614-GH, Non-Invasive Cardiac Support Pumps, to Zoll Medical Corporation in the contract award amount of \$474,300 to provide 30 Auto Pulse Non-Invasive Cardiac Support Pumps and ancillary equipment for the Fire Rescue Department ([Fire Rescue Department] Purchasing and Contracts Division).
10. Approval of Utility Easements, Subordination of Encumbrances to Property Rights, Affidavit; and authorization to record instruments for Carter/Lake Hart @ Narcoossee and Moss Park Roads, District 4 (Real Estate Management Division).
11. Approval of Utility Easement and Subordinations of Encumbrances to Property Rights, and authorization to record instruments for Clarcona Groves Apartments OCU #35548, District 2 (Real Estate Management Division).
12. Approval of Utility Easements and Temporary Utility Easement, and authorization to record instruments for Sandhill Preserve, District 4 (Real Estate Management Division).

Public Works Department

1. Approval of stop sign installation in Chickasaw Place Subdivision, District 4 (Traffic Engineering Division).

INFORMATIONAL ITEMS*

County Comptroller

1. Receipt of the following items to file for the record:
 - a. City of Orlando Ordinance annexing property generally located north of West Miller Avenue, south of Grand Street, east of Woods Street and west of South Westmoreland Drive, at 1420 South Westmoreland Drive.
 - b. City of Orlando Ordinance annexing property generally located north of West Colonial Drive, south of El Rey Road, east of Mercy Drive, at 841 Drive Buick Avenue.
 - c. City of Winter Garden Ordinance 05-58 annexing property generally described as 2.89 acres, at 205 Windermere Road.

(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.

COMMISSIONER'S REPORT DISCUSSION AGENDA

1. Commissioner Jacobs wishes to make a motion to rescind the Board's action of January 10, 2006, regarding U.S.I. South Campus Planned Development.

County Mayor Crotty outlined Commissioner Jacobs' request and the rules for proceeding. Board discussion ensued. County Attorney Drage contributed to the discussion.

Commissioner Segal joined the meeting.

Commissioner Jacobs deferred her motion to rescind to the next Board meeting.

The County Mayor acknowledged School Board Chairman Karen Ardaman, School Board Members Rick Roach and Joie Cadle, and School Board attorney Frank Kruppenbacher in attendance.

NOTE: THE FOLLOWING 4 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 242 FOR APPEARANCES AND ACTION TAKEN.

A court reporter, Sandra A. Dawkins, Realtime Reporters, Inc., was present for all of the billboard appeals.

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT: GLENN N. SMITH, VIACOM OUTDOOR; ITEM ZM-05-09-051, SEPTEMBER 29, 2005; DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Glenn N. Smith, Viacom Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Glenn N. Smith, Viacom Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the west side of Interstate 4, east of Palm Parkway (Turkey Lake Road); Parcel ID 11-24-28-0000-00-024; District 1; Section 11, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT: GLENN N. SMITH, VIACOM OUTDOOR; ITEM ZM-05-09-053, SEPTEMBER 29, 2005; DISTRICT 1

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Glenn N. Smith, Viacom Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Glenn N. Smith, Viacom Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the west side of Interstate 4, east of Palm Parkway (Turkey Lake Road); Parcel ID 11-24-28-0000-00-024; District 1; Section 11, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT: GLENN N. SMITH, VIACOM OUTDOOR; ITEM ZM-05-09-017, SEPTEMBER 29, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Glenn N. Smith, Viacom Outdoor, of the

recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Glenn N. Smith, Viacom Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the north side of East Colonial Drive, 100 feet west of Wingo Street, west of Old Cheney Highway; Parcel ID 21-22-30-3932-23-240; District 3; Section 21, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT: GLENN N. SMITH, VIACOM OUTDOOR; ITEM ZM-05-09-031, SEPTEMBER 29, 2005; DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Glenn N. Smith, Viacom Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Glenn N. Smith, Viacom Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the east side of South Orange Blossom Trail, 1/4 mile north of Taft-Vineland Road, just south of the Florida Turnpike; Parcel ID 03-24-29-7268-00-693; District 4; Section 03, Township 24, Range 29; Orange County, Florida (the legal property description is on file).

Staff outlined the requests; identified the subject properties, and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended upholding the Zoning Manager's determinations.

The following persons addressed the Board:

- David Stewart, consultant for the County
- Glenn Smith, the appellant
- John Horan, for Darrel M. Carter, trustee
- Joe Little, for appellant
- Tom Wilkes
- Carol Saviak
- Dwight Saathoff
- Beth Young, area resident for Item ZM-05-09-017
- Meg Young, area resident for Items ZM-05-09-017 and ZM-05-09-013
- Joe Bagga, for Item ZM-05-09-031

The County Mayor adjourned the morning session and noted the first 4 appeals will continue in the afternoon.

MEETING RECONVENED

There being a quorum, 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 Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- Deputy County Attorney Joel Prinsell
- Minutes Supervisor Kathleen Johnson

Consideration of the billboard appeals on pages 241 and 242 resumed.

The following persons addressed the Board:

- Ray Cordner
- Wade Johnson, for Item ZM-05-09-017
- Bill Nicholls
- Richard McHugh

The County Mayor accepted the following exhibits:

- Clerk's Composite Exhibit 1, Hurricane Damaged Billboard Reports from David Stewart for Items ZM-05-09-051, ZM-05-09-053, ZM-05-09-017, and ZM-05-09-031
- Clerk's Composite Exhibit 2, Book of Presentation Information and photographs from Glenn Smith for Items ZM-05-09-051, ZM-05-09-053, ZM-05-09-017, and ZM-05-09-031
- Clerk's Composite Exhibit 3, 4 billboard damage photographs from Wade Johnson for Item ZM-05-09-017
- Clerk's Exhibit 4, Cost/Repair Information Sheet from David Stewart for Item ZM-05-09-053
- Clerk's Composite Exhibit 5, Book of Presentation Information from Glenn Smith for Item ZM-05-09-053

Commissioner Hartage left the meeting.

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by Glenn N. Smith, Viacom Outdoor, ZM-05-09-051, to overturn the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement on the above-described property; subject to the sign being restored to its pre-hurricane, nonconforming condition.

The appellant voluntarily withdrew the following appeals:

- Appellant/Applicant: Glenn N. Smith, Viacom Outdoor; Item ZM-05-09-053, September 29, 2005; District 1
- Appellant/Applicant: Glenn N. Smith, Viacom Outdoor; Item ZM-05-09-017, September 29, 2005; District 3
- Appellant/Applicant: Glenn N. Smith, Viacom Outdoor; Item ZM-05-09-031, September 29, 2005; District 4

Commissioner Hartage rejoined the meeting.

NOTE: THE FOLLOWING 5 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 246 FOR APPEARANCES AND ACTION TAKEN.

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT: CRAIG SWYGERT, JEFFREY P. BUAK, CLEAR CHANNEL OUTDOOR; ITEM ZM-05-09-013, SEPTEMBER 29, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the north side of East Colonial Drive, south side of Santa Rosa Drive, east of Old Cheney Highway; Parcel ID 21-22-30-4736-04-210; District 3; Section 21, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT:
CRAIG SWYGERT, JEFFREY P. BUAKE, CLEAR CHANNEL OUTDOOR; ITEM ZM-05-09-027,
SEPTEMBER 29, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the east side of Dillon Circle, north side of the East-West Expressway, 200 feet west of Goldenrod Road; Parcel ID 26-22-30-0000-00-057; District 3; Section 26, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT:
CRAIG SWYGERT, JEFFREY P. BUAKE, CLEAR CHANNEL OUTDOOR; ITEM ZM-05-09-029,
SEPTEMBER 29, 2005; DISTRICT 3

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the south side of East Colonial Drive, east of Old Cheney Highway and Commerce Boulevard, east of S.R. 436; Parcel ID 22-22-30-0000-00-014; District 3; Section 22, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT:
CRAIG SWYGERT, JEFFREY P. BUAKE, CLEAR CHANNEL OUTDOOR; ITEM ZM-05-09-039,
SEPTEMBER 29, 2005; DISTRICT 6

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005,

on a request by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the south side of 24th Street, south of Kaley Street, west of Interstate 4; Parcel ID 03-23-29-0180-42-010; District 6; Section 03, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

and

BOARD OF ZONING ADJUSTMENT BILLBOARD APPEAL-APPELLANT/APPLICANT:
CRAIG SWYGERT, JEFFREY P. BUAK, CLEAR CHANNEL OUTDOOR; ITEM ZM-05-09-041,
SEPTEMBER 29, 2005; DISTRICT 6

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, of the recommendation of the Board of Zoning Adjustment, dated September 29, 2005, on a request by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, for an appeal of the Zoning Manager's determination that the applicant's nonconforming sign was damaged or destroyed in excess of 50 percent of the cost of repair or replacement. The property is generally located on the south side of 24th Street, south of Kaley Street, west of Interstate 4; Parcel ID 03-23-29-0180-42-010; District 6; Section 03, Township 23, Range 29; Orange County, Florida (the legal property description is on file).

Staff outlined the requests; identified the subject properties, and the surrounding zoning classifications; and further, noted that the Board of Zoning Adjustment recommended upholding the Zoning Manager's determinations.

The following persons addressed the Board:

- David Stewart, consultant for the County
- Dwight Saathoff, for appellant
- Brian Parker, for appellant
- Craig Swygert, for appellant
- Lou Musica, for appellant
- Orlando Ortiz, for appellant
- Jeffrey Buak, an appellant
- Tina Demostene, area resident

The County Mayor accepted the following exhibits:

- Composite Clerk's Exhibit 1, Book of Contractor's Affidavits from Dwight Saathoff for Items ZM 05-09-013, ZM 05-09-014, ZM 05-09-015, ZM 05-09-023, ZM 05-09-025,

- VA 05-09-026, ZM 05-09-027, VA 05-09-028, ZM 05-09-029, VA 05-09-030, ZM 05-09-039, VA 05-09-040, ZM 05-09-041, VA 05-09-042, and ZM 05-09-059
- Clerk's Exhibit 2, Letter to the Board of County Commissioners from Tina Demostene for Items ZM 05-09-039, VA 05-09-040, ZM 05-09-041 and VA 05-09-042
 - Clerks Exhibit 3, Board of Zoning Adjustment Billboard Appeals Public Hearing Book, dated January 31, 2006, from the County Attorney's Office for Items ZM 05-09-951, ZM 05-09-053, ZM 05-09-017, 05-09-031, ZM 05-09-013, ZM 05-09-014, ZM 05-09-015, ZM 05-09-023, ZM 05-09-025, VA 05-09-026, ZM 05-09-027, VA 05-09-028, ZM 05-09-029, VA 05-09-030, ZM 05-09-039, VA 05-09-040, ZM 05-09-041, VA 05-09-042, and ZM 05-09-059
 - Clerk's Exhibit 4, Probable Cost Sheet from David Stewart for Items ZM 05-09-013, ZM 05-09-014, ZM 05-09-015, ZM 05-09-023, ZM 05-09-025, VA 05-09-026, ZM 05-09-027, VA 05-09-028, ZM 05-09-029, VA 05-09-030, ZM 05-09-039, VA 05-09-040, ZM 05-09-041, VA 05-09-042, and ZM 05-09-059

Commissioner Jacobs left the meeting.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board overruled the decision of the Orange County Board of Zoning Adjustment Items ZM-05-09-027 and ZM-05-09-039; and further, approved the requests by Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor, to overturn the Zoning Manager's determination that the applicant's nonconforming signs were damaged or destroyed in excess of 50 percent of the cost of repair or replacement on the above-described property; and further, appellant to pay for after-the-fact permits.

The appellant voluntarily withdrew the following appeals and also voluntarily withdrew the following variance requests with prejudice:

- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-013, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item VA-05-09-014, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-015, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-023, September 29, 2005; District 3

- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-025, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item VA-05-09-026, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item VA-05-09-028, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-029, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item VA-05-09-030, September 29, 2005; District 3
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item VA-05-09-040, September 29, 2005; District 6
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-041, September 29, 2005; District 6
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item VA-05-09-042, September 29, 2005; District 6
- Appellant/Applicant: Craig Swygert, Jeffrey P. Buak, Clear Channel Outdoor; Item ZM-05-09-059, September 29, 2005; District 6

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 10:05 p.m.

ATTEST:

Martha O. Haynie
County Comptroller as Clerk

County Mayor

Deputy Clerk

Minutes Coordinator