

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Draft Meeting Minutes

Tuesday, August 8, 2023

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Jerry L. Demings called the meeting to order at 9:05 a.m.

Present: 7 - Mayor Jerry L. Demings, Commissioner Nicole Wilson, Commissioner Christine Moore, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, Commissioner Emily Bonilla, and Commissioner Michael Scott

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Byron Brooks
Deputy County Administrator Jon Weiss
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Public Works Director Joseph Kunkel
Assistant Deputy Clerk Jennifer Lara-Klimetz
Minutes Supervisor Craig Stopyra
Minutes Coordinator Rafael Encarnacion Jr.

Invocation - District 4

Pastor Jesus Manuel Torres, Sanador Vino Nuevo

Pledge of Allegiance

Presentation

Federal Funding Grants

Public Comment

The following persons addressed the Board for public comment:

- Gerald Higgins
- Florence Alexander
- Cynthia Harris
- Trini Quiroz
- Terri Falbo
- Brandon Johnson
- Maria Triscari
- Rai Prysock
- Zach Moldof
- Jim Mikes
- Nick Acevedo
- Kevin Horine

The following material was presented to the Board during public comment: Exhibit 1, from Florence Alexander.

The following materials were received by the Clerk during public comment. The materials referenced by the speakers were not presented to the Board:

- Submittal 1, from Zach Moldof
- Submittal 2, from Jim Mikes
- Submittal 3, from Nick Acevedo

I. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Commissioner Scott, seconded by Commissioner Uribe, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

A. COUNTY COMPTROLLER

1. **23-1113** Approval and execution of the minutes of the July 11, July 12, and July 13, 2023 meetings of the Board of County Commissioners (Clerk's Office)
2. **23-1114** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:
 - July 21, 2023, to July 27, 2023; \$50,420,061.92
 - July 28, 2023, to August 3, 2023; \$51,868,841.27(Finance/Accounting)
3. **23-1115** Disposition of Tangible Personal Property as follows.
(Property Accounting)
 - a. Dispose of assets.

B. COUNTY ADMINISTRATOR

1. **23-1116** Appointment of Representative Jennifer Harris to the Community Action Board in the state or federal representative category with a term expiring December 31, 2024. (Agenda Development Office)
2. **23-1117** Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments. (Agenda

Development Office)

A. Arts and Cultural Affairs Advisory Council: Reappointment of Tammy L. Bateman in the Tourist Development Council representative category and Tiffany I. Sanders in the City of Orlando representative category with terms expiring June 30, 2025 and the appointment of Jennifer Benton to succeed Keith Smith in the District 1 representative category with a term expiring June 30, 2024.

B. Commission on Aging: Reappointment of Mei H. Leung in the at large representative category, Geroge McZeal, Jr. in the transportation representative category, and Natasha Player in the media and public relations representative category and the appointment of Maria E. Rivera to succeed Barbara R. Keene in the health care representative category with terms expiring June 30, 2025.

C. Community Development Advisory Board: Appointment of Ross A. Piper to succeed Leonard E. Burnett in the District 1 representative category with a term expiring June 30, 2025.

D. Disability Advisory Board: Reappointment of James W. Byers IV in the at large representative category and the appointment of Joel J. Morales to succeed Nattacha P. Wyllie in the at large representative category with terms expiring June 30, 2025.

E. M/WBE Advisory Committee: Appointment of Joseph A. Simmons to succeed Gina R. Maxwell in the at large representative category with a term expiring June 30, 2024 and Jairo Batista to succeed Stefen Smith in the at large representative category with a term expiring June 30, 2025.

F. Neighborhood Grants Advisory Board: Appointment of Kenneth C. Zook to succeed Diane Rambo in the District 4 representative category with a term expiring June 30, 2025.

G. Sustainability Advisory Board: Appointment Ian Lahiff to succeed Shana K. Carson in the at large representative category and Clifford Hughley to succeed Edward S. Johnson in the economic development or business representative category with terms expiring June 30, 2025.

3. **23-1119** Approval and execution of Agreement between Orange County, Florida and the Orlando Philharmonic Orchestra, Inc., and the Orlando Philharmonic Plaza Foundation, Inc., - The Plaza Live. (Fiscal and Business Services Division)
4. **23-1121** Approval for the Orange County Sheriff's Office to spend \$7,500 from the FY 2023 Law Enforcement Trust Fund-State Forfeitures for eligible contributions to Camaraderie Foundation (\$7,500). (Office of Management and Budget)
5. **23-1123** Approval of budget amendment #23-49. (Office of Management and Budget)
6. **23-1125** Ratification of payment of Intergovernmental claims of March 30, 2023, April

13, 2023, April 27, 2023, May 11, 2023, and May 25, 2023, totaling \$4,041,712.38. (Risk Management Division)

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. **23-1126** Approval to award Invitation for Bids Y23-185-RC, Orange County Maintenance of County Owned Stormwater Ponds, to the low responsive and responsible bidder, Frank Gay Services, LLC. The estimated contract award amount is \$375,725 for Lots A and B, for a one-year term. ([Administrative Services Department Facilities Management Division] Procurement Division)
2. **23-1127** Approval to award Invitation for Bids Y23-1037-AV, Water Meter Boxes for Orange County Utilities, to the low responsive and responsible bidder, Ferguson Enterprises dba Waterworks. The estimated contract award amount is \$9,700,314.75 for a three-year term. ([Utilities Department Field Services Division] Procurement Division)
3. **23-1128** Approval to award Invitation for Bids Y23-782-ZR, Fire Station #71 Restroom Renovation, to the low responsive and responsible bidder, High Standard Construction Inc. The total contract award amount is \$515,800. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. **23-1129** Approval to award Invitation for Bids Y23-794-SH, Orange County Convention Center West Building Smoke Control Doors Electrical Modifications, to the low responsive and responsible bidder, Miller Electric Company. The total contract award amount is \$385,976.37. ([Convention Center Fiscal and Operational Support Division] Procurement Division)
5. **23-1130** Approval of Amendment No. 5, Contract Y20-197, Right-of-Way Mowing Bithlo Area Section I, with Lawnwalker Services, Inc., in the amount of \$17,656.80, for a revised estimated contract amount of \$364,510.40. ([Public Works Department Roads and Drainage Division] Procurement Division)
6. **23-1131** Approval of Purchase Order M111769, AT&T Viper Upgrade, Emergency Services IP Network (ESInet) and One-Year Maintenance Agreement, with AT&T, in the amount of \$6,037,437. ([Administration and Fiscal Services Information Systems and Services Division] Procurement Division)
7. **23-1132** Approval of Change Order No. 3, Purchase Order M108951, Purchase of Diesel Fuel for Fire Rescue Division, with Wright Express Financial SVC Corp., in the amount of \$31,000, for a revised total amount of \$116,221.50. ([Fire Rescue Department Fiscal and Operational Division] Procurement Division)

8. **23-1133** Approval of Contracts, Request for Proposals Y23-132, Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition Staff Augmentation - Team Contract, Lot A to Moten Tate, Inc., in the amount of \$2,093,208 and Visium Resources, Inc., in the amount of \$3,534,440 for a five-year term, Lot B to Moten Tate, Inc., in the amount of \$601,744 and Visium Resources, Inc., in the amount of \$953,680 for a five-year term, Lot C to Moten Tate, Inc., in the amount of \$869,003.20 and Visium Resources, Inc., in the amount of \$1,618,656 for a five-year term, Lot D to Moten Tate, Inc., in the amount of \$1,043,952 and Visium Resources, Inc., in the amount of \$1,929,200 for a five-year term, and Lot E to Moten Tate, Inc. in the amount of \$2,514,304 and Visium Resources, Inc., in the amount of \$3,961,360 for a five-year term. ([Public Works Department Engineering Division] Procurement Division)
9. **23-1134** Approval and execution of Orange County, Florida and City of Orlando Facility Use Agreement for the 2023 Election Year by and between Orange County, Florida, and the City of Orlando and authorization for the Manager of the Real Estate Management Division to execute amendments, and furnish notices, required, or allowed by the lease, as needed for City of Orlando Polling Place Lease File #10122. District 3. (Real Estate Management Division)
10. **23-1135** Approval and execution of License Agreement between Orange County, Florida and Seniors First, Inc. related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public and authorization for the Manager of the Community Action Division to exercise renewal options, and furnish notice, required, or allowed by the License Agreement, as needed for Seniors First, Inc. - Hal P. Marston Community Center (CAD) 3933 Wd Judge Dr., Orlando, Florida 32808 Lease File #10229. District 6. (Real Estate Management Division)
11. **23-1136** Approval of Request for Funds for Land Acquisition for a Distribution Easement between Orange County Board of County Commissioners and Duke Energy Florida, LLC, d/b/a Duke Energy, and authorization to disburse funds to pay recording fees, and record instrument for Dr. Phillips - OCPS Future Middle School Joint Ballfield Park. District 1. (Real Estate Management Division)
12. **23-1137** Approval and execution of Agreement for Sale and Purchase by and between Dr. Phillips, Inc. and Orange County, Florida; approval of Warranty Deed by Dr. Phillips, Inc. and Orange County; authorization for the Manager of the Real Estate Management Division to exercise all delegations of authority expressly provided for by the Agreement for Sale and Purchase; and authorization to disburse funds to pay purchase price and closing costs, and perform all actions necessary and incidental to closing for Fire Station #31 (Dr. Phillips). District 1. (Real Estate Management Division)

13. **23-1138** Approval of Request for Funds for Land Acquisition for a Contract for Purchase and Sale by and between Robert N. Fairchild and Joe E. Fairchild, as Successor Co-Trustees of Bronson & Fairchild Liquidating Trust and Orange County, and Warranty Deed by Joe E. Fairchild, individually and as Successor Co-Trustee of Bronson & Fairchild Liquidating Trust to Orange County, and authorization to disburse funds for total costs for Reams Road (Summerlake Park Boulevard to Taborfield Avenue). District 1. (Real Estate Management Division)
14. **23-1139** Approval and execution of Agreement for Sale and Purchase by and between Papaya Properties, LLC and Orange County, Florida, approval of Special Warranty Deed from Papaya Properties, LLC to Orange County, Florida, authorization for the Manager of Real Estate Management Division to exercise all delegations of authority expressly provided for by the Agreement for Sale and Purchase, and authorization to disburse funds to pay purchase price and perform all actions necessary and incidental to closing for Sector V - Sheriff's Office. District 1. (Real Estate Management Division)

D. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **23-1140** Approval of Orange County Head Start Disaster Recovery Funding 04TD000150 ACF-PI-HS-19-01 Liquidation Budget Revision in the amount of \$1,400,000 to complete playground replacements at South Orlando YMCA, Lila Mitchell, Pine Hills, and John H. Bridges Head Start Centers for an additional 12-month period from September 1, 2023 through August 31, 2024. (Head Start Division)

E. FIRE RESCUE DEPARTMENT

1. **23-1141** Approval and execution of 1) State-Funded Grant Agreement Emergency Preparedness and Assistance Grant Fiscal Year 2023-2024 in the amount of \$105,806 and 2) FY 2023-2024 EMPA Agreement Exhibit 2-27-19 Florida Administrative Code EM Director Certification. There is no match required.

F. HEALTH SERVICES DEPARTMENT

1. **23-1142** Approval and execution of 1) Agreement between the City of Orlando, Florida and Orange County, Florida for the Administration of the Housing Opportunities for Persons with AIDS (HOPWA) Grant Program for fiscal years 2023-2026 in an estimated total award amount of \$16,634,211 (including the fiscal year 2023 award of \$5,544,737); 2) Certification regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements; and 3) Affidavit Federal Funding Accountability and Transparency Act (FFATA) and authorization for the Mayor or designee

to sign any future amendments of this agreement. No county match is required. (Fiscal and Operational Support Division)

2. **23-1143** Approval and execution of the Paratransit Services License for DRIV'UP, LLC to provide wheelchair/stretchers service. The term of this license shall be from August 8, 2023 and terminate on August 7, 2025. There is no cost to the County. (EMS Office of the Medical Director)
3. **23-1144** Approval and execution of the renewal Paratransit Services License for DDJ Transportation, Inc. to provide wheelchair/stretchers service. The term of this license shall be from August 8, 2023 and will terminate on August 7, 2025. There is no cost to the County. (EMS Office of the Medical Director)
4. **23-1145** Approval and execution of the renewal Paratransit Services License for Community Connections Transportation, Inc. to provide wheelchair/stretchers service. The term of this license shall be from August 8, 2023 and will terminate on August 7, 2025. There is no cost to the County. (EMS Office of the Medical Director)

G. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **23-1146** Approval of Solid Waste Management Facility permit renewal application No. SW-22-05-001 for Waste Management Inc. of Florida, for the facility known as The Orlando Transfer Station, subject to waivers and conditions of approval. District 6. (Environmental Protection Division)
2. **23-1147** Approval of Solid Waste Management Facility permit renewal application No. SW-23-03-001 for DeRoche Building Supply, Inc. d.b.a. CrossRoads Building Supply, Inc., for the facility known as CRS Central Rock & Supply, Inc., subject to waivers and conditions of approval. District 6. (Environmental Protection Division)
3. **23-1148** Approval of the Green PLACE Advisory Board recommendation to name the property informally known as Pine Plantation as Greeneyes Wildlife Preserve. District 2. (Environmental Protection Division)
4. **23-1149** Approval of 2023-2024 Annual Action Plan and approval and execution of:
1) Certifications, 2) Specific Community Development Block Grant Certifications, 3) Specific HOME Certifications, 4) Emergency Solutions Grants Certifications, 5) Application for Federal Assistance SF-424 and Assurances - Construction Programs for Community Development Block Grant (CDBG)/Entitlement Grant, 6) Application for Federal Assistance SF-424 and Assurances - Construction Programs for HOME Investment Partnerships program (HOME)/Entitlement Grant, and 7) Application for Federal Assistance FL-424 and Assurances - Construction Programs for Emergency Solutions Grant (ESG)/Entitlement Grant. All Districts. (Housing and Community Development Division)

5. **23-1150** Approval and execution of Interlocal Cooperation Agreements between Orange County, Florida and City of Winter Garden; Town of Eatonville; Town of Oakland; and Town of Windermere for Community Development Programs under the Urban County Program. Districts 1 and 2. (Housing and Community Development Division)
6. **23-1151** Approval and execution of Right of Way Agreement Prime Logistics Center Taft-Vineland Road by and between BSREP III Prime Logistics Center LLC and Orange County for the conveyance of 7.875 acres of right-of-way and stormwater pond for \$2,915,797.50 in transportation impact fee credits and a one-time cash payment in the amount of \$868,652. District 4. (Roadway Agreement Committee)
7. **23-1152** Approval and execution of First Amendment to Proportionate Share Agreement for Prime Logistics Center Taft-Vineland Road by and between BSREP III Prime Logistics Center LLC and Orange County for an additional proportionate share payment in the amount of \$12,556. District 4. (Roadway Agreement Committee)

H. UTILITIES DEPARTMENT

1. **23-1153** Approval to establish the revised hauler compensation rate to Zone 5 as listed. All Districts. (Solid Waste Division)
2. **23-1154** Approval and execution of the Environmental Water & Reclamation Technology Training Agreement Between Orange County, Florida and School Board of Orange County, Florida. All Districts. (Water Division)
3. **23-1155** Approval of Irrevocable Standby Letter of Credit No. 75001507, issued by Truist Bank on behalf of Pultegroup, Inc. on behalf of Pulte Home Company, LLC in favor of Orange County in the amount of \$89,250 for the required security to guarantee compliance with the terms of The Cove at Nona Sound (22-U-028) Wastewater Capital Charge Letter of Credit Agreement and authorization for the Utilities Director or Deputy Director to release the Letter of Credit to the issuing institution upon completion of the term of the Agreement or upon the Board's acceptance of a replacement letter of credit. District 4. (Engineering Division)
4. **23-1156** Approval and execution of The Cove at Nona Sound (22-U-028) Wastewater Capital Charge Letter of Credit Agreement by and between Pulte Home Company, LLC and Orange County. District 4. (Engineering Division)
5. **23-1157** Approval and execution of Able Linen - Commercial Laundry Services Wastewater Flow Monitoring Agreement by and among Able Linen LLC, Able Land Investments LLC, and Orange County for an initial 10-year period to monitor wastewater discharges from the facility. District 3. (Engineering

Division)

6. **23-1158** Approval and execution of First Amendment to Water Conserv II Lease Agreement by and amongst the City of Orlando, Florida, Orange County, and the Orange County FFA Alumni, Inc. to extend the Lease Agreement term, revise insurance provisions, and adjust the reclaimed water rate to current standards. District 1. (Water Reclamation Division)
7. **23-1159** Approval of Resolution 2023-M-31 of the Orange County Board of County Commissioners regarding lease of property to FFA Alumni, Inc. in accordance with Section 125.38, Florida Statutes. District 1. (Water Reclamation Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. **23-1103** Receipt of the following items to file for the record:
 - a. Florida Public Service Commission Consummating Order. In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company.

This item was received and filed.

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATOR

By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Orange County Library District Governing Board

1. **23-1112** Appointment of Ashley C. Mejia to the Library Board of Trustees as a City of Orlando representative with a term effective August 8, 2023 and expiring December 31, 2023.

The Orange County Board of County Commissioners took no action. Refer to the Orange County Library District Governing Board Minutes appended to Legislative File 23-1112, for action taken by the Orange County Library District Governing Board.

By consensus, the Board adjourned as the Orange County Library District Governing Board and reconvened as the Orange County Board of County Commissioners

B. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **23-1118** Approval and execution of Resolution of the Orange County Board of County Commissioners regarding adoption of the Standard Operating Procedures

to implement the requirements of the Live Local Act. All Districts.

County staff recommended revisions to Resolution regarding adoption of the Standard Operation Procedures Appendix "A" Form of Live Local Act Standard Operating Procedures as follows:

Page 2 between Section 4 and Section 5 to add the following step:

The County shall post a poster on the property consistent with County standard practices.

Page 2 after the initial application phase under paragraph 3 add the following:

The Development Review Committee (DRC) office will notify the Commissioners' office.

A motion was made by Commissioner Scott, seconded by Commissioner Uribe, to approve and execute Resolution 2023-M-32 of the Orange County Board of County Commissioners regarding adoption of Standard Operating Procedures to implement the requirements of the Live Local Act; and further, approve revisions to Appendix "A" Form, of the Live Local Act Standard Operating Procedures, page 2, between Section 4 and 5 to add "The County shall post a poster on the property consistent with County standard practices", and page 2 after the initial application phase under paragraph 3 to add "The Development Review Committee (DRC) office will notify the Commissioners' office". The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

IV. WORK SESSION AGENDA

A. HEALTH SERVICES DEPARTMENT

1. **23-1120** Regional Opioid Settlement Fund. (Drug Free Office)

The Board took no action.

B. COUNTY ADMINISTRATOR

1. **23-1122** Shingle Creek Transit and Utility Community Development District.

The following person addressed the Board: John Sprouls.

The Board took no action.

ANNOUNCEMENT

County Attorney Newton announced that Notice is hereby given pursuant to subsection 286.011 (8), Florida Statutes, that a closed attorney-client Executive Session will held on Tuesday, August 22, 2023, at 1:30 p.m., in the County Administrator's Executive Conference Room on the 5th Floor of the County Administration Building, by the Orange County Board of County Commissioners, so that County Attorney Newton might seek the Board's advice concerning Florida Association of Realtors d/b/a Florida Realtors and Florida Apartment Association Inc., vs. Orange County, Florida and Bill Cowles, in his official capacity as the Orange County Supervisor of Elections, Fifth District Court of Appeal of the State of Florida, Case No: 5D22-227. The names of all persons expected to attend the meeting are: Orange County Mayor Jerry L. Demings; County Commissioners Nicole Wilson, Christine Moore, Mayra Uribe, Maribel Gomez Cordero, Emily Bonilla, and Michael Scott; County Administrator Byron Brooks; County Attorney Jeffrey Newton; Assistant County Attorney Dylan Schott; Attorney Greg Stewart; and an official court reporter.

MOMENT OF SILENCE

For the passing of Linda Brehmer-Lanosa, Assistant County Attorney of the Orange County Attorney's Office.

V. RECOMMENDATIONS

1. 23-1124 July 20, 2023 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Moore, seconded by Commissioner Gomez Cordero, to approve the recommendations, with the exception of Case # RZ-23-07-054, Keral J. Kothari (Board Called), which was pulled from the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Bonilla

Absent: 2 - Commissioner Uribe, and Commissioner Scott

VI. PUBLIC HEARINGS

A. Petition to Vacate

1. 23-1027 Case # PTV 22-03-013

Irina Haydon on behalf of Matthew and Sarah Beck, vacate portions of drainage and utility easements; District 1

Consideration: Resolution granting Petition to Vacate # 22-03-013, vacating two portions of a 7.5 foot wide drainage and utility easement. The first portion is approximately 1.67 feet wide by 30.22 feet long and the second portion is approximately 138.16 feet long by 3.88 feet. The easement is located on the north side of the property within Les Terraces Subdivision.

Location: District 1; The parcel address is 2828 Ingeborg Court; S04/T23/R28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to approve

the request listed in the Staff Report dated August 8, 2023. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Bonilla

Absent: 2 - Commissioner Uribe, and Commissioner Scott

2. **23-1028** Case # PTV 22-11-026

Tara Tedrow of Lowndes, Drosdick, Doster, Kantor & Reed, P.A., on behalf of Mid-Florida Freezer Properties LLC and MG 88 Central Florida Cold Storage II LLC., vacate a portion of a right-of-way; District 2

Consideration: Resolution granting Petition to Vacate # 22-11-026, vacating a portion of a 60 foot wide right-of-way known as Shepard Avenue, containing a total of approximately 0.82 acres.

Location: District 2; Three parcel addresses are 2560 W. Orange Blossom Trail, 2322 W. Orange Blossom Trail, and 2323 Mayflower Avenue and the other one is unaddressed; S06/T21/R28; Orange County, Florida (legal property description on file)

The following person addressed the Board: Logan Opsahl.

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to approve the request listed in the Staff Report dated August 8, 2023. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Bonilla

Absent: 2 - Commissioner Uribe, and Commissioner Scott

3. **23-1029** Case # PTV 23-03-009

Nick Louloudis, on behalf of Park Square Enterprises LLC., vacate a portion of a utility easement; District 1

Consideration: Resolution granting Petition to Vacate # 23-03-009, vacating a portion of a 6 foot wide utility easement located along the north property line of their residential lot located within the Bay Hill Section 8 Subdivision.

Location: District 1; The parcel address is 6087 Barrington Court; S27/T23/R28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to approve the request listed in the Staff Report dated August 8, 2023. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Bonilla

Absent: 2 - Commissioner Uribe, and Commissioner Scott

B. Shoreline Alteration/Dredge and Fill**4. 23-932 Case # SADF 22-05-018**

Ende Family Trust, Lake Conway, permit; District 3

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 22-05-018 to authorize the construction of a new seawall along the shoreline of the Landings Canal off Lake Conway pursuant to Chapter 33, Article II, Lake Conway Water and Navigation Control District

Location: District 3; on property located adjacent to Lake Conway, located at 3802 Quando Drive, Belle Isle, FL 32812; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Scott, to accept the findings and recommendation of the Environmental Protection Division; and further, approve the Shoreline Alteration/Dredge and Fill Permit (SADF-22-05-018) subject to the twenty-four (24) conditions of approval listed in the Staff Report dated June 29, 2023. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

C. Board of Zoning Adjustment Board-Called**5. 23-931 Case # VA-23-06-031**

Edward Bharath for Orange Tires & Wheels, June 1, 2023; District 3

Consideration: Request for variances in the C-1 zoning district as follows: 1) To allow a rear setback of 2.5 ft. in lieu of 20 ft. for an existing tire shop. 2) To allow a rear setback of 6 ft. in lieu of 20 ft. for two shipping containers.

Location: District 3; property located at 7525 S. Orange Ave., Orlando, FL 32809 (legal property description on file in Zoning Division)

The following person addressed the Board: Edward Bharath.

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to continue the public hearing until September 26, 2023, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

D. Development Plan**6. 23-937 Case # DP-23-01-018**

Morgan Hampton, Common Oak Engineering, Epic Retail Clarcona PD /

Epic Retail Clarcona PSP / Lot 2 - Big Dan's Car Wash DP; District 2

Consideration: Epic Retail Clarcona PD / Epic Retail Clarcona PSP / Lot 2 - Big Dan's Car Wash DP, Case # DP-23-01-018 submitted in accordance with Article II of the Orange County Subdivision Regulations; This request is to construct a free standing automatic car wash on 1.51 acres; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89

Location: District 2; property generally located South of Clarcona Ocoee Road / East of N. Apopka Vineland Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Joe Kovecses
- Jeremy Anderson
- Ed Misicka

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Joe Kovecses.

A motion was made by Commissioner Moore, seconded by Commissioner Scott, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the sixteen (16) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated July 21, 2023. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

E. Preliminary Subdivision Plan

7. **23-1043** Case # PSP-22-12-362

Chad H. Moorhead, Madden, Moorhead & Glunt, Inc., Corner Lake Gardens Planned Development / Solace at Corner Lake Preliminary Subdivision Plan; District 5

Consideration: Corner Lake Gardens Planned Development / Solace at Corner Lake Preliminary Subdivision Plan, Case # PSP-22-12-362, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This request is to subdivide 74.19 acres to construct 47 single-family residential dwelling units.

Location: District 5; property generally located South of Lake Pickett Road / West of Chuluota Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board:

- David Stokes

The applicant proposed the following modification to Condition of Approval #28:

28. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets, unless alternative approved by Orange County ISS/911 Administrative Department.

The following persons addressed the Board:

- Tom Narut
- Chad Swanson
- Isabel Sam
- Tina Demostene

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from David Stokes
- Exhibit 2, from David Stokes
- Exhibit 3, from Tom Narut
- Exhibit 4, from Tina Demostene
- Exhibit 5, from Tina Demostene

County staff noted an error in the Staff Report dated July 26, 2023. The staff report indicates the Utility service area is provided by Orange County Utilities, however, the plan and the Planned Development (PD) shows that the project is onsite septic. Furthermore, Condition of Approval #20 references onsite sewage treatment and disposal systems shall implement advanced nitrogen reducing septic systems.

County staff accepted the modification to Condition of Approval #28 as proposed by the applicant.

A motion was made by Commissioner Bonilla, seconded by Commissioner Scott, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the twenty-nine (29) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated July 26, 2023; and further, modify Condition of Approval #28. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

Nay: 1 - Commissioner Wilson

F. Substantial Change

8. **23-1030** Case # CDR-23-03-082

Lance Bennett, Poulos & Bennett, LLC, Kensington Church - Village H
Planned Development / Land Use Plan (PD / LUP), amend plan; District 1

Consideration: A PD substantial change to add the uses of temporary athletic fields on 2 acres of the property and grass parking on 1 acre of the property prior to construction of the church community campus. In addition, a waiver has been requested to allow parking facilities to be of a grassed surface for use of temporary parking for a sports field only prior to the construction of the church campus facility, pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property generally located South of Old YMCA Road / West of Lake Hickory Nut Drive; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Josh Edmonson
- Lori Price

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and further, approve the substantial change request subject to the fourteen (14) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated July 21, 2023. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

G. Resolution

9. **23-1042** Adopting a revised fee structure for solid waste disposal at Orange County disposal facilities; All Districts

Consideration: A RESOLUTION REGARDING SOLID WASTE DISPOSAL; ADOPTING A REVISED FEE SCHEDULE FOR SOLID WASTE DISPOSAL AT COUNTY DISPOSAL FACILITIES; REVISING CERTAIN SOLID WASTE DISPOSAL FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Uribe, seconded by Commissioner Scott, to approve Resolution 2023-M-33 pertaining to Solid Waste Disposal; further, adopt a Revised Fee Schedule for Solid Waste Disposal at County Disposal Facilities; further, revise certain Solid Waste Disposal Fees; further, provide for severability; and further, provide for an effective date of October 1, 2023. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

H. Ordinance/Comprehensive Plan - Adoption of Regular Cycle Amendment, Ordinance, and Concurrent PD Substantial Change Request

10. **23-820** Adoption of Future Land Use Map Amendment 2023-1-A-4-2, Ordinance, and Concurrent PD Substantial Change Request CDR-23-01-023, Jim Hall,

Hall Development Services, Inc., and Eric Raasch, Inspire Placemaking Collective, Inc., for SBEGC, LLC

a. Amendment 2023-1-A-4-2

Consideration: Parks and Recreation/Open Space (PR/OS) to Low Density Residential (LDR)

Location: District 4; Property located at 2900 Northampton Ave.; generally located north of S. Alafaya Trl., east of Northampton Ave., south of Cheval St., and west of Broadhaven Blvd.; Parcel ID#: 01-23-31-0000-00-001 (portion of); 40.13 gross ac.

Court Reporter: Jean Rohrer, Lexitas

And

b. Ordinance for Proposed Amendment

Consideration: An Ordinance pertaining to Comprehensive Planning in Orange County, Florida; amending the Orange County Comprehensive Plan, commonly known as the “2010-2030 Comprehensive Plan,” as amended, by adopting amendments pursuant to Section 163.3184(3), Florida Statutes, for the 2023 calendar year (First Cycle); and providing effective dates.

And

c. CDR-23-01-023

Consideration: Substantial Change Request to the Stoneybrook PD to convert a portion of the PD currently operating as a golf course (40.13 gross acres), to residential in order to construct 125 single-family residential dwelling units on new Tract 27.

Location: District 4; Property located at 2900 Northampton Ave.; generally located north of S. Alafaya Trl., east of Northampton Ave., south of Cheval St., and west of Broadhaven Blvd.; Parcel ID#: 01-23-31-0000-00-001 (portion of); 40.13 gross ac.

Court Reporter: Jean Rohrer, Lexitas

New Conditions of Approval #17 and #18:

17. The Amended and Restated Agreement regarding the Stoneybrook East Golf Course and Single-Family Homes dated June 28, 2022, between Stoneybrook Master Assoc., Inc., and SBEGC, LLC, shall be recorded by those parties not later than thirty (30) days after the applicable periods to challenge the comprehensive plan amendment and the PD rezoning have expired, unless the comprehensive plan amendment and/or the PD rezoning are challenged, in which event the Agreement shall be recorded by those parties not later than thirty (30) days after the challenge(s), including any subsequent appeals, have been resolved, with the comprehensive plan amendment and the PD rezoning decisions being upheld, affirmed, or otherwise left undisturbed.

18. A stormwater analysis and design incorporating the requirements of Orange County Code Chapter 34, Article VII, Stormwater Management, and Orange County Code Chapter 19,

Floodplain Management, including, but not limited to, an update to the Master Drainage Plan pursuant to Section 34-229 and Water Management District Standards, shall be prepared, submitted, reviewed, and accepted by Orange County Public Works as part of the Preliminary Subdivision Plan submittal, with all of the foregoing and any and all work in any way required by, or in any way related to, the updated Master Drainage Plan, regardless of what property or stormwater is affected thereby, to be performed and paid for by SBEGC, LLC and its successors and assigns, with no work, expense or cost to the Stoneybrook Master Assoc., Inc. or any Stoneybrook Master Assoc., Inc. homeowner.

The following person addressed the Board: Hal Kantor.

New Condition of Approval #19:

19. The number of single-family dwelling units for new Phase IV/Tract 27 as shown on the amended land use plan dated "Received May 5, 2023" shall be reduced from 125 units to 100 units. Prior to the approval of the first preliminary subdivision plan for Phase IV, the applicant shall modify the amended land use plan to be consistent with and reflect this reduction in single-family dwelling units from 125 units to 100 units, and those modifications shall be deemed a non-substantial change.

Previous Conditions of Approval #17, #18, and #19 are renumbered to Conditions of Approval #20, #21, and #22.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, adopt Amendment 2023-1-A-4-2, Parks and Recreation / Open Space (PR/OS) to Low Density Residential (LDR); further, adopt the associated Ordinance 2023-31; further, approve the substantial change request Case # CDR-23-01-023, subject to the nineteen (19) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated July 28, 2023; further, approve new Conditions of Approval #17, #18, and #19; and further, approve the renumbered Conditions of Approval #20, #21, and #22. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

I. Ordinance

11. **23-1040** Amending Orange County Code, Chapter 23, Article IV, Section 23-98, impact fees relating to Transportation Impact Fee exemptions; All Districts

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY TRANSPORTATION IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE IV, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 23-98 ("EXEMPTIONS"); MAKING AN ECONOMIC IMPACT DETERMINATION; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, adopt Ordinance 2023-32,

amending the Orange County Transportation Impact Fee Ordinance codified at Article IV, Chapter 23, of the Orange County Code; further; amend Section 23-98 ("Exemptions"); further, make an economic impact determination; and further, provide an effective date. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

√ **The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today’s quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board’s decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.**

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

ADJOURNMENT: 3:46 p.m.

ATTEST:

County Mayor Jerry L. Demings

Date: _____

ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk

Jennifer Lara-Klimetz
Assistant Deputy Clerk

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.