

Orange County Government

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



Final Amended Meeting Minutes

Tuesday, January 23, 2024

9:00 AM

County Commission Chambers

Board of County Commissioners

Language Assistance and Translation Services Available:

Para asistencia lingüística o servicios de traducción en español, llame al (407) 836-3111

Si w bezwen èd nan lang Kreyòl oswa sèvis tradiksyon, tanpri rele (407) 836-3111

Call to Order

County Mayor Jerry L. Demings called the meeting to order at 09:02 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 Georgiana Holmes
- Public Works Director Joseph Kunkel
- Minutes Supervisor Craig Stopyra
- Minutes Coordinator Megan Fiocco
- Minutes Coordinator Rafael Encarnacion, Jr.

Acknowledgement

Passing of Dexter King, son of Martin Luther King, Jr.

Invocation - Mayor

Dr. David Uth, Senior Pastor, First Baptist Orlando Church

Pledge of Allegiance

Presentation

Proclamation designating February 2, 2024 as School Crossing Guard Appreciation Day

Announcement

Mayor Demings announced that Closed Captioning is available for those who are hearing impaired.

Public Comment

The following persons addressed the Board during public comment:

- City of Orlando Commissioner Regina Hill
- Cole NeSmith
- J.J. Lullen
- Cynthia Harris
- Bridget Williams

- Rebecca Buckman
- Erik Weiner
- John Nicely
- Tony Shahnami
- Derek Lewis
- Edward Guindi
- Lysa Barbano
- Jennifer Evins
- Shanta Barton-Stubbs
- Mark Shamley
- Bryan Boykin
- Wendy Wiginton
- Cate Manley
- Gaby Ortigoni
- Jason Siegel
- George Morning
- Derrick Wallace
- Tanisha Nunn Gary
- Michael Perkins
- Rich Black
- Justin Kinsey
- Monique Waldrop
- Paul Mears
- Terry Prather
- Chris Jaskiewicz
- Deanna Kotch
- Todd Frappier
- Maria Triscari
- Jill Vaughan
- Gabriel Preisser
- Em Roy
- Charles Simmons
- Jeff Justen
- Nicholas Abrahams
- Kathleen Fitzgerald
- Kelly Semrad
- Tara Felton
- Sam Delgado
- Matthew Grocholske

The following materials were presented to the Board during public comment:

- Exhibit 1, from Cole NeSmith
- Exhibit 2, from J.J. Lullen

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor deferred action on Public Works Department Item 3; and further, a motion was made by Commissioner Uribe, seconded by Commissioner Scott, to approve the balance of 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 COMPTRROLLER

- 1. **24-132** Approval and execution of the minutes of the December 12, 2023 meeting of the Board of County Commissioners. (Clerk’s Office)
- 2. **24-133** Approval of the check register authorizing the most recently disbursed County funds, having been certified that no accounts have been overdrawn due to the issuance of same.

Periods are as follows:

- January 5, 2024, to January 11, 2024; \$80,851,830.83
- January 12, 2024, to January 18, 2024; \$28,868,454.26

(Finance/Accounting)

B. COUNTY SHERIFF

- 1. **24-134** Approval and execution of Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award Agreement for Award Title: C-R7159: DNA Outsourcing in the amount of \$35,000 for the period of October 1, 2023 through September 30, 2024. No matching funds are required.

C. COUNTY ADMINISTRATOR

- 1. **24-135** Approval of revisions to Section 2.10 E. of the Board’s Rules of Procedure.
- 2. **24-136** Approval of budget amendments #24-12, #24-13, and #24-14. (Office of Management and Budget)

D. ADMINISTRATIVE SERVICES DEPARTMENT

- 1. **24-137** Approval and execution of Modification to Subgrant Agreement between the Division of Emergency Management and Orange County Contract Number:

H0273 Project Number 4337-184-R to amend the expiration date to May 31, 2024 and increase the funding by \$36,392.54 for the maximum amount payable of \$592,005.75 for the Barnett Park Gym and Recreation Center and authorization for the Mayor or designee to execute any further necessary amendments to such Grant Agreement that do not change the scope of the project or increase the overall project budget. (Fiscal and Operational Support Division)

2. **24-138** Approval to award Invitation for Bids Y24-707-CR, Bentonsire Park, to the low responsive and responsible bidder, CIC Construction Group USA, LLC. The total contract award amount is \$1,495,516, inclusive of additive number one. ([Administrative Services Department Capital Projects Division] Procurement Division)
3. **24-139** Approval of Amendment No. 3, Contract Y22-107A, Construction Services for the Sidewalk Safety Improvement Program, with Huffman Inc., d/b/a NuWave Concrete, in the amount of \$500,000, for a revised estimated contract amount of \$1,223,405. ([Public Works Department Highway Construction Division] Procurement Division)
4. **24-140** Approval of Amendment No. 3, Contract Y22-107B, Construction Services for the Sidewalk Safety Improvement Program, with Parthenon Construction Company, in the amount of \$500,000, for a revised estimated contract amount of \$1,288,925. ([Public Works Department Highway Construction Division] Procurement Division)
5. **24-141** Approval of Amendment No. 3, Contract Y22-107C, Construction Services for the Sidewalk Safety Improvement Program, with American Persian Engineering and Construction, LLC, in the amount of \$500,000, for a revised estimated contract amount of \$1,339,770. ([Public Works Department Highway Construction Division] Procurement Division)
6. **24-143** Approval of Amendment No. 3, Contract Y22-107D, Construction Services for the Sidewalk Safety Improvement Program, with RMS Constructors Group, LLC, in the amount of \$500,000, for a revised estimated contract amount of \$1,410,900. ([Public Works Department Highway Construction Division] Procurement Division)
7. **24-144** Ratification of Purchase Order M113426, Emergency Wastewater Force Main Replacement at North Hiawassee Road and Crooked Lake Trail, with Metro Equipment Service, Inc., in the amount of \$2,500,000. ([Utilities Department Field Services Division] Procurement Division)
8. **24-145** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. East Orange Community Center (CAD) 12050 E. Colonial Dr., Orlando, Florida 32826. Lease File #10251. District 4. (Real Estate Management Division)

9. **24-146** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. Hal P. Marston Community Center (CAD), 3933 Wd Judge Dr., Orlando, Florida 32808. Lease File #10252. District 6. (Real Estate Management Division)
10. **24-147** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. Holden Heights Community Center (CAD) 1201 20th Street, Orlando, Florida 32805. Lease File #10253. District 6. (Real Estate Management Division)
11. **24-148** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. John Bridges Community Center (CAD) 445 W. 13th St., Apopka, Florida 32703. Lease File #10254. District 2. (Real Estate Management Division)
12. **24-149** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. Maxey Community Center (CAD) 830 Klondike Ave., Winter Garden, Florida 34787. Lease File #10255. District 1. (Real Estate Management Division)
13. **24-150** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. Multicultural Center

(CAD) 7149 West Colonial Drive, Orlando, Florida 32818. Lease File #10258. District 6. (Real Estate Management Division)

14. **24-151** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. Pine Hills Community Center (CAD) 6400 Jennings Rd., Orlando, Florida 32818. Lease File #10256 District 6. (Real Estate Management Division)
15. **24-152** Approval and execution of License Agreement between Orange County, Florida and LBJ Behavioral Services, 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 LBJ Behavioral Services, Inc. Taft Orange Community Center (CAD) 9450 S. Orange Ave., Orlando, Florida 32824. Lease File #10257. District 3. (Real Estate Management Division)
16. **24-153** Approval and execution of First Amendment to Drainage Easement by and between Shenandoah Reserve, LLC and Orange County and authorization to record instrument for Shenandoah Reserve (PSP-21-12-378). District 3. (Real Estate Management Division)
17. **24-154** Approval and execution of First Amendment to Drainage and Sewer Easement by and between AGPM Acquisitions, LLC and Orange County and authorization to record instrument for The Villages at Lake Lawne (DP-22-01-026). District 6. (Real Estate Management Division)
18. **24-155** Approval and execution of Orange County, Florida and the Orange County Supervisor of Elections Facility Use Agreement for the 2024 Election Year and authorization for the Real Estate Management Division to provide updates and furnish notices, required, or allowed by the Use Agreement, as needed for Supervisor of Elections Facility Use Agreement, Lease File #10018. All Districts. (Real Estate Management Division)
19. **24-156** Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Orange County Fire Station #80 B22900527. District 5. (Real Estate Management Division)

E. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **24-157** Receipt and filing of Head Start Policy Council Program Information and Updates November 2023, Head Start Policy Council Program Information

and Updates December 2023, and Head Start Policy Council Meeting Minutes November 16, 2023 for the official county record. (Head Start Division)

F. HEALTH SERVICES DEPARTMENT

1. **24-158** Approval and execution of Mosquito Control Memorandum of Understanding FDACS Contract# 30748 by and between the Florida Department of Agriculture and Consumer Services and Orange County Mosquito Control and authorization for the Mayor or designee to sign any future amendments to this agreement. No county match is required. (Mosquito Control Division)
2. **24-159** Approval and execution of 1) Florida Department of Health Emergency Medical Services Program EMS County Grant Award Application in the amount of \$237,962.72 and 2) Resolution 2024-M-02 of the Orange County Board of County Commissioners regarding Certification for use of Florida Emergency Medical Services Grant Act funds; and authorization for the County Mayor or designee to sign for the award payment. There is no county match required for this grant. (EMS Office of the Medical Director)
3. **24-160** Approval and execution of Contract between Orange County, Florida and State of Florida Department of Health for Operation of the Orange County Health Department Contract Year 2023-2024. Orange County's total cash contribution in the amount of \$1,419,449 will be submitted to the Health Department in quarterly installments of \$354,862.25.
4. **24-161** Approval and execution of Data Sharing Agreement between State of Florida, Department of Health Orange County Health Department ("FDOH-Orange") and Orange County, Florida ("Provider"). (Drug Free Office)

G. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **24-162** Approval of three new positions within the Environmental Protection Division to support the recently-adopted Chapter 15, Article X, Wetland and Surface Water Protection Ordinance and approval and execution of Resolution 2024-M-03 of the Orange County Board of County Commissioners regarding the Orange County Fee Directory as to certain fees charged for a Wetland Determination Application and associated Wetland Permit types and a Variance or Appeal and creating new certain fees for a Wetland Permit extension, Transfer or Modification; and Providing for an Effective Date. All Districts. (Environmental Protection Division)
2. **24-163** Approval and execution of Subrecipient Agreement between Orange County, Florida and Rebuilding Together Tampa Bay, Inc. d.b.a. Rebuilding Together Central Florida regarding Housing Trust Fund Safe at Home Program in the total amount of \$760,000 for minor home repair services. All

Districts. (Housing and Community Development Division)

- 3. **24-164** Approval and execution of 1) Subrecipient Agreement between Orange County, Florida and Health Care Center for the Homeless, Inc. regarding U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant (“CDBG”) Program FY 2022-2023 in the amount of \$500,000 and 2) Federal Subrecipient Agreement (#Y23-2407) between Orange County, Florida and Health Care Center for the Homeless, Inc. for a federal subaward of an amount not to exceed \$500,000.00 from a federal award issued by the U.S. Department of the Treasury for the specific purpose of Providing additional funding in support of the Ivey Lane Health Center CDBG CIP Project. District 6. (Housing and Community Development Division)
- 4. **24-165** Approval and execution of Project Administration Subrecipient Agreements between Orange County, Florida and public service agencies regarding the Community Development Block Grant (“CDBG”) Program in the amount of \$1,090,590 and the Emergency Solutions Grant (“ESG”) Program in the amount of \$571,763 for FY 2023-2024. All Districts. (Housing and Community Development Division)
- 5. **24-166** Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services, and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 5, and 6. (Neighborhood Services Division)

LC 23-0320	LC 24-0065	LC 24-0060	LC 24-0006	LC 24-0026
LC 24-0017	LC 24-0019	LC 24-0062	LC 24-0008	LC 24-0031
LC 24-0055	LC 24-0028	LC 23-0336	LC 24-0010	LC 24-0044
LC 24-0013	LC 24-0047	LC 23-0347	LC 24-0025	LC 24-0045

H. PUBLIC WORKS DEPARTMENT

- 1. **24-167** Authorization to record the plat of Good Storage. District 5. (Development Engineering)
- 2. **24-168** Approval and execution of First Amendment to Amended and Restated Escrow Agreement for Town Center West (Silverleaf) Road Network Agreement by and among Jen Florida 36, LLC, Hamlin Partners at Silverleaf, LLC, Shutts & Bowen, LLP and Orange County to allow the Escrow Agent to receive and disburse Transportation Fees in order to facilitate and accelerate the road construction as identified within the Town Center West (Silverleaf) Road Network Agreement. District 1. (Roadway Agreement Committee)
- 3. **24-169** Acceptance of the Sustanee Global Transportation Mitigation Term Sheet

and Board direction for the Roadway Agreement Committee to negotiate terms for a Transportation and Mitigation Agreement. District 5. (Roadway Agreement Committee)

(This item was deferred.)

I. UTILITIES DEPARTMENT

- 1. **24-170** Approval and execution of Master License Agreement by and between Orange County and University of Central Florida Research Foundation, Inc. for research projects on Orange County Utilities properties and authorization for the Director of Orange County Utilities to review materials or information produced by the research, furnish notices required under the Master License Agreement, and execute term extensions and Statements of Work according to the terms of the Master License Agreement. All Districts. (Water Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

- 1. **24-115** Receipt of the following items to file for the record:
 - a. Florida Public Service Commission Order Approving Duke Energy Florida, LLC’s interim storm cost recovery charge. In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Idalia, by Duke Energy Florida, LLC. In re: Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred, by Duke Energy Florida, LLC.
 - b. City of Orlando Annexation Ordinance No. 2023-35 with Exhibit A (Legal Description), Exhibit B, (Location Map), Exhibit C, (Future Land Use Map), Exhibit D, (Zoning Map),. City of Orlando Business Impact Estimate and Fiscal Impact Statement and the Orlando Sentinel Notice of Proposed Enactment. Ordinance No 2023-35 entitled: An Ordinance of the city of council of Orlando, Florida, annexing to the corporate limits of the city certain land generally located north of McCoy Road, east of Narcoossee Road, south of Lee Vista Boulevard and west of S. Goldenrod Road, and compromised of 19.50 acres of land, more or less, and amending the city’s boundary description; amending the city’s adopted growth management plan to designate the property as industrial on the city’s official future land use maps; designating the property as industrial park with the aircraft noise overlay district on the city’s official zoning maps; providing for amendment of the city’s official future land use and zoning maps; providing for severability, correction of scrivener’s errors, permit disclaimer, and an effective date.

- c. Florida Public Service Commission Order Approving interim rates and suspending proposed final rates. In re: Application for increase in water and wastewater rates in Orange County by Pluris Wedgefield, LLC.

These items were received and filed.

III. DISCUSSION AGENDA

A. PUBLIC WORKS DEPARTMENT

1. **24-172** Sunshine Corridor Project and SunRail Update. (Transportation Planning Division)

The following persons addressed the Board:

- John Tyler
- David Cooke

The following material was presented to the Board: Exhibit 1, from John Tyler.

The Board took no action.

B. COUNTY ADMINISTRATOR

1. **24-173** Direction on amendments to the Visit Orlando Agreement and appropriation of available TDT funds to projects, as determined by the Board of County Commissioners.

The following person addressed the Board: Casandra Matej.

A motion was made by Commissioner Moore, seconded by Commissioner Scott, to approve the actions requested by the Mayor as follows:

- Appointment of a County Commissioner to the Visit Orlando Board: one of two BCC appointments if Mayor or designee is not a county elected official.
- Total annual reduction to VO funding of \$15 million annually: Extend terms of agreement to September 2028 with incorporation of changes, and inclusion of a four-year renewal provision to be approved by the BCC.
- ARC Funding at \$5m/year: to be paid from TDT from reduction to VO funding.
- Sports Incentive Committee funding at \$10 million/year: to be paid directly from the VO 30% allocation.
- Greater Orlando Sports Commission-Increase GOSC Operational Funding to \$0.50 per capita per year: (i.e., in 2023 the # of OC residents 1,481,321 x \$0.50) to be paid from TDT Taxes from Orange County.

- Camping World Stadium \$400 million: Intent would be for the City of Orlando to issue the debt with final recommendation to the BCC of whether the debt is issued by the City or the County based on analysis by the Financing Team (Fiscal & Business Services; Comptroller's Office, Public Financial Management, the County's financial advisor) based on factors such as lowest cost option to taxpayers, impact on County's debt capacity and credit, and risk to the county. All debt issued on behalf OC government must be approved by Board of County Commissioners.
- Kia Center (formerly Amway) not to exceed \$226 million: (\$30M reduction from request) (Funding to be allocated from 1/2 of the 6th cent only until cost of agreed upon funding is met; Intent would be for the City to issue the debt, unless it is determined by the financial experts, with BCC approval, that it is in the best interest of Orange County to issue the debt.)

as amended below. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bonilla

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to amend the main motion to include the election of a county commissioner to the Visit Orlando Executive Board, selected by the Board of the County Commissioners, and to hold a voting position on the Visit Orlando Board, with the election occurring every two (2) years. The motion failed by the following vote:

Aye: 2 - Commissioner Uribe and Commissioner Bonilla

Nay: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Scott

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to amend the main motion to reduce the Tourist Development Tax (TDT) funding for Visit Orlando from thirty (30) percent annually to twenty-five (25) percent annually. The motion failed by the following vote:

Aye: 2 - Commissioner Uribe and Commissioner Bonilla

Nay: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Scott

The BCC made no additional amendments for the Application Review Committee, Sports Incentive Committee, Greater Orlando Sports Commission and Camping World Stadium.

The following persons addressed the Board:

- Allen Johnson
- Casandra Matej

Board discussion ensued. County Comptroller Diamond and County Administrator Brooks contributed to the discussion.

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to amend the main motion to contractually include an audit by the City of Orlando on the quality-operating standard and the facility standard maintenance of the Kia Center, at minimum of every 3 years. 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. RECOMMENDATIONS

1. **24-142** January 4, 2024 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Scott, to approve the recommendations, with the exception of Case # VA-23-12-119, Herbert Betancourt (Appeal Filed) and Case # SE-24-01-122, Shane Carrigan For All Steel Buildings (Board-Called), which were 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 Scott

Absent: 2 - Commissioner Uribe, and Commissioner Bonilla

V. PUBLIC HEARINGS

A. Budget Amendment

1. **24-012** Amending Fiscal Year 2023-24 Budget

Consideration: Recognition of encumbrance rollovers, grant rollovers, fund balance adjustments, capital improvement adjustments, and to make other necessary adjustments.

A motion was made by Mayor Demmings, seconded by Commissioner Scott, to approve the following Budget Amendments: 24-15 Fund Balance, 24-16 Encumbrance Rollovers, 24-17 Grants Rollovers, and 24-18 Capital Improvement Rebudgets; and further, approve new position requests: 6 - Animal Services positions and 7 - Housing Positions. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

B. Petition to Vacate**2. 24-015 Case # PTV 22-09-024**

Christine Elise Bussey, vacate a portion of a drainage easement; District 5

Consideration: Resolution granting Petition to Vacate # 22-09-024, vacating a portion of a 30-foot-wide by approximately 465-foot-long drainage easement that lies along the east property line of a vacant residential lot located in the Wedgefield Community containing approximately 0.32 acres.

Location: District 5; The parcel address is unaddressed; Orange County, Florida (legal property description on file)

The following person addressed the Board: Christine Bussey.

A motion was made by Commissioner Wilson, seconded by Commissioner Scott, to approve the request listed in the Staff Report dated January 23, 2024. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

C. Board of Zoning Adjustment Appeal**3. 23-1105 Case # SE-22-11-118**

Nathan Milch for Temple on Hempel, Kimley-Horn, July 6, 2023; District 1
(Continued from September 26, 2023)

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for Special Exception in the A-1 zoning district to allow for the construction of an 800 seat 45,000 sq. ft. religious institution.

Location: District 1; property located at 2198 Hempel Avenue, Gotha, Florida, 34734; Orange County, Florida (legal property description on file in Zoning Division)

County Staff announced that the size of the building was previously clarified by the applicant, in the previous public hearing held on September 26, 2023. The building size was advertised as 45,000 sq. ft., however, the applicant is proposing the size be 33,419 sq. ft.

The following persons addressed the Board:

- Jim Willard
- Suresh Gupta
- Jamin Brahmbhatt
- Theresa Schretzmann-Myers
- Bill Coan

- Lisa Ann Thomas
- David Boers
- David Gonzalez
- Kathleen Klare
- Judian Guimbellot
- Lee Marcus
- Bryan Sanford
- Paul DeHart
- Debra Posgai
- Avita Samarou
- Jitendrakumar P. Patel
- Mahendra Samaroo
- Betsy Story
- James O'Neal
- Scott Richman
- Phyllis Malans
- Ruthie Rieder
- Janet Kelsey

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

- Exhibit 1, from Theresa Schretzmann-Myers
- Exhibit 2, from David Boers
- Exhibit 3, from Bryan Sanford

A motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to uphold the Board of Zoning Adjustment recommendation of July 6, 2023; and further, deny the applicant's request of a special exception in the A-1 zoning district to allow for the construction of an 800-seat 45,000 sq. ft. religious institution for Case # 22-11-118. The motion failed by the following vote:

Aye: 3 - Mayor Demings, Commissioner Wilson and Commissioner Bonilla

Nay: 4 - Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Scott

Board discussion ensued regarding the revised site plan, seating capacity, parking spaces, and which Conditions of Approval to be approved.

The motion made by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and further, approve the request was withdrawn.

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to reconsider the original motion made by Commissioner Wilson, seconded by Commissioner Bonilla, that failed to uphold the Board of Zoning Adjustment recommendation of July 6, 2023; and further, deny the applicant's request of a special exception. 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 motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to uphold the Board of Zoning Adjustment recommendation of July 6, 2023; and further, deny the applicant's request of a special exception in the A-1 zoning district to allow for the construction of an 800-seat 45,000 sq. ft. religious institution, for Case # SE-22-11-118. The motion carried by the following vote:

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

Nay: 2 - Commissioner Uribe, and Commissioner Gomez Cordero

D. Substantial Change

4. 23-1481 Case # CDR-23-02-063

Carlos E Perero, Kimley-Horn & Associates, Inc., Kerina Parkside Planned Development / Land Use Plan (PD / LUP); amend plan; District 1
(Continued from November 14, 2023)

Consideration: Substantial change request to the following waivers from Orange County Code are being requested for PD Tracts 7 & 8: 1. A waiver from Orange County Code Section 38-1392.1 is requested for a 10' setback in lieu of a 20' front setback from Apopka Vineland Road within PD Tracts 7 and 8. 2. A waiver from Orange County Code Section 38-1394.1(a) is requested to provide a minimum width of 10' building base green space for two-story buildings, 10' for three story buildings, 10' for four story buildings, and 10' for five or more story buildings in lieu of 13' for two story buildings, 16' for three story buildings, 19' for four story buildings, and 20' for five or more story buildings within PD Tract 8; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property generally located South of Fenton Street / West of South Apopka Vineland Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Chuck Whittall
- Dan O'Keefe
- Kurt Kotzin

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, 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 January 10, 2024. 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

5. 24-013 Case # CDR-23-08-241

Bryan Potts, Tannath Design, Inc., Harbor Bend Planned Development (PD), amend plan; District 3

Consideration: A PD substantial change to change the approved commercial uses from 61,753 retail square feet to 50,272 square feet of hotel with 122 rooms; increase maximum building height for commercial uses from 35 feet to 50 feet; and update associated plan notes; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 3; property located at 6347 Narcoossee Road; East of S. Goldenrod / North of Narcoossee Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Bryan Potts
- Amanda Ramirez
- John Ridaio

A motion was made by Commissioner Uribe, seconded by Commissioner Scott, to continue the public hearing until March 26, 2024, at 2 p.m. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moore

E. Comprehensive Plan - Transmittal of Regular Cycle Amendments**6. 24-016 Transmittal of Regular Cycle Future Land Use Map Amendment 2023-2-A-5-1; and FLU8.1.4 Text Amendment 2023-2-B-FLUE-1, Brian Canin, Kimley-Horn and Associates, Inc. (Sustanee - Lake Pickett North)****a. Amendment 2023-2-A-5-1**

Consideration: Rural/Agricultural (R) to Lake Pickett (LP)

Location: District 5; Generally located north of Lake Pickett Rd., south of the Orange/Seminole County line, east of Econlockhatchee River, and west of Chuluota Rd.; Parcel ID#s: 05-22-32-0000-00-001/002/006/007/011/012/013/014; 06-22-32-0000-00-002; 07-22-32-0000-00-001/020/026/027; and 08-22-32-0000-00-018; 1,317.61 gross ac.

And

b. Amendment 2023-2-B-FLUE-1

Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2023-2-A-5-1

The following persons addressed the Board:

- Sean Froelich
- Pierce Jones
- Sean Snaith
- Debra Parrish
- Bobby Beagles
- Tom Narut
- Jeanne Mcknight
- Pamela Sible
- Anna Wazny
- Daniel Elliott
- Dan Washburn
- Robert Banks
- Rachel Hildebrand
- Tom Wagner
- Cheryl Merz
- David Sale
- RJ Mueller
- Telka DiFate
- David Siegel
- Joy Goff-Marcil
- Val Mobley
- Will Lutz
- Janet Brewer
- Lynda Moore
- Diana Schmuck
- Elaine Barber
- Nicole Bolles
- Katherine Winter
- Alyssa Gaytan
- Paul Colton
- Vicki Green
- Maria Martinez
- Tyler Bolles
- Don White
- Christian Swann
- Hal Coats
- Lauren Gentry
- Stephen Bonck
- Kelly Semrad
- Myriam Balthazar
- Elio Balthazar
- Chelby-Jade Balthazar
- Bijou Balthazar
- Michael Rodriguez

- Drew Abel
- Andre Vidrine
- James Taylor Nathan
- Marj Holt
- Stacy Larson
- Maria Bolton-Joubert
- Nancy Melton
- Valerie Anderson
- Eric Keller
- Jimmy Hester
- John Lina
- Joshua Larson
- Lee Perry
- Alexis Lok
- Greg Lee

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

- Exhibit 1, from Sean Froelich
- Exhibit 2, from Debra Parrish
- Exhibit 3, from Bobby Beagles
- Exhibit 4, from Tom Narut
- Exhibit 5, from Pamela Sible
- Exhibit 6, from Anna Wazny
- Exhibit 7, from Robert Banks
- Exhibit 8, from Cheryl Merz
- Exhibit 9, from RJ Mueller
- Exhibit 10, from Janet Brewer
- Exhibit 11, from Elaine Barber
- Exhibit 12, from Paul Colton
- Exhibit 13, from Kelly Semrad
- Exhibit 14, from Myriam Balthazar
- Exhibit 15, from Chelby-Sade Balthazar
- Exhibit 16, from Bijou Balthazar
- Exhibit 17, from Eric Keller
- Exhibit 18, from Jimmy Hester

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

- Submittal 1, from Val Mobley
- Submittal 2, from Marj Holt
- Submittal 3, from Greg Lee

A motion was made by Commissioner Bonilla, seconded by Commissioner Scott, to deny Amendment 2023-2-A-5-1 and Amendment 2023-2-B-FLUE-1; and further, to make a

determination through careful review of the Florida Statutes, County ordinances, Comprehensive Plan policies and case law, and information contained in the application is not sufficiently complete, due to the missing Fiscal Sustainability Evaluation, and missing traffic impacts in its traffic study. The term sheet does not fully address all impacts with taking into consideration community and environmental impacts; The term sheet is also flawed, missing road segment and has different project costs than the County. The term sheet is not acceptable. The proposed project has no benefit to the community or County, rather causes many community, environmental, fiscal and concurrency negative impacts, with all the facts being presented through competent, substantial evidence as provided in the Comprehensive Plan, traffic studies, this North East Orange County Areawide Transportation Study (NEOCATS), environmental studies, public testimony, expert testimonies, and case law, this application is not in compliance with the Comprehensive Plan. The statutes ordinance of policies cited are the "Community Planning Act," Florida Statutes 163.3161, Sections 2,3,4,5 and 9; Florida Statute 163.3180, Sections 1, 5(a) and 5(d); Florida Statute 163.3177, Section 3; Florida Statute 163.3181, Section 1; Orange County Ordinance Chapter 30, Article XII, Section 30-552 Section 1; Orange County Ordinance Chapter 30, Article XII, Section 30-520; Orange County Ordinance Chapter 30, Article XII, 30-552; Orange County Charter 15, Article XI, Econlockhatchee River Protection, Section 15-443 Section 3; Comprehensive Plan Policies FLU 6.91, Policy T2.1.1, Policy T2.1.2, Policy 6.9.3 Section d; Objective FLU 6.9, FLU 6.96, FLU 6.9, FLU 6.9.1, FLU 6.9.3, FLU 1.2.8, FLU 1.2.8; Objectives C.2.3; and Objective C 1.7.4. The motion carried by the following vote:

- Aye:** 4 - Commissioner Wilson, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla
- Nay:** 3 - Mayor Demings, Commissioner Moore, and Commissioner Scott

and

I. CONSENT AGENDA (Deferred)

H. PUBLIC WORKS DEPARTMENT

3. **24-169** Acceptance of the Sustanee Global Transportation Mitigation Term Sheet and Board direction for the Roadway Agreement Committee to negotiate terms for a Transportation and Mitigation Agreement. District 5. (Roadway Agreement Committee)

This consent item was denied.

√ 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: 12:02 a.m.

ATTEST:



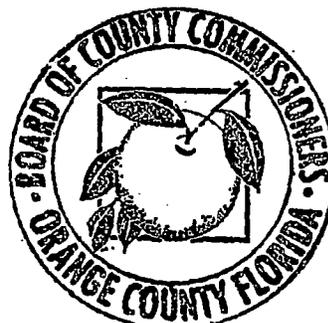
County Mayor Jerry L. Demings

Date: March 5, 2024

ATTEST SIGNATURE:

Phil Diamond

County Comptroller as Clerk



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. Si w bezwen èd nan lang Kreyòl oswa sèvis tradiksyon, tanpri rele (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.