

# Orange County Government

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



## Final Meeting Minutes

**Tuesday, November 28, 2023**

**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 9:03 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
- Minutes Supervisor Craig Stopyra
- Minutes Coordinator Terrell Hightower
- Minutes Coordinator Megan Fiocco

**Invocation - District 4**

Rabbi E. Arnold Siegel, Jewish Family Services of Greater Orlando

**Pledge of Allegiance**

**Presentation**

Government Fleet Leading Fleets Award

**Public Comment**

The following persons addressed the Board during public comment:

- Linda Coffin
- Anna Pepper
- Kelly Semrad
- Janét Buford Johnson
- Kathleen Fitzgerald
- Denise George
- Matthew Grocholske
- Tony Shahnami
- Billy Muster
- Greg Kite
- Maria Bolton-Joubert
- Bessie Wiley
- Ariel Hartney

**I. CONSENT AGENDA**

**Approval of the Consent Agenda**

The Mayor deferred action on Health Services Department Item 3; and further, a motion was made by Commissioner Scott, 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 MAYOR**

- 1. **23-1666** Approval and execution of Orange County, Florida and The School Board of Orange County, Florida FY 2024 Grant Agreement authorizing disbursement of \$52,500 as provided in the FY 2023-24 adopted budget. (Innovation and Emerging Technology Office)
- 2. **23-1668** Approval and execution of Orange County, Florida and University of Central Florida Research Foundation, Inc. FY 2024 Grant Agreement authorizing the disbursement of \$566,500 as provided in the FY 2023-24 adopted budget. (Office of Economic, Trade and Tourism Development)
- 3. **23-1669** Approval and execution of Orange County, Florida and University of Central Florida Research Foundation, Inc. FY 2024 Grant Agreement authorizing the disbursement of \$311,544 as provided in the FY 2023-24 adopted budget. (Office of Economic, Trade and Tourism Development)

**B. COUNTY COMPTRROLLER**

- 1. **23-1670** Approval and execution of the minutes of the October 24, 2023 meeting of the Board of County Commissioners. (Clerk’s Office)
- 2. **23-1671** 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:

- November 9, 2023 to November 16, 2023; \$51,485,498.46
- November 17, 2023 to November 23, 2023; \$27,046,124.51

(Finance/Accounting)

**C. COUNTY ADMINISTRATOR**

1. **23-1672** Approval and execution of a Resolution 2023-B-09 for the issuance of Multi-Family Housing Revenue Tax Exempt Bonds, to finance the acquisition and rehabilitation of Silver Lakes Village Apartments, a senior citizens (62 years and older) rental residential project in Orange County, Florida, District 2, in an amount not-to-exceed \$13,500,000. (Housing Finance Authority)
2. **23-1673** Approval of renewal of the Orange County Transportation Plan in accordance with Florida Statute 394, Florida Mental Health Act Florida Statute 397, Hal S. Marchman Alcohol and Other Drug Services Act Three-Year 2023-2026 to allow law enforcement to bypass the nearest Baker Act Receiving Facility and take individuals with mental health and/or substance use disorders to the Central Receiving Center at 1800 Mercy Drive, Orlando, Florida with reevaluations of the plan as needed per Florida Statute. (Mental Health and Homelessness Division)
3. **23-1674** Approval for the Orange County Sheriff's Office to spend \$25,000 from the FY 2024 Law Enforcement Trust Fund-State Forfeitures for an eligible contribution to Boys and Girls Clubs of Central Florida. (Office of Management and Budget)
4. **23-1675** Approval and execution of Resolution 2023-B-10 of the Orange County Board of County Commissioners regarding a Resolution pertaining to Financing; authorizing transfer of surplus funds in the County Water and Wastewater Utility Reserve Fund to the County's General Fund; specifically revising and superseding any Resolution in conflict with this Resolution; providing an effective date. (Office of Management and Budget)
5. **23-1676** Approval of budget transfers #23-1553, and #24C-0033. (Office of Management and Budget)
6. **23-1677** Approval of CIP amendment #24C-0033. (Office of Management and Budget)

#### **D. COUNTY ATTORNEY**

1. **23-1678** Approval and execution of Resolution 2023-M-51 of the Orange County Board of County Commissioners Regarding Settlement with 3M Company; And authorizing Orange County (herein referred to as this "Governmental Unit") to join in the nationwide class settlement with 3M Company, authorizing the County's outside counsel to file the County's claim in the litigation to participate in the 3M Company settlement, and delegation of authority to Orange County Administrator.
2. **23-1679** Approval and execution of Resolution 2023-M-52 of the Orange County Board of County Commissioners Regarding Settlement with E.I. DuPont de Nemours and Company (n/k/a EIDP, Inc.), DuPont de Nemours, Inc., the

Chemours Company, the Chemours Company FC, LLC, and Corteva, Inc. (Collectively "DuPont") And authorizing Orange County (herein referred to as this "Governmental Unit") to join in the nationwide class settlement with DuPont, authorizing the County's outside counsel to file the County's claim in the litigation to participate in the DuPont settlement, and delegation of authority to Orange County Administrator.

#### **E. ADMINISTRATIVE SERVICES DEPARTMENT**

1. **23-1680** Approval of Change Order No 3, Contract Y22-755 Fire Station #54 Metal Storage Building Replacement, with APD Construction LLC in the amount of \$18,250.21, for a revised lump sum contract amount of \$486,996.27. District 1. (Capital Projects Division)
2. **23-1681** Approval of Change Order No 3, Contract Y20-837 Countywide Space Study, with C T HSU & Associates P A in the amount of \$12,083.62, for a revised lump sum contract amount of \$556,443.26. All Districts. (Capital Projects Division)
3. **23-1682** Approval of Change Order No 1, Contract Y23-704 Regional History Center CRAC Units Replacement, with Air Mechanical & Service Corporation in the amount of \$63,587.48, for a revised lump sum contract amount of \$728,587.48. District 5. (Capital Projects Division)
4. **23-1683** Approval to award Invitation for Bids Y23-186-MV, Tree Trimming and Related Services, to the low responsive and responsible bidders, The Davey Tree Expert Company, in the estimated contract award amount of \$2,391,233.15 for zones 1, 4, and 5 for a one-year term and National Storm Recovery LLC dba Central Florida Arborcare, in the estimated contract award amount of \$1,701,958.50 for zones 2 and 3 for a one-year term. ([Administrative Services Department Facilities Management Division] Procurement Division)
5. **23-1684** Approval to award Invitation for Bids Y23-1071-KS, EMS Equipment for Fire Rescue, to the low responsive and responsible bidders on a line-by-line award, for one-year term contracts. ([Fire Rescue Department Infrastructure and Support Division] Procurement Division)
6. **23-1685** Approval to award Invitation for Bids Y23-7007-MB, Michigan Campus Facilities Central District Building Replacement, to the low responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$2,819,036. ([Administrative Services Department Capital Projects Division] Procurement Division)
7. **23-1686** Approval to award Invitation for Bids Y23-7016-RC, Sheriff's Central Complex Fire Sprinkler Zone Renovation, to the sole responsive and responsible bidder, Ranger Fire, Inc. The total contract award amount is

- \$322,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
8. **23-1687** Approval of Contract Y24-2209, Provision of Funding of the Executive Leadership, with Homeless Services Network of Central Florida, Inc., in the estimated contract award amount of \$136,006.80 for a one-year term. ([Community and Family Services Department Mental Health and Homelessness Division] Procurement Division)
  9. **23-1688** Approval of Amendment No. 6, Contract Y15-806, Professional Engineering Services for Orange County Solid Waste Cell 11 Construction, with CH2M Hill Engineers Inc., in the amount of \$1,885,645.02, for a revised total contract amount of \$6,653,440.45. ([Utilities Department Solid Waste Division] Procurement Division)
  10. **23-1689** Approval of Amendment No. 10, Contract Y19-129C, Staff Augmentation - Nursing Services - Corrections, with SHC Services, Inc. dba Supplemental Health Care, in the amount of \$1,300,000, for a revised total contract amount of \$5,297,745.96. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
  11. **23-1690** Approval of Amendment No. 3, Contract Y23-160, Water & Land Resources Restoration & Management Services, with Aquatic Weed Control, Inc., in the amount of \$141,342.50, for a revised estimated contract amount of \$829,272.50. ([Planning, Environmental and Development Services Department Environmental Protection Division] Procurement Division)
  12. **23-1691** Approval and execution of Contract Reinstatement for Y19-810, Design Services for the Orange County Convention Center Phase V Multi-Purpose Venue and Grand Concourse Improvements, with Populous + C.T. Hsu a Joint Venture, LLC, in the contract award amount of \$39,924,624.64. ([Convention Center Fiscal and Operational Support Division] Procurement Division)
  13. **23-1692** Approval of Funding Agreement Y24-169, The Expansion of Integrated Behavioral Health Care and Primary Care in Orange County, between Orange County, Florida and Community Health Centers, Inc., in the contract award amount of \$1,200,000 for a one-year term. ([Community and Family Services Department Mental Health and Homelessness Division] Procurement Division)
  14. **23-1693** Approval of Purchase Order M112881, Administration Building Roof Coating System Sealant, with Absolute Roofseal, LLC dba EverSeal LLC, in the amount of \$269,891. ([Administrative Services Department Facilities Management Division] Procurement Division)
  15. **23-1694** Approval of Change Order No. 1, Purchase Order M110796, Rebuild of

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- County Asset #1369 Yard Dog, with Orlando Mack Sales & Services, in the amount of \$50,909.14, for a revised total amount of \$143,960.87. ([Utilities Department Solid Waste Division] Procurement Division)
16. **23-1695** Ratification of Purchase Order M112842, Aquatica/Sea World Emergency 30-inch Force Main Repair, with Metro Equipment Service, Inc., in the amount of \$2,500,000. ([Utilities Department Field Services Division] Procurement Division)
17. **23-1696** Ratification of Purchase Order M112886, Emergency Valve Replacement and New Valve Install at Lake Street and Interstate 4, with Cathcart Construction Company - Florida, LLC, in the amount of \$800,000. ([Utilities Department Field Services Division] Procurement Division)
18. **23-1697** Approval and execution of Orlando Utilities Commission Utility Easement (Back to Nature Wildlife Sanctuary WR #830607) and authorization to disburse funds to pay recording fees, and record instrument for Back to Nature. District 4. (Real Estate Management Division)
19. **23-1698** Approval and execution of Fourth Amendment to Lease by and between Weingarten Nostat, LLC and Orange County, Florida and authorization for the Manager of the Real Estate Management Division to exercise renewal options and furnish notices, required, or allowed by the Lease, if needed for Clerk of Courts - Winter Park Corners, Fourth Amendment to Lease 450 North Lakemont Avenue, Winter Park, Florida 32792. Lease File #2030. District 5. (Real Estate Management Division)
20. **23-1699** Approval and execution of Electric Vehicle DC Fast Charging Site Host Agreement between Duke Energy Florida, LLC and Orange County, Florida, two Non-Exclusive Distribution Easements from Orange County to Duke Energy Florida, LLC, d/b/a Duke Energy, authorization for the Manager of the Real Estate Management Division to furnish notices, written approval of amendments, modifications, or any statement of work, including Equipment Placement Agreements, as needed, and authorization to disburse funds, pay recording fees, and record instruments for Duke Energy Park and Plug - Orange County Health Department - Multi Cultural - Sites. Districts 4 and 6. (Real Estate Management Division)
21. **23-1700** Approval and execution of Contract for Purchase and Sale by and between NIT Management, LLC, formally known as 4186 Dairy Ct, LLC, and Orange County, approval of Warranty Deed, and authorization for the Manager of the Real Estate Management Division to exercise all delegations of authority expressly provided for by the Contract for Purchase and Sale, disburse funds to pay purchase price in the amount of \$302,618, and perform all actions necessary and incidental to closing for Green PLACE Parcel 204. District 5. (Real Estate Management Division)

22. **23-1701** Approval and execution of Resolution 2023-M-53 of the Orange County Board of County Commissioners regarding repudiation of any interest in that certain Quit Claim Deed recorded as Document Number 20210552636 of the Public Records of Orange County, Florida and authorization to record instrument for Richard Crotty Parkway Parcel Conveyance (Harrell Oaks Plat). District 5. (Real Estate Management Division)
23. **23-1702** Approval and execution of Orange County, Florida and Florida State University Affiliate Service Provider Agreement and authorization for the Manager of the Real Estate Management Division to exercise renewal options, execute termination notice, and furnish notices required, or allowed by the Agreement, as needed for Florida State University Board of Trustees - National Entrepreneur Center at Fashion Square Mall 3201 East Colonial Drive, Orlando, Florida 32803. Lease File #2062-ASP8. District 5. (Real Estate Management Division)

#### **F. CONVENTION CENTER**

1. **23-1703** Approval and execution of Employment Agreement between Orange County, Florida and Kenneth Champion regarding Capital Project Administrator position, Orange County Convention Center Phase 5A Building Expansion Project.

#### **G. FIRE RESCUE DEPARTMENT**

1. **23-1704** Approval and execution of 1) FY2023 Emergency Management Performance Grant Federally Funded Subaward Grant Agreement Agreement Number: G0443 for Fiscal Year 2023-2024 in the amount of \$263,828, 2) Federal Programs and Resources Awarded, 3) Certification Regarding Telecommunications and Video Restrictions, and 4) Certification Regarding Lobbying. A match in the amount of \$263,828 is required. (Office of Emergency Management)
2. **23-1705** Approval of the FY 2023-2024 fee payment to Valencia College Fire Rescue Institute for Invoice #2410 in the amount of \$162,809.70 for annual membership training services associated with Interlocal Agreement between Orange County and Central Florida Fire Consortium.

#### **H. HEALTH SERVICES DEPARTMENT**

1. **23-1706** Approval and execution of the Paratransit Services License for Blessings Angel Transportation LLC to provide wheelchair/stretchers service. The term of this license shall be from November 28, 2023 and terminate on November 27, 2025. There is no cost to the County. (EMS Office of the Medical Director)



- 2. **23-1707** Approval and execution of the renewed and modified Certificate of Public Convenience and Necessity for First 2 Aid EMS, Inc d/b/a Trident EMS to provide interfacility advanced life support and basic life support transport services in Orange County, Florida. The term of this certificate is from December 15, 2023, through December 14, 2025. There is no cost to the County. (EMS Office of the Medical Director)
- 3. **23-1708** Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Animal Services; amending Resolutions 2018-M-47 and 2020-M-03; appointing a primary special magistrate and two alternate special magistrates; updating fee requirements; and providing for an effective date. (Animal Services Division)

(This item was deferred.)

**I. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT**

- 1. **23-1709** Approval and execution of State of Florida Department of Environmental Protection Standard Grant Agreement Shingle Creek Pond 6459: BMP Treatment Train Agreement Number: NS104 between State of Florida Department of Environmental Protection and Orange County. District 6. (Environmental Protection Division)
- 2. **23-1710** Approval and execution of Multi-Family Affordable Housing Developer’s Agreement by and among Orange County, Florida, and BDG Barnett Villas, LP, and Decro Beta Corporation, and Neighborhood Lending Partners of Florida, Inc., regarding the Affordable Housing Trust Fund Program and American Rescue Plan Funds Y21-1046A - BDG Barnett Villas, LP providing a total amount of \$9,300,000 of available Affordable Housing Trust Fund and American Rescue Plan Funds. District 6. (Housing and Community Development Division)
- 3. **23-1711** Approval of Orange County Citizen Participation Plan to include the requirements associated with the Community Development Block Grant - Disaster Recovery program. All Districts. (Housing and Community Development Division)
- 4. **23-1712** 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. All Districts. (Neighborhood Services Division)

LC 23-0358 LC 23-0360 LC 23-0311 LC 23-0370 LC 23-0328  
 LC 23-0384 LC 23-0362 LC 23-0340 LC 23-0381 LC 23-0330

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LC 23-0390 LC 23-0363 LC 23-0373 LC 23-0300 LC 23-0371  
 LC 23-0335 LC 23-0379 LC 23-0338 LC 23-0324 LC 23-0382

**J. PUBLIC WORKS DEPARTMENT**

- 1. **23-1713** Approval and execution of Use Agreement between Greenway Park DRI, LLC and Orange County for recording. District 4. (Development Engineering Division)
- 2. **23-1714** Approval of Change Order No. 1 Contract No. Y23-774 Cady Way Trail over State Road 436 Bridge Deficiency Repairs with Southern Road & Bridge LLC in the amount of \$82,763.28, for a revised total contract amount of \$584,285.20. District 5. (Roads and Drainage Division)
- 3. **23-1715** Approval of Quit Claim Deed from Central Florida Expressway Authority to Orange County for West Road Right-of-Way and authorization to record the Quit Claim Deed. District 2. (Roads and Drainage Division)
- 4. **23-1716** Approval of Quit Claim Deed from Central Florida Expressway Authority to Orange County for Multiple Road Right-of-Ways associated with Wekiva Parkway and authorization to record the Quit Claim Deed. District 2. (Roads and Drainage Division)

**II. INFORMATIONAL ITEMS\*\***

**A. COUNTY COMPTROLLER**

- 1. **23-1663** Receipt of the following items to file for the record: (Clerk's Office)
  - a. City of Orlando Voluntary Annexation Request - Jetport-ANX2023-10002 Ordinance No 2023-28. The public hearing and request for second reading of this ordinance is scheduled for the City Council meeting to be held on Monday, November 13, 2023. First reading of this ordinance was approved on August 14, 2023. Notice of Proposed Enactment on Monday, November 13, 2023, the Orlando City Council will consider proposed Ordinance 2023-28, entitled: An Ordinance of the city council of the City of Orlando, Florida, annexing to the corporate limits of the city certain land generally located east of Wetherbee Road, south of Palm Bay Drive and North of OUC Railroad and compromised of 166 acres of land, more or less; providing for severability, correction of scrivener's errors, and an effective date.
  - b. Shingle Creek Transit & Utility Community Development District Proposed Operating & Maintenance Budget Fiscal Year 2024.

These items were received and filed.

**III. DISCUSSION AGENDA**

**A. ADMINISTRATIVE SERVICES DEPARTMENT**

- 1. **23-1717** Selection of one firm and an alternate to provide Design Services for Utilities Central Laboratory Renovation and Expansion, Request for Proposals Y24-800-RC, from the following two firms, listed alphabetically:

- Architectural Design Collaborative, Inc. (ADC)
- KMF Architects

([Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to appoint KWF Architects, Inc, 414 points, as the selected firm; and further, appoint Architectural Design Collaborative, Inc. (ADC), 352 points, as the selected ranked alternate. 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. COUNTY MAYOR**

- 1. **23-1718** Update on the Pulse Museum

The following persons addressed the Board:

- George Kalogridis
- Yolanda Londono
- Orange County Comptroller Phil Diamond

The Board took no action.

**Addedum #1**

**C. COMMISSIONER'S REPORT**

- 1. **23-1722** Split Oak Forest

Board discussion ensued.

A motion was made by Commissioner Bonilla, seconded by Commissioner Wilson, that the Orange County Board of County Commission, given new information that has been provided relative to the Charter amendment vote of 2020, no longer supports the pending application before the FWC (Florida Fish and Wildlife Conservation Commission) and the Florida Community Trust. The motion carried by the following vote:

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

**Nay:** 1 - Commissioner Moore

**IV. WORK SESSION AGENDA**

**A. ADMINISTRATIVE SERVICES DEPARTMENT**

1. **23-1719** Disparity Study Update. (Business Development Division)

The following person addressed the Board: Michele Jenkins.

The Board took no action.

**V. RECOMMENDATIONS**

1. **23-1720** November 2, 2023 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to approve 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 Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla

**Absent:** 2 - Commissioner Moore, and Commissioner Scott

**VI. PUBLIC HEARINGS**

**A. Petition to Vacate**

1. **23-1568** Case # 22-04-014

Michael L. Soper on behalf of Legacy Funeral Holdings of Florida LLC., a Florida Limited Liability Company, vacate unnamed platted rights-of ways; District 2

**Consideration:** Resolution granting Petition to Vacate # 22-04-014, vacating all unnamed platted rights-of ways within the plat of West Orange Memorial Park

**Location:** District 2; The parcel address is 5264 Ingram Road; S32/T21/R28; Orange County, Florida (legal property description on file)

Staff announced the condition of approval for PTV # 22-04-014 as follows: Subject to a recordation of an access easement in favor of Orange County from Ingram Road west to the unnamed improved right of way north of the West Orange Trail, continuing west across the subject property to County owned parcel 23-21-28-915401-291. The easement must be in a location acceptable to the County.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the request listed in the Staff Report dated November 28, 2023 with a condition of approval subject to a recordation of an access easement in favor of Orange County from Ingram Road west to the unnamed improved right of way north of the West Orange Trail, continuing west across the subject property to County owned parcel 23-21-28-915401-291. The easement must be in a location acceptable to the County. The motion carried by the following vote:

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

**Absent:** 2 - Commissioner Moore, and Commissioner Scott

2. **23-1569** Case # 23-04-014

Aaron Maston, on behalf of Seidel Road LLC., a Florida Limited Liability Company, vacate a portion of an unopened and unimproved right-of-way; District 1

**Consideration:** Resolution granting Petition to Vacate # 23-04-014, vacating a portion of a 30-foot wide unopened and unimproved right-of-way located along the northern boundary of an undeveloped parcel, containing a total of approximately 0.28 acres

**Location:** District 1; The parcel address is 9850 Seidel Road; S04/T24/R27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to approve the request listed in the Staff Report dated November 28, 2023. 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

3. **23-1570** Case # 23-06-021

Matthew Stolz, on behalf of DR Horton Inc., a Delaware Corporation, vacate a portion of a utility and drainage easement; District 1

**Consideration:** Resolution granting Petition to Vacate # 23-06-021, vacating a 5-foot-wide portion of a 20-foot-wide utility and drainage easement, what lies along the northern boundary of an undeveloped residential lot

**Location:** District 1; The parcel address is 10007 Sway Street; S07/T24/R27; Orange County, Florida (legal property description on file)

The following person addressed the Board: Matthew Stolz.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to approve the request listed in the Staff Report dated November 28, 2023. 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

4. **23-1571** Case # 23-08-029

Timothy G. Clark, vacate a portion of a drainage easement; District 5

**Consideration:** Resolution granting Petition to Vacate # 23-08-029, vacating a portion of a 30-foot-wide by approximately 150-foot-long drainage easement that lies along the north property line a residential lot located in the Wedgefield Community

**Location:** District 5; The parcel address is 19033 Lansdowne Street; S02/T23/R32; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to approve the request listed in the Staff Report dated November 28, 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. Shoreline Alteration/Dredge and Fill**

5. **23-1491** Case # SADF 22-06-019

Jla Legacy Trust c/o John and Laura Choi, Trustees, Lake Olivia, after-the-fact permit; District 1

**Consideration:** Request for an After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-22-06-019 to authorize the after-the-fact construction of a seawall, on the shoreline of Lake Olivia, pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control

**Location:** District 1; on property located adjacent to Lake Olivia, located at 9639 Westover Roberts Blvd., Windermere, FL 34786; (legal property description on file in Environmental Protection Division)

The following persons addressed the Board:

- Mike Kelsey
- Claire Hembree
- Joseph Hembree
- Peter Fleck

A motion was made by Commissioner Wilson, seconded by Commissioner Scott, to deny the findings and recommendation of the Environmental Protection Division; and further, deny the After-the-fact Shoreline Alteration/Dredge and Fill Permit (SADF-22-06-019). 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

6. **23-1573** Case # VA-23-07-046

Robert Haines, October 5, 2023; District 1

**Consideration:** Request for variances in the A-1 zoning district as follows: 1) To allow a lot size of 0.25 acres (upland) in lieu of a minimum of 0.5 acres 2) To allow an east front setback of 25 ft. in lieu of 35 ft. for a new single family residence 3) To allow a north side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence 4) To allow a south side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence 5) To allow a pool and deck with a west rear setback of 25 ft. in lieu of 50 ft. 6) To allow a pool and deck with a west setback of 25 ft. from the Normal HighWater Elevation (NHWE) of Lake Hickory Nut in lieu of 50 ft.

**Location:** District 1; property located at 9444 Lake Hickory Nut Drive, Winter Garden, Florida 34787; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Robert Haines
- Dave Macchi

The request consists of six (6) variances. The applicant agreed to withdraw Variances #3,#4, #5, and #6 from his request:

1. To allow a lot size of 0.25 acres (upland) in lieu of a minimum of 0.5 acres.
2. To allow an east front setback of 25 ft. in lieu of 35 ft. for a new single family residence.
- ~~3. To allow a north side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence.~~
- ~~4. To allow a south side setback of 7.5 ft. in lieu of 10 ft. for a new single family residence.~~
- ~~5. To allow a pool and deck with a west rear setback of 25 ft. in lieu of 50 ft.~~
- ~~6. To allow a pool and deck with a west setback of 25 ft. from the Normal High Water Elevation (NHWE) of Lake Hickory Nut in lieu of 50 ft.~~

Revised Condition of Approval #1:

1. Development shall be in accordance with the site plan and elevations received June 2, 2023, as modified to meet the side yard setback and to remove the pool and deck, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

Delete Condition of Approval #4:

~~4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the variance request and , which shall inform all interested parties that the pool and deck are located no closer than 25 feet from the Normal High Water Elevation (NHWE) of Lake Hickory Nut.~~

A motion was made by Commissioner Wilson, seconded by Commissioner Scott, to make a finding of consistency with the Comprehensive Plan; further, approve Variances #1 and #2; further, delete Variances #3, #4, #5, and #6; further, approve the request subject to the four (4) conditions of approval with the Board of Zoning Adjustment recommendation dated October 30, 2023; further, modify Condition of Approval #1; and further, delete Condition of Approval #4. 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. Substantial Change

7. 23-1575 Case # CDR-23-05-146

Scott Gentry, Kelly, Collins & Gentry, Inc., Hamlin Planned Development  
- Unified Neighborhood Plan / (RW-2) Hamlin SEC Commercial  
Preliminary Subdivision Plan / Master Development Plan; District 1

**Consideration:** Substantial change request to relocate Building H-2 to Lot D; change Building M-1; add Building B-1, C-1, D-1 & E-1; add Building A-1, which is the relocated H-2. Remove Buildings N, O, P, Q & R; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89.

**Location:** District 1; property located at 14111 Shoreside Way, South of New Independence Parkway / East of Hamlin Groves Trail; 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 Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; and further, approve the substantial change request subject to the ten (10) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated November 9, 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. Roadway Connections**

- 8. **23-1241** Agnes Heights Roadway Connections with Watauga Avenue; Edland Drive, Kaley Avenue, and Surrey Drive with Watauga Avenue; District 3 (Continued from October 10, 2023)

**Consideration:** Agnes Heights Roadway Connections with Watauga Avenue

**Location:** The roadway connections of Edland Drive, Kaley Avenue, and Surrey Drive with Watauga Avenue, located within the Agnes Heights Neighborhood (platted in 1959)

The following persons addressed the Board:

- Jesse Radloff
- Christine Billis
- Joshua Roberson
- Brandon Schultz
- Joe Moletteire
- Delila Smalley
- Stephanie Salvilla
- Dana Richardson
- Juan Morales
- Alexa Garcia
- Shawna Patrick
- Michael Clifford
- Zachariah Clifford
- Allan Macdonald
- Andrew Roba
- Laura Arroyo

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

A motion was made by Commissioner Uribe, seconded by Commissioner Wilson, to reinstall the fences on all three streets but allow pedestrian access on Kaley Avenue. The motion carried by the following vote:

**Aye:** 6 - Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

**Nay:** 1 - Mayor Demings

**F. Ordinance**

- 9. **23-1413** Amending Orange County Code Article II, Chapter 5 pertaining to Dangerous Dogs; All Districts (Continued from October 24, 2023)

**Consideration:** AN ORDINANCE AMENDING PORTIONS OF THE ORANGE COUNTY

ANIMAL SERVICES, ORDINANCE, CODIFIED AT ARTICLE II, CHAPTER 5 OF THE ORANGE COUNTY CODE PERTAINING TO DANGEROUS DOGS; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Mayor Demings, seconded by Commissioner Wilson, to adopt Ordinance 2023-42 concerning Animal Services and Dangerous Dog Proceedings in Orange County, FL; further, amending Sections 5-29, 5-31, 5-32, 5-32.1, and 5-50 of Orange County Code to provide additional procedural due process requirements for classification of dogs as dangerous; further, amending the definition of a dangerous dog and proper enclosure of a dangerous dog; further, removing the definition of potentially dangerous dog, and all references therein; further, providing for an appointment of a primary special magistrate, and two alternate special magistrates; further, providing the definition of primary special magistrate and alternate special magistrate; further, establishing the conduct of hearings before the special magistrate; further, providing the procedural process for unclassified dogs that cause death; further, providing for alternative confinement and quarantine locations of dangerous dogs; further, exemptions; further, appeals; further, unlawful acts and providing for an effective date; further, authorize for County staff to make changes consistent with today's public hearing and to correct any scrivener's errors in the draft ordinance; further, to adopt and execute Resolution 2023-M-54 of the Orange County Board of County Commissioners regarding Animal Services; amending Resolutions 2018-M-47 and 2020-M-03; appointing a primary special magistrate and two alternate special magistrates; updating fee requirements; and providing for an effective date; further, authorize for County staff to make changes consistent with today's public hearing and to correct any scrivener's errors in the draft Resolution. 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

and

#### I. CONSENT AGENDA (Deferred)

#### H. HEALTH SERVICES DEPARTMENT

3. **23-1708** Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Animal Services; amending Resolutions 2018-M-47 and 2020-M-03; appointing a primary special magistrate and two alternate special magistrates; updating fee requirements; and providing for an effective date. (Animal Services Division)

The consent item was approved.

#### VI. PUBLIC HEARINGS (Continued)

#### F. Ordinance (Continued)

10. **23-1582** Pertaining to Taxation in Orange County Amending Orange County Code

Section 25-140 ("Tourist Development Plan") to Update Priorities Under the Tourist Development Plan; All Districts

**Consideration:** AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 25-140 OF THE ORANGE COUNTY CODE ("TOURIST DEVELOPMENT PLAN") TO UPDATE PRIORITIES UNDER THE TOURIST DEVELOPMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Mayor Demings, seconded by Commissioner Moore, to adopt Ordinance 2023-43 pertaining to taxation in Orange County, Florida; further, amending Section 25-140 of the Orange County Code ("Tourist Development Plan") to update priorities under the Tourist Development Plan; further, providing for an effective date; 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

The following person addressed the Board: Alexander Cartwright.

11. **23-1566** Amending Orange County Code, Chapter 38 ("Zoning") and Chapter 30 ("Planning and Development"), proposed amendments affecting the use of land - 1st hearing (2nd hearing on December 12, 2023)

**Consideration:** AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING CHAPTER 38 ("ZONING") AND CHAPTER 30 ("PLANNING AND DEVELOPMENT") OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE

Board discussion ensued.

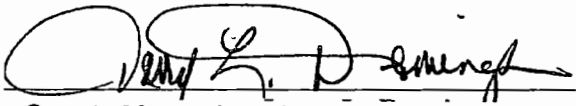
The Board took no action.

√ **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: 6:27 p.m.

ATTEST:

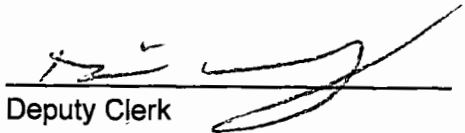


County Mayor Jerry L. Demings

Date: January 9, 2024

ATTEST SIGNATURE:

Phil Diamond  
County Comptroller as Clerk



Deputy Clerk

