

Orange County Government

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



Final Meeting Minutes - Final

Tuesday, March 7, 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 9:04 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
Minutes Supervisor Craig Stopyra
Minutes Coordinator Megan Fiocco

Invocation - District 2

Bishop Kelvin L. Cobaris, Church of God

Pledge of Allegiance

Public Comment

The following persons addressed the Board during public comment:

- Joel Breckels
- Michael Perkins
- Trini Quiroz
- Shantele Bennett
- Carol Blanco
- Linda Sibley
- Zachary Moldof

The following material was presented to the Board during public comment: Exhibit 1, from Linda Sibley

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor deferred action on Planning, Environmental, and Development Services Department Item 4; and further, a motion was made by Commissioner Uribe, seconded by Commissioner

Moore, 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 COMPTROLLER

1. **23-402** Approval and execution of the minutes of the February 7, 2023 meeting of the Board of County Commissioners. (Clerk's Office)
2. **23-403** 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:
 - February 17, 2023, to February 23, 2023; \$35,460,815.92
 - February 24, 2023, to March 2, 2023; \$155,613,929.39(Finance/Accounting)
3. **23-404** Approval of the Amendment of Orange County, Florida Section 457(b) Deferred Compensation Plan. (Finance)
4. **23-405** Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Remove lost asset from inventory.
 - b. Scrap asset.
 - c. Trade-in assets.
 - d. Dispose of assets totaled by our third party administrator for their salvage value.

B. COUNTY SHERIFF

1. **23-406** Approval and execution of Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award Agreement for Award Title: C-8C206; Aviation Unit Helicopter Flight Training Device in the amount of \$50,000 for the period of October 1, 2022 through September 30, 2023. No matching funds are required.

C. COUNTY ADMINISTRATOR

1. **23-407** Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments. (Agenda Development Office)
 - A. Affordable Housing Advisory Board: Appointment of J. Gordon Spears to succeed Trevor Sorbo in the local planning agency representative category

with a term expiring June 30, 2024.

B. Animal Services Advisory Board: Appointment of Brian Henley to succeed Melissa C. McGee in the at large representative category with a term expiring December 31, 2024.

C. Children and Family Services Board: Appointment of Dr. Dominique L. DeVeaux to succeed Zoe Colon, James C. DeMark to succeed Jacqueline T. Gomez-Tejada, and Sarah L. McArthur to succeed Pablo O. Vargas, all in the at large representative category with terms expiring December 31, 2024.

D. Commission on Aging: Appointment of Bernadette Cipriani-Major to succeed Victor Alzona in the health care representative category with a term expiring June 30, 2024.

E. Environmental Protection Commission: Appointment of Jared A. Gasper to succeed George Oscar Anderson in the at large citizen representative category with a term expiring December 31, 2024 and the appointment of Kelly Eger-Smith to succeed Elaine A. Imbruglia in the environmental specialist representative category with a term expiring December 31, 2023.

F. M/WBE Advisory Committee: Appointment of Gina R. Maxwell to succeed Raymond Ramos and Deidre Graybill to succeed Maria Pena in the at large representative category with terms expiring June 30, 2024 and the appointment of Stefen Smith to succeed Elena I. Crosby in the at large representative category with a term expiring June 30, 2023.

G. Orange Blossom Trail Development Board: Appointment of Commissioner Mike Scott to succeed Commissioner Victoria P. Siplin in the Orange County representative category with a term expiring January 14, 2027.

H. Parks and Recreation Advisory Board: Appointment of Mark Thomson to succeed Dr. Donald L. Jones in the senior citizen representative category with a term expiring June 30, 2024.

2. **23-408** Approval of the nomination for appointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee of Carlos Diez-Arguelles in the representative of North Orange County (Winter Park) category with a term expiring April 4, 2025. (Agenda Development Office)
3. **23-409** Approval and execution of Resolution 2023-B-02 for the issuance of Multi-Family Housing Revenue Tax Exempt Bonds, to finance the acquisition, construction, and equipping of 52 at Park, f/k/a Parkwood Apartments, a proposed development in Orange County, Florida, District 6, in an amount not-to-exceed \$55,500,000. (Housing Finance Authority)

4. **23-410** Approval for the Orange County Sheriff's Office to spend \$1,000 from the FY 2023 Law Enforcement Trust Fund-State Forfeitures for an eligible contribution to Florida Sheriff's Youth Ranches. (Office of Management and Budget)
5. **23-411** Approval to pay the third quarter billing for the Orange County Property Appraiser in the amount of \$6,265,073.61. (Office of Management and Budget)
6. **23-412** Approval of budget amendments #23-22, #23-23, #23-24, #23-25, #23-26, #23-27, #23-28, and #23-29. (Office of Management and Budget)
7. **23-413** Approval of budget transfer #23C-0076. (Office of Management and Budget)
8. **23-414** Approval of CIP amendment #23C-0076. (Office of Management and Budget)

D. COUNTY ATTORNEY

1. **23-415** Appointment of Ms. Cornita Riley to replace Mr. Alejandro Pezzini as a District 6 Commissioner on the 2024 Charter Review Commission.

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. **23-416** Approval to award Invitation for Bids Y23-136-AV, Janitorial Supplies for Fire Rescue, to the low responsive and responsible bidder, Premier Janitorial Supply, Inc. The estimated contract award amount is \$1,101,423.60 for a three-year term. ([Fire Rescue Department Infrastructure and Asset Management Division] Procurement Division)
2. **23-417** Approval to award Invitation for Bids Y221053-MV, Fire Rescue HazMat Supplies and Equipment, to the low responsive and responsible bidders, by lot for one-year terms: Emergency Vehicle Repair, Inc. for lot 6 in the estimated amount of \$265,000; Fisher Scientific Company, L.L.C. for lots 3, 5, 12, 15, 19, 26, 36, 37, 46, 50, 57, 58, 59, 60, and 64 in the estimated amount of \$3,203,420; JCO Corporation for lot 67 in the estimated amount of \$49,600; Municipal Emergency Services, Inc. for lots 10, 17, 30, 34, 39, 44, 45, 54, 55, and 65 in the estimated amount of \$2,111,900; Municipal Equipment Company, LLC for lots 4, 23, 25, 28, 41, and 48 in the estimated amount of \$912,930; TechnicalRescue.com, Inc. for lots 1, 14, 24, 35, and 49 in the estimated amount of \$442,500; Ten-8 Fire & Safety, LLC. for lots 2, 11, 13, 20, 21, 22, 27, 38, 56, 62, and 63 in the estimated amount of \$2,549,590; and Trail Saw & Mower Service, Inc. for lot 61 in the estimated amount of \$135,200. The total overall estimated contract award amount is \$9,670,140 for the initial one-year term. ([Fire Rescue Department Infrastructure and Asset Management Division] Procurement Division)

3. **23-418** Approval to award Invitation for Bids Y23-720-MB, Regional History Center First Floor Modifications, to the low responsive and responsible bidder, Core Engineering & Construction, Inc. The total contract award amount is \$449,754.58. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. **23-419** Approval to award Invitation for Bids Y23-724-CR, Corrections Genesis Sanitary Pipe Replacement, to the low responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$2,425,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
5. **23-420** Approval to award Invitation for Bids Y23-729-SH, Package No. 39 - Pump Station Improvements, to the low responsive and responsible bidder, Carr & Collier, Inc. The total contract award amount is \$4,317,682.73. ([Utilities Department Engineering Division] Procurement Division)
6. **23-421** Approval of Contract Y23-2014, Youth Violence Prevention, with Florida Economic Consortium, Inc., in the total contract award amount of \$900,000 for a 34-month term. ([Community and Family Services Department Citizens' Commission for Children Division] Procurement Division)
7. **23-422** Approval of Federal Subrecipient Agreement Y22-2219, Providing the Upstream Model with Orange County Public Schools, between Orange County and Chapin Hall Center for Children, for a federal subaward in an amount not-to-exceed \$294,000. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
8. **23-423** Approval of Federal Subrecipient Agreement Y22-2415, Providing Funding for Homeless Prevention and Diversion, between Orange County and Coalition for the Homeless of Central Florida, Inc., for a federal subaward in an amount not-to-exceed \$1,001,914.80. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
9. **23-424** Approval of Amendment No. 4, Contract Y21-137, Infrastructure Locator, with High Tech Engineering Incorporated, in the amount of \$402,000, for a revised total contract amount of \$3,511,331.61. ([Utilities Department Field Services Division] Procurement Division)
10. **23-425** Approval of Amendment No. 4, Contract Y21-2031, Provision of Community Services and Facility Use, with Second Harvest Food Bank of Central Florida, Inc., in the amount of \$4,000,000, for a revised contract total amount of \$7,000,000. ([Community and Family Services Department Citizens' Commission for Children Division] Procurement Division)

11. **23-426** Approval of Amendment No. 1, Contract Y22-1069, Class III Landfill for Disposal of Construction, Demolition & Vegetative Yard Waste Material, with Hubbard Construction Company dba Mid Florida Materials, in the amount of \$1,050,840, for a revised estimated contract amount of \$2,430,120. ([Utilities Department Solid Waste Division] Procurement Division)
12. **23-427** Approval of Purchase Order M110284, Purchase of Software Support and Annual Maintenance for Fire Rescue 911 Dispatch and Records Management System, with Trittech Software Systems, Inc., in the amount of \$259,688.05. ([Fire Rescue Department Operations Division] Procurement Division)
13. **23-428** Selection of AVCON, Inc. to provide Final Engineering Design Services Pine Hills Road Trail Phase 2C (from Bonnie Brae Circle (located 500' North of North Lane) to Clarcona Ocoee Road), Request for Proposals Y23-805-CC. ([Public Works Department Engineering Division] Procurement Division)
14. **23-429** Approval and execution of License Agreement between Orange County, Florida and Firebush, 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 Firebush, Inc. - East Orange Community Center (CAD) 12050 E. Colonial Dr., Orlando, Florida 32826. Lease File #10048. District 4. (Real Estate Management Division)
15. **23-430** Approval and execution of License Agreement between Orange County, Florida and Firebush, 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 Firebush, Inc. - John Bridges Community Center (CAD) 445 W. 13th St., Apopka, Florida 32703. Lease File #10049. District 2. (Real Estate Management Division)
16. **23-431** Approval and execution of License Agreement between Orange County, Florida and Firebush, 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 Firebush, Inc. - Maxey Community Center (CAD) 830 Klondike Ave., Winter Garden, Florida 34787. Lease File #10050. District 1. (Real Estate Management Division)

17. **23-432** Approval and execution of License Agreement between Orange County, Florida and Firebush, 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 Firebush, Inc. - Pine Hills Community Center (CAD) 6400 Jennings Rd., Orlando, Florida 32818. Lease File #10051. District 6. (Real Estate Management Division)
18. **23-433** Approval and execution of License Agreement between Orange County, Florida and Firebush, 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 Firebush, Inc. - Taft Community Center (CAD) 9450 S. Orange Ave., Orlando, Florida 32824. Lease File #10052. District 3. (Real Estate Management Division)
19. **23-434** Approval and execution of Termination of Easement Interests by Universal City Development Partners, LTD., and Orange County and authorization for the Real Estate Management Division to record instrument for Canadian Court - John Young Parkway Connector RIFCC. District 6. (Real Estate Management Division)

F. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **23-435** Receipt and filing of Head Start Policy Council Program Information and Updates January 2023 and Head Start Policy Council Meeting Minutes December 15, 2022 for the official county record. (Head Start Division)

G. CONVENTION CENTER

1. **23-436** Approval of the Tourist Development Tax Sports Incentive Committee's recommendations for sports incentive funding pursuant to the terms and conditions of funding agreements between Visit Orlando and the following applicants and authorization for Visit Orlando to enter into such agreements as follows: (1) \$25,000 per year, up to \$50,000, to the Greater Orlando Sports Commission to be used for bid fees for the 2023 and 2024 NOBULL CrossFit Games Semifinal North America East; (2) \$75,000 per year, up to \$375,000, to the Greater Orlando Sports Commission to be used for marketing and promotional expenses for the 2023, 2024, 2025, 2026, and 2027 US Youth Soccer National Championship; (3) \$25,000 to the Kindred Pride Foundation to be used for marketing and promotion of the 2023 Pride Cup; and (4) \$137,500 to the Orlando Sports Foundation to be used for marketing and promotion of the 2023 Cure Bowl. (Fiscal and Operational Support Division)

H. FIRE RESCUE DEPARTMENT

1. **23-437** Approval and execution of Memorandum of Agreement for use of WeatherSTEM Stations between the Florida Division of Emergency Management and Orange County, Florida. (Office of Emergency Management)

I. HEALTH SERVICES DEPARTMENT

1. **23-438** Approval and execution of the renewal Certificate of Public Convenience and Necessity for Orlando Health, Inc. to provide Level 7 Advanced Life Support interfacility transport services in Orange County, Florida. The term of this certificate is from April 30, 2023, through April 29, 2025. There is no cost to the County. (EMS Office of the Medical Director)
2. **23-439** Approval and execution of the renewal Certificate of Public Convenience and Necessity for City of Apopka Fire Department to provide Advanced Life Support transport services in Orange County, Florida. The term of this certificate is from April 1, 2023, through March 31, 2025. There is no cost to the County. (EMS Office of the Medical Director)
3. **23-440** Approval and execution of the Paratransit Services License for Safeway Transportation System to provide wheelchair/stretchers service. The term of this license shall be from March 7, 2023 and terminate on March 6, 2025. There is no cost to the County. (EMS Office of the Medical Director)

J. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **23-441** Approval and execution of Second Amendment to Adequate Public Facilities Agreement for Horizon West Village I Withers PD by and between Columnar Partnership Holding I, LLC, Taylor Morrison of Florida, Inc. and Orange County. District 1. (Development Review Committee)
2. **23-442** Approval of HOME-ARP Allocation Plan Amending the 2021-2022 One-year Action Plan and approval and execution of: 1) HOME-ARP Certifications; 2) Application for Federal Assistance SF-424; 3) Assurances - Non-Construction Programs; and 4) Assurances Construction Programs. All Districts. (Housing and Community Development)
3. **23-443** Approval and execution of Proportionate Share Agreement for Culver's East Orlando Colonial Drive and Woodbury Road by and between FPC Bridgewater LLC and Orange County for a proportionate share payment in the amount of \$406,415. District 4. (Roadway Agreement Committee)
4. **23-444** Approval and execution of Horizon West - Town Center (Diocese Subdivision PD/UNP) Adequate Public Facilities and Road Network

Mitigation Agreement by and among John G. Noonan, as Bishop of Diocese of Orlando and Orange County providing for the conveyance of 0.76 acres of right-of-way for \$17,100 in Transportation Impact Fee Credits and for a Fair Share payment in the amount of \$1,502,010. District 1. (Roadway Agreement Committee)

(This item was deferred.)

K. PUBLIC WORKS DEPARTMENT

1. **23-445** Authorization to record the plat of Avalon Pointe Apartments. District 1. (Development Engineering Division)
2. **23-446** Authorization to record the plat of Avalon Road Apartments. District 1. (Development Engineering Division)
3. **23-447** Authorization to record the plat of Collegiate Village CVC Phase 3. District 5. (Development Engineering Division)
4. **23-448** Authorization to record the plat of Alta Freedom. District 3. (Development Engineering Division)
5. **23-449** Approval and execution of (1) Resolution 2023-M-11 of the Orange County Board of County Commissioners regarding the Landscape Construction and Maintenance Memorandum of Agreement with the Florida Department of Transportation for the UCF Pedestrian Safety Project Landscaping and (2) Landscape Construction and Maintenance Memorandum of Agreement. District 5. (Engineering Division)
6. **23-450** Approval of "No Parking" signs installation on the west side of Lake Jessamine Drive, Makoma Drive, Tomoka Drive, Wakulla Way, and Chipola Circle. District 3. (Traffic Engineering Division)
7. **23-451** Approval of a multi-way stop condition installation at the intersection of Young Pine Road and Leevista Boulevard. District 4. (Traffic Engineering Division)
8. **23-452** Approval to decrease the speed limit on Dora Drive from Beauclair Avenue to Sadler Road from 50 mph to 45 mph. District 2. (Traffic Engineering Division)

L. UTILITIES DEPARTMENT

1. **23-453** Approval and execution of Interlocal Agreement relating to the Governance of the Cypress Lake Alternative Water Supply Project by and among the Water Cooperative of Central Florida, Tohopekaliga Water Authority, Orange County, and Polk County, Florida. All Districts.

II. INFORMATIONAL ITEMS****A. COUNTY COMPTROLLER**

1. **23-454** Receipt of the following items to file for the record: (Clerk's Office)
 - a. Audit Report No. 499 - Audit of Orange County Comptroller's Controls Over DAVID Access and Use
 - b. Audit Report No. 500 - Audit of Utilities Hazardous Materials Safety Program

These items were received and filed.

III. DISCUSSION AGENDA**A. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT**

1. **23-455** Environmentally Sensitive Lands Acquisition Annual Report. (Environmental Protection Division)

The Board took no action.

2. **23-456** MetroPlan Orlando Board Meeting Briefing. (Transportation Planning Division)

The Board took no action.

IV. WORK SESSION AGENDA**A. COUNTY ADMINISTRATOR**

1. **23-457** Homelessness Update. (Mental Health and Homelessness Issues Division)

The following person addressed the Board: Martha Are.

The Board took no action.

V. RECOMMENDATIONS

1. **23-458** February 16, 2023 Planning and Zoning Commission Recommendations

A motion was made by Commission Gomez Cordero, seconded by Commission Bonilla, to approve the recommendations, subject to the usual right of appeal by any aggrieved party. The motion carried the following vote:

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

Absent: 2 - Commissioner Moore, and Commissioner Uribe

VI. PUBLIC HEARINGS

A. Municipal Service Benefit Unit

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

Absent: 1 - Commissioner Uribe

2. **23-136** Bargrove Phase 1, establish for streetlighting and for retention pond(s) maintenance; District 2

Consideration: Establish by resolution a Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include 119 lots at Bargrove Phase 1 subdivision.

Location: District 2; Section 09, Township 20, Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Moore, seconded by Commissioner Scott, to approve the request as referenced in the Staff Report dated February 20, 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

4. **23-138** Campus View, establish for streetlighting; District 2

Consideration: Establish by resolution a Municipal Service Benefit Unit for streetlighting to include 29 parcels, equivalent to 70 parcels, at Campus View subdivision.

Location: District 2; Section 34, Township 21, Range 29; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Moore, seconded by Commissioner Scott, to approve the request as referenced in the Staff Report dated February 20, 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

5. **23-139** Coopers Run, establish for retention pond(s) maintenance; District 2

Consideration: Establish by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance to include 20 lots at Coppers Run subdivision.

Location: District 2; Section 02, Township 21, Range 28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to approve the request as referenced in the Staff Report dated February 20, 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

6. 23-140 Dominish Estates and Coopers Run, amend for streetlighting; District 2

Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting to include 20 lots at Dominish Estates and Coopers Run subdivisions.

Location: District 2; Section 02, Township 21, Range 28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to approve the request as referenced in the Staff Report dated February 20, 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

3. 23-137 Blue Diamond, establish for streetlighting and for retention pond(s) maintenance; District 3

Consideration: Establish by resolution a Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include 49 lots at Blue Diamond subdivision.

Location: District 3; Section 22, Township 22, Range 30; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the request as referenced in the Staff Report dated February 20, 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

7. 23-141 Encore at Ovation Area, amend for streetlighting and for retention pond(s) maintenance; District 1

Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include 27 lots at Encore at Ovation Area Phase 4A to the subdivisions at Encore at Ovation Area.

Location: District 1; Section 30, Township 24, Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Wilson, seconded by Commissioner Scott, to approve the request as referenced in the Staff Report dated February 20, 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

B. Petition to Vacate

8. **23-315** Case # 22-04-013

Andrea Burke, vacate a utility and drainage easement; District 5

Consideration: Resolution granting Petition to Vacate # 22-04-013, vacating a 30 foot wide by 144 foot long portion of a utility and drainage easement, containing approximately 4320 square feet.

Location: District 5; The parcel address is 20171 Racine Street; S24/T23/R32; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Bonilla, seconded by Commissioner Scott, to approve the request listed in the Staff Report dated March 7, 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

9. **23-316** Case # 20-04-014

Joseph N. Schuemann, on behalf of Bluerock Development LLC, vacate a portion of a right-of-way; District 4

Consideration: Resolution granting Petition to Vacate # 20-04-014, vacating a 10 foot wide portion of a 60 foot wide open and improved right-of-way known as Indianhead Trail and a 56 foot wide open and improved right-of-way known as Waterford Oaks Access Road, containing approximately 0.81 acres.

Location: District 4; The parcel addresses are 1434 N Alafaya Trail, 1440 N Alafaya Trail, and 1448 N Alafaya Trail; S22/T22/R31; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jonathan Huels.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to approve the request listed in the Staff Report dated March 7, 2023, subject to the applicant recording an access easement to Orange County over the vacated area for the benefit of the general public. 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 Appeal

10. **23-252** Case # SE-22-07-047

McGregor Love for Growing Minds School, January 5, 2023; District 1

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for a Special Exception and Variance in the R-CE zoning district as follows: 1) Special Exception to allow for an 8,500 sq. ft. day care center and private school (kindergarten) with 146 students. 2) Variance to allow a south front setback of 10.4 ft. in lieu of 35 ft.

Location: District 1; property located at 8841 Palm Lake Drive, Orlando, FL 32836; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- McGregor Love
- Uzma Ansari
- Urooj Ansari
- Travis Kolbjornsen
- Joe Nas (phonetic)
- David C. Sykes II
- Sandra Stallings
- Salman Haider
- Ruthie Rieder
- Chris Rieder
- Debra Stephens
- Janell Newton
- Betsy Story
- Nora Nasr
- Kai Uiloa
- Todd Norwood
- Rosie Carattini
- Russ Carlson
- Mary Sikora
- Mike Ketchum
- Joseph Sikora
- Ned Timmer
- Edward Kelly
- Brent Spain
- Beverly Carlson

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

- Exhibit 1, McGregor Love
- Exhibit 2, Sandra Stallings
- Exhibit 3, Nora Nasr
- Exhibit 4, Brent Spain

The following material was received by the Clerk prior to the close of the public hearing. The

material referenced by the speaker was not presented to the Board: Submittal 1, from Brent Spain.

The following material was presented to the Board prior to the close of the public hearing: Exhibit 5, from McGregor Love.

A motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to deny the request for Variance, Case # SE-22-07-047, to allow a south front setback of 10.4 ft. in lieu of 35 ft.; further, approve the Special Exception, Case # SE-22-07-047, to allow for an 8,500 sq. ft. day care center and private school (kindergarten) with 146 students; and further, approve the seven (7) conditions of approval to include condition #8 Exhibit "A" Schedule of Drop off/Pickup by Program contained in the cover letter dated December 21, 2022 from the applicant, McGregor Love, as referenced in the Staff Report dated February 22, 2023. The motion carried by the following vote:

Aye: 4 - Commissioner Wilson, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

Nay: 3 - Mayor Demings, Commissioner Moore, and Commissioner Uribe

D. Rezoning

11. **23-249** Case # LUP-22-02-059

John Noonan, Diocese of Orlando, Diocese Subdivision PD - UNP; District 1

Consideration: Request to rezone 59.71 acres from A-1 (Citrus Rural District) to Planned Development District (PD) to construct 184 single family residential dwelling units; pursuant to Orange County Code, Chapter 30

Location: District 1; property generally located North of New Independence Parkway/East of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request to rezone 59.71 acres from A-1 (Citrus Rural District) to Planned Development District (PD) in order to construct 184 single-family residential dwelling units, subject to the sixteen (16) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated February 17, 2023; and further, approve and execute Horizon West - Town Center (Diocese Subdivision PD/UNP) Adequate Public Facilities and Road Network Mitigation Agreement by and among John G. Noonan, as Bishop of Diocese of Orlando and Orange County providing for the conveyance of 0.76 acres of right-of-way for \$17,100 in Transportation Impact Fee Credits and for a Fair Share payment in the amount of \$1,502,010. 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

and

I. CONSENT AGENDA (Deferred)

J. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

4. **23-444** Approval and execution of Horizon West - Town Center (Diocese Subdivision PD/UNP) Adequate Public Facilities and Road Network Mitigation Agreement by and among John G. Noonan, as Bishop of Diocese of Orlando and Orange County providing for the conveyance of 0.76 acres of right-of-way for \$17,100 in Transportation Impact Fee Credits and for a Fair Share payment in the amount of \$1,502,010. District 1. (Roadway Agreement Committee)

This consent item was approved.

VI. PUBLIC HEARINGS (Continued)

E. Roadway Conceptual Analysis Study

12. **23-317** Chuluota Road Roadway Conceptual Analysis Study; District 5

Consideration: The purpose of the study was to develop the most appropriate four-lane road alignment with stormwater facilities and bicycle and pedestrian accommodations, while minimizing environmental impacts.

Location: District 5; Chuluota Road from Colonial Drive (SR 50) to Lake Pickett Road in Orange County, Florida

The following person addressed the Board: Tanin Teston.

The motion made by Commissioner Bonilla, second by Commissioner Uribe, to continue the public hearing until July 25, 2023, at 2 p.m. was withdrawn.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to cancel the public hearing. 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

F. Ordinance

13. **23-319** Amending Division 3 of Article II of Chapter 35 of the Orange County Code of Ordinances relating to Trespass, Towing, Nonconsensual Towing, Vehicle

Immobilization and to increase the maximum rates and fees that may be charged for certain towing service; All Districts

Consideration: An Ordinance relating to trespass towing, nonconsensual towing, and vehicle immobilization in Orange County, Florida; Amending Division 3 of Article II of Chapter 35 of the Orange County Code of Ordinances to increase the maximum rates and fees that may be charged for certain towing services; and providing an effective date.

The following persons addressed the Board:

- Garrett Paquette
- Ken Neiland
- Dennis Johnson
- Clarence Riley
- Adam Ayed
- Brian Taylor
- Shem Clarke

The material referenced by the speaker was not received by the Clerk prior to the close of the public hearing: Adam Ayed.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to adopt Ordinance 2023-10 amending the Orange County Code, Chapter 35, Traffic; Article II. Administration and Enforcement; further, allow staff to correct any non-substantial grammatical errors; 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

14. 23-250 Amending Orange County Code Chapter 30, regarding concurrency; All Districts

Consideration: An Ordinance related to concurrency in Orange County, Florida, Amending Chapter 30, Planning And Development, Of The Orange County Code; Amending Division 3, "Concurrency, Exemptions, and Vested Rights" of Article XI "Comprehensive Plan and Vested Rights,;" Amending Division 1, "Generally," Division 2, "Level of Service (LOS) Standards," Division 3, "Concurrency Evaluations," Division 4, "Capacity Information Letters," Division 5, "Capacity Encumbrance Letters," Division 6, "Capacity Reservation Certificates," Division 7, "Concurrency Administration," and Division 8, "Concurrency Appeal/Mitigation Process" of Article XII, "Concurrency Management"; and providing an effective date.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, adopt Ordinance 2023-11 related to Concurrency in Orange County, Florida, Amending Chapter 30, Planning And Development, Of The Orange County Code; Amending Division 3, "Concurrency, Exemptions, and Vested Rights" of Article XI "Comprehensive Plan and Vested Rights,;" Amending Division 1, "Generally," Division 2, "Level of Service (LOS) Standards," Division 3, "Concurrency Evaluations," Division 4,

“Capacity Information Letters,” Division 5, “Capacity Encumbrance Letters,” Division 6, “Capacity Reservation Certificates,” Division 7, “Concurrency Administration,” and Division 8, “Concurrency Appeal/Mitigation Process” of Article XII, “Concurrency Management”; further, providing an effective date, as amended; and further, allow staff to correct any non-substantial grammatical or scrivener’s errors. 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. Ordinance/Comprehensive Plan - Adoption of Small-Scale Amendment and Ordinance

15. **23-230** Adoption of Future Land Use Map Amendment, and Ordinance, Amendment SS-22-08-075, Ordinance, Erika Diaz, Erika Diaz, Hernandez Servando Quezada, and Anastacio Quezada

a. Amendment SS-22-08-075

Consideration: A request to change the Future Land Use designation from Rural Settlement 1/5 (RS 1/5) to Rural Settlement 1/2 (RS 1/2); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30.

Location: District 2; property located at 8082 Gilliam Road; Generally located south and west of Gilliam Road, and east of Clarcona Road, Orange County, Florida (legal property description on file in Planning Division)

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 a Small-Scale development amendment pursuant to Section 163.3187, Florida Statutes; and providing an effective date.

The following person addressed the Board: Erika Diaz.

A motion was made by Commissioner Moore, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, adopt Amendment SS-22-08-075, Rural Settlement 1/2 (RS 1/2) Future Land Use; and further, adopt the associated Small-Scale Ordinance 2023-12. The motion carried by the following vote:

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

Absent: 1 - Commissioner Uribe

H. Comprehensive Plan - Transmittal of Regular Cycle Amendments

16. **23-245** Transmittal of Regular Cycle Future Land Use Map Amendment; and FLU8.1.4 Text Amendment, Erika Hughes, VHB, Inc., for Sutton Grande, LLC.

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

Consideration: Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)

Location: District 1; property located at 14331 Avalon Rd.; generally located east of Avalon Rd., south of Lake Gifford Wy., and north of Arrowhead Blvd.; Parcel ID#: 31-24-27-0000-00-012; 13.83 gross ac.

And

b. Amendment 2023-1-B-FLUE-6

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 2023-1-A-1-2

The following persons addressed the Board:

- Chuck Whittall
- Charles Hassell

A motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to deny Amendment 2023-1-A-1-2, Amendment 2023-1-B-FLUE-6 and Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1). The motion failed by the following vote:

Aye: 3 - Commissioner Wilson, Commissioner Gomez Cordero, and Commissioner Bonilla

Nay: 3 - Mayor Demings, Commissioner Uribe, and Commissioner Scott

Absent: 1 - Commissioner Moore

and

I. Comprehensive Plan - Transmittal of Regular Cycle Privately-Initiated Text Amendment

17. **23-313** Transmittal of Future Land Use Privately-Initiated Text Amendment

a. Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1), Jennifer Stickler, P.E., Kimley-Horn & Associates, Inc, for Westgate Resorts, Ltd

Consideration: Privately-Initiated text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within

the PD

The motion to deny public hearing I.17. Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1) failed.

H. Comprehensive Plan - Transmittal of Regular Cycle Amendments

16. **23-245** Transmittal of Regular Cycle Future Land Use Map Amendment; and FLU8.1.4 Text Amendment, Erika Hughes, VHB, Inc., for Sutton Grande, LLC.

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

Consideration: Commercial (C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)

Location: District 1; property located at 14331 Avalon Rd.; generally located east of Avalon Rd., south of Lake Gifford Wy., and north of Arrowhead Blvd.; Parcel ID#: 31-24-27-0000-00-012; 13.83 gross ac.

And

b. Amendment 2023-1-B-FLUE-6

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 2023-1-A-1-2

The following person addressed the Board: Erika Hughes.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to continue the public hearing until April 11, 2023, at 2 p.m. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

Nay: 1 - Commissioner Wilson

Absent: 1 - Commissioner Moore

I. Comprehensive Plan - Transmittal of Regular Cycle Privately-Initiated Text

17. **23-313** Transmittal of Future Land Use Privately-Initiated Text Amendment

a. Amendment 2023-1-P-FLUE-1 (fka 2023-1-A-1-1), Jennifer Stickler, P.E., Kimley-Horn & Associates, Inc, for Westgate Resorts, Ltd

Consideration: Privately-Initiated text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Sutton Lakes PD and, specifically, revising the currently-approved development program to add multi-family residential as a permitted use within the PD

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to continue the public hearing until April 11, 2023, at 2 p.m. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

Nay: 1 - Commissioner Wilson

Absent: 1 - Commissioner Moore

J. Ordinance/Comprehensive Plan – Adoption of Small-Scale Amendment, Ordinance, and Concurrent Rezoning Request

18. **23-314** Adoption of Future Land Use Map Amendment SS-22-08-071, Ordinance and Concurrent Rezoning Request RZ-22-08-072, Allison Yurko, P.A., for Makandal Property Investments, LLC/Rony Charles

a. Amendment SS-22-08-071

Consideration: A request to change the Future Land Use designation from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location: District 3; property located at 1153 Holden Avenue; Generally located north of Holden Ave., east of Orange Blossom Trail, south of 43rd Street, and west of Almark Drive; Orange County, Florida (legal property description on file in Planning Division)

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 a Small-Scale development amendment pursuant to Section 163.3187, Florida Statutes; and providing an effective date.

And

c. Rezoning RZ-22-08-072

Consideration: A request to change the zoning designation from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to develop two residential units; pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location: District 3; property located at 1153 Holden Avenue; generally located north of Holden Ave., east of Orange Blossom Trail, south of 43rd Street, and west of Almark Drive; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Scott, to continue the public hearing until April 11, 2023, 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

K. Land Use Plan Amendment

19. 23-012 Case # LUPA-22-02-057

John Herbert, P.E., American Civil Engineering Co., Southwick Commons PD; District 3 (Continued from January 10, 2023)

Consideration: A request to rezone 0.93 acres from R-1A (Single Family Dwelling District) to PD (Planned Development District) and incorporate the property into the previously approved Southwick Commons Senior Housing PD. Additionally, the request will change the development program for the entire PD from 124 senior (multi-family) housing units to 72 townhome units, and to change the name to the Southwick Commons PD; pursuant to Orange County Code, Chapter 30.

Location: District 3; property generally located east of Goldenrod Road and south of Lake Underhill Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Wilson, to continue the public hearing until April 11, 2023, 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

√ **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>.

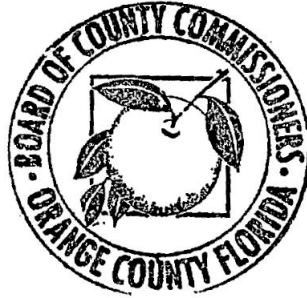
ADJOURNMENT: 6:40 p.m.

ATTEST:




County Mayor Jerry L. Demings

Date: April 11, 2023



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.