

Orange County Government

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



Draft Meeting Minutes

Tuesday, October 24, 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
- Public Works Director Joseph Kunkel
- Deputy Clerk David Rooney
- Minutes Coordinator Terrell Hightower
- Minutes Coordinator Rafael Encarnacion Jr.

Invocation

Jeff Williamson, Director, Orange County Communications

Pledge of Allegiance

Presentation

Proclamation recognizing October as Head Start Awareness Month

Presentation

Proclamation recognizing October as Italian Heritage Month

Presentation

Proclamation recognizing October 23 through October 31, 2023 as Red Ribbon Week

Presentation

Proclamation designating November 4 through November 11, 2023 as Week of the Family

Public Comment

The following persons addressed the Board for public comment:

- Cynthia Harris

- Chris Mathieson
- Desmond Meade
- Lori Bradford
- Lloyd Woosley
- Bessie Wiley
- Cheryl Rogers

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

- Exhibit 1, from Cynthia Harris
- Exhibit 2, from Chris Mathieson

I. CONSENT AGENDA

Approval of Consent Agenda

The Mayor deferred action on County Administrator Item 2, County Attorney Item 1 and Health Services Department Item 6; and further, a motion was made by Commissioner Scott, seconded by Commissioner Gomez Cordero, to approve the balance of the Consent Agenda. The motion carried by the following vote:

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

Nay: 1 - Commissioner Wilson

Absent: 1 - Commissioner Bonilla

A. COUNTY MAYOR

1. **23-1493** Approval and execution of Orange County, Florida FY 2024 Grant Agreements with 1) For Inspiration and Recognition of Science and Technology (FIRST) in the amount of \$63,000; 2) Collegiate Pathways, Inc. in the amount of \$52,500; 3) University of Central Florida Board of Trustees and University of Central Florida Foundation, Incorporated in the amount of \$68,250; 4) Central Florida STEM Education Council in the amount of \$10,000; 5) Florida Photonics Cluster, Inc. in the amount of \$10,500; and 6) National Center for Simulation in the amount of \$15,000 for the period of October 1, 2023, through September 30, 2024, for a total amount of \$219,250. (Innovation and Emerging Technologies Office)
2. **23-1494** Approval and execution of Orange County, Florida and University of Central Florida Board of Trustees Funding Agreement in the amount of \$500,000 per year for three years. (Innovation and Emerging Technologies Office)
3. **23-1495** Approval and execution of Agreement for Economic Development Services Orlando Economic Partnership, Inc. and Orange County Fiscal Year 2023-2024 authorizing the disbursement of \$777,895 as provided in the FY

2023-24 adopted budget. (Office of Economic, Trade and Tourism Development)

4. **23-1496** Approval and execution of Orange County, Florida and Orlando Economic Partnership, Inc. Amendment to Agreement for Branding and Marketing authorizing the disbursement of \$500,000 as provided in the FY 2023-24 adopted budget. (Office of Economic, Trade and Tourism Development)

B. COUNTY COMPTROLLER

1. **23-1497** Approval and execution of the minutes of the September 21 and September 26, 2023 meetings of the Board of County Commissioners (Clerk's Office)
2. **23-1498** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. (Finance/Accounting)

Periods are as follows:

- October 06, 2023, to October 12, 2023; \$ 48,137,527.64
- October 13, 2023, to October 19, 2023; \$ 57,995.697.56

3. **23-1499** Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Dispose of assets.
 - b. Dispose of assets not found during previous cycles.

C. COUNTY ADMINISTRATOR

1. **23-1500** Confirmation of Commissioner Uribe's appointment of Lester Segal to the Lake Mary MSTU Advisory Board with a term expiring December 31, 2024. (Agenda Development Office)
2. **23-1501** Approval and execution of Orange County, Florida and FusionFest, Inc. Funding Agreement relating to FusionFest 2024 and authorization to disburse \$200,000 as provided in the FY2023-24 adopted budget. (Arts and Cultural Affairs Office)

(This item was deferred.)

3. **23-1502** Approval and execution of Contract #Y24-139 Orange County, Florida and United Arts of Central Florida, Inc. Management/Fiscal Agency Agreement for Orange County Arts & Cultural Affairs Tourist Development Tax (TDT) Revenue - Arts & Cultural Affairs Grants Program in the amount of \$8,291,271, and authorization for the Procurement Manager to authorize extensions to the contract. (Arts and Cultural Affairs Office)

4. **23-1503** Approval and execution of Contract #Y24-140 between Orange County, Florida and United Arts of Central Florida, Inc. regarding the provision of funding for arts grants and services in the amount of \$1,481,321 for Fiscal Year 2023-2024 from the General Fund. (Arts and Cultural Affairs Office)
5. **23-1504** Approval for the Orange County Sheriff's Office to spend \$1,000 from the FY 2024 Law Enforcement Trust Fund-State Forfeitures for an eligible contribution to Youth Central Connection. (Office of Management and Budget)
6. **23-1505** Approval to disburse CRA funds totaling \$72,290,686 to Orange County's Community Redevelopment Agencies. (Office of Management and Budget)
7. **23-1506** Approval to pay the Orange County Clerk of Courts \$150,000 for FY 2023-2024 communication expenses. (Office of Management and Budget)
8. **23-1507** Approval of budget amendments #23-59 and #24-01. (Office of Management and Budget)
9. **23-1508** Ratification of payment of Intergovernmental claims of August 17, 2023, August 31, 2023, September 7, 2023, and September 21, 2023, totaling \$2,746,015.07. (Risk Management Division)

D. COUNTY ATTORNEY

1. **23-1509** Approval and execution of Orange County, Florida, and The School Board of Orange County, Florida First Amendment to Agreement Regarding West Orange County Relief High School Stadium.

(This item was deferred.)

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. **23-1510** Approval of Change Order No 2, Contract Y23-702 Mosquito Control Facility - GRANT, with CIC Construction Group USA LLC in the amount of \$919,253, for a revised lump sum contract amount of \$11,981,392.92. District 6. (Capital Projects Division)
2. **23-1511** Approval of Change Order No 7, Contract Y20-766 Michigan Campus GOV Cottages Restroom & Kitchen Renovations, with Café Construction & Development Inc in the amount of \$344,589.50, for a revised lump sum contract amount of \$1,935,920.88. District 3. (Capital Projects Division)
3. **23-1512** Approval of Change Order No 4, Contract Y21-754 Juvenile Assessment Center Exterior Security Upgrades, with Café Construction & Development Inc in the amount of \$117,096.95, for a revised lump sum contract amount of

\$514,618.53. District 6. (Capital Projects Division)

4. **23-1513** Approval to award Invitation for Bids Y23-119-CR, Asphalt Milling and Resurfacing with Friction Course and Asphalt Berms, to the low responsive and responsible bidders, Hubbard Construction Company, in the estimated contract award amount of \$19,500,775 for a one-year term; Preferred Materials, Inc., in the estimated contract award amount of \$19,955,354 for a one-year term; Ranger Construction Industries, Inc., in the estimated contract award amount of \$20,335,633.35 for a one-year term; and Middlesex Paving LLC, in the estimated contract award of \$21,986,100 for a one-year term. ([Public Works Department Roads and Drainage Division] Procurement Division)
5. **23-1514** Approval to award Invitation for Bids Y23-1046-AV, Repair of Geosynthetic Liners at the Landfill, to the low responsive and responsible bidder, Southeast Environmental Contracting, Inc. The estimated contract award amount is \$876,750 for a three-year term. ([Utilities Department Solid Waste Division] Procurement Division)
6. **23-1515** Approval to award Invitation for Bids Y23-1068-JA, Temporary Labor Services - Utilities Maintenance Technician Term Contract, to the low responsive and responsible bidder, Aligned Employment Resources LLC dba Aligned Government Services. The estimated contract award amount is \$191,237 for a one-year term. ([Utilities Department Fiscal and Operational Support Division] Procurement Division)
7. **23-1516** Approval to award Invitation for Bids Y23-1075-AV, Compressors and Dryers Preventative Maintenance and Repairs, to the low responsive and responsible bidder, Curtis-Toledo Distribution, Inc. dba Comp-Air Service Co. The estimated contract award amount is \$1,385,850 for a three-year term. ([Convention Center Fiscal and Operational Support Division] Procurement Division)
8. **23-1517** Approval to award Invitation for Bids Y23-7002-CR, Binion Road Widening at Magnolia Park, to the low responsive and responsible bidder, C. Pearson Contracting, Corp. The total contract award amount is \$439,999.30, inclusive of additive number one. ([Administrative Services Department Capital Projects Division] Procurement Division)
9. **23-1518** Approval to award Invitation for Bids Y23-7003-RC, Orange County Parks Horizon West Regional Phase IA, to the low responsive and responsible bidder, Mulligan Constructors, Inc. The total contract award amount is \$11,704,919, inclusive of additive number 1. ([Administrative Services Department Capital Projects Division] Procurement Division)
10. **23-1519** Approval of Contract Y23-1069, Heavy Equipment Parts and Labor, with Linder Industrial Machinery Company, in the total contract award amount of

- \$200,000 for a one-year term. ([Utilities Department Solid Waste Division] Procurement Division)
11. **23-1520** Approval of Contract Y23-206, Post-Overdose Response Team Program Evaluation Services, with the University of Central Florida Research Foundation, Inc., in the non-to-exceed amount of \$140,822.50. ([Health Services Department Drug Free Office] Procurement Division)
 12. **23-1521** Approval of Contract Y24-124, VidaCare EZ-IO and Accessories, with Teleflex LLC, in the contract award amount of \$247,448.75 for a one-year term. ([Fire Rescue Department Logistics Division] Procurement Division)
 13. **23-1522** Approval of Amendment No. 6, Contract Y15-114, Inmate Telephone Services, with Global Tel*Link Corporation, to extend the contract for a one-year term. ([Corrections Department Fiscal and Operational Division] Procurement Division)
 14. **23-1523** Approval of Amendment No. 2, Contract Y20-830, Professional Services for Chuluota Road Roadway Conceptual Analysis Study, with Johnson Mirmiran & Thompson Inc., in the amount of \$488,713.99, for a revised total contract amount of \$1,038,618.79. ([Public Works Department Engineering Division] Procurement Division)
 15. **23-1524** Approval of Amendment No. 3, Contract Y20-832, Professional Services for McCulloch Road Roadway Conceptual Analysis (RCA), with Dewberry Engineers, Inc., in the amount of \$85,830.16, for a revised total contract amount of \$529,723.47. ([Public Works Department Transportation Planning Division] Procurement Division)
 16. **23-1525** Approval of Amendment No. 1, Contract Y21-803, International Drive Pedestrian Overpass Intersection Analysis and Overpass Conceptual Design Study, with HHCP & AVCON, A Joint Venture, in the amount of \$85,617.89, for a revised total contract amount of \$685,617.55 and extend the contract duration to December 31, 2024. ([Public Works Department Transportation Planning Division] Procurement Division)
 17. **23-1526** Approval of Amendment No. 3, Contract Y21-1023, Statement Printing and Mailing Services for Orange County Utilities Department, with Infosend, Inc., in the amount of \$29,777, for a revised estimated contract amount of \$887,005.50. ([Utilities Department Custom Service Division] Procurement Division)
 18. **23-1527** Approval of Change Order No. 2, Purchase Order M110791, Purchase of Home-Delivered Prepared Meal Services, with Food With Care, Inc., in the amount of \$49,998, for a revised total amount of \$197,496. ([Health Services Department Fiscal and Operational Division] Procurement Division)

19. **23-1528** Ratification of Amendment No. 8, Contract Y18-174, Temporary Labor - Permit Analyst Building Safety, with Real Time Services, Inc dba Top Talent Staffing, in the amount of \$112,096, for a revised total contract amount of \$679,071. ([Planning, Environmental, and Development Department Building Safety Division] Procurement Division)
20. **23-1529** Selection of Civil/Site Engineering, Inc. to provide Professional Construction Engineering and Inspection (CEI) and Compliance Services for the University Boulevard at Dean Road Intersection Improvements Project, Request for Proposals Y23-811-CC. ([Public Works Department Engineering Division] Procurement Division)
21. **23-1530** Approval and execution of License Agreement between Orange County, Florida and Career Source Central Florida 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 Career Source Central Florida - Tangelo Park Community Center (CAD), 5160 Pueblo Street, Orlando, Florida 32819. Lease File #10217. District 6. (Real Estate Management Division)
22. **23-1531** Approval and execution of Contract for Purchase and Sale by and between Ronald L. Stucki 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 \$12,535,751.50 and perform all actions necessary and incidental to closing for Green PLACE Parcel 207. District 5. (Real Estate Management Division)
23. **23-1532** Approval and execution of Orange County, Florida and the Orange County Supervisor of Elections Facility Use Agreement for the 2023 and 2024 Special Election, and authorization for the Real Estate Management Division to execute amendments and furnish notices, required, or allowed by the Facility Use Agreement, as needed for Supervisor of Elections Florida House District #35 Special Election, Facility Use Agreement. Lease File #10232. Districts 3, 4, and 5. (Real Estate Management Division)
24. **23-1533** Approval of three Warranty Deeds by Banksville of Florida, Inc. and Orange County, Temporary Access Easement between Banksville of Florida, Inc. and American Land Investments of Orange County, LLC and Orange County, Stormwater Pond Easement between Banksville of Florida, Inc. and Orange County, approval and execution of Notice of Reservation, and authorization to disburse funds to pay purchase price, record instruments and perform all actions necessary and incidental to closing for The Grow PD (APF Agreement). District 5. (Real Estate Management Division)

25. **23-1534** Approval and execution of Subordination of Utility Interests by and between Duke Energy Florida, LLC, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, herein called Duke Energy and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from Spectrum Sunshine State, LLC, f/k/a Bright House Networks, LLC, successor in interest to Cablevision Industries Limited Partnership, and authorization to disburse funds to pay recording fees and record instruments for University Boulevard and Dean Road Intersection Improvements. District 5. (Real Estate Management Division)

F. FIRE RESCUE DEPARTMENT

1. **23-1535** Approval and execution of the BJA FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation Award Number: 15PBJA-23-GG-03310-JAGX in the amount of \$438,256 for the period of October 1, 2022, to September 30, 2026. There is no match required. (Office of Emergency Management)

G. HEALTH SERVICES DEPARTMENT

1. **23-1536** Approval to accept the Department of Health and Human Services Health Resources and Services Administration Award number 1 CE1HS52683-01-00 for the acquisition of the mobile clinic in the estimated amount of \$239,059. (Medical Clinic)
2. **23-1537** Approval and execution of Medical Examiner Services Agreement between Orange County, Florida and Osceola County, Florida. Authorization for the Mayor or designee to sign future renewals of the agreement for five additional one year periods upon the mutual written agreement of the parties. (Y17-327) Osceola County agrees to pay Orange County \$1,759,204.04 for the period of October 1, 2023, through September 30, 2024. (Medical Examiner)
3. **23-1538** Approval and execution of Subrecipient Agreement CSH Contract #23032-C in the total amount of \$250,000 and Contract #23044-C in the total amount of \$250,000; and authorization for the County Mayor or designee to execute all subsequent awarded agreements, including increases, decreases, or amendments. No county match is required. (Fiscal and Operational Support Division)
4. **23-1539** Approval of Orange County Health Services Department Physician Employment Agreement by and between Orange County and Gregorie Constant-Peter, M.D for the position of Medical Director, Corrections Health Services. (Health Services Department)

- 5. **23-1540** Approval and execution of the Paratransit Services License for DDD Enterprises Corporation d/b/a Care Medical Transportation to provide wheelchair/stretchers service. The term of this license shall be from October 24, 2023, and terminate on October 23, 2025. There is no cost to the County. (EMS Office of the Medical Director)
- 6. **23-1541** 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.)

H. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

- 1. **23-1542** Approval of Solid Waste Management Facility permit renewal applications No. SW-22-05-002 and SW-22-05-003 for Waste Management Inc. of Florida, for the facility known as Pine Ridge Recycling and Disposal Facility, subject to waiver and conditions of approval. District 1. (Environmental Protection Division)

- 2. **23-1543** 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 1, 2, 3, 5, and 6. (Neighborhood Services Division)

LC 23-0275	LC 23-0333	LC 23-0319	LC 23-0278	LC 23-0283
LC 23-0308	LC 23-0351	LC 23-0322	LC 23-0280	LC 23-0298
LC 23-0312	LC 23-0291	LC 23-0353	LC 23-0281	LC 23-0329
LC 23-0293	LC 23-0321	LC 23-0163	LC 23-0282	LC 23-0342

- 3. **23-1544** Approval and execution of (1) State of Florida Department of Transportation Community Aesthetic Feature Agreement between the State of Florida, Department of Transportation and Orange County and (2) Resolution 2023-M-47 of the Orange County Board of County Commissioners regarding the Community Aesthetic Feature Agreement between the State of Florida Department of Transportation and Orange County, Florida. District 6. (Neighborhood Services Division)

- 4. **23-1545** Approval and execution of Interlocal Agreement regarding limited transfer of jurisdiction over real property between the City of Winter Garden, Florida and Orange County, Florida. District 1. (Zoning Division)

I. PUBLIC WORKS DEPARTMENT

1. **23-1546** Approval and execution of Amendment to Donation Agreement between Avalon Park Property Owners Association, Inc. and Orange County; approval of the Warranty Deed from Avalon Park Property Owners Association, Inc. to Orange County; and authorization to perform all actions necessary and incidental to closing. District 4. (Roads and Drainage Division)
2. **23-1547** Approval and execution of Proportionate Share Agreement for Greenway II Apartments Boggy Creek Road by and between Greenway Park DRI, LLC and Orange County for a proportionate share payment in the amount of \$593,055. District 4. (Roadway Agreement Committee)
3. **23-1548** Approval and execution of Proportionate Share Agreement for Sixty Vines Apopka-Vineland Road, Sand Lake Road and Turkey Lake Road by and between Columbia II Plaza Venezia, LLC and Orange County for a proportionate share payment in the amount of \$232,783. District 1. (Roadway Agreement Committee)
4. **23-1549** Approval and execution of Proportionate Share Agreement for Chipotle at Adanson Marketplace Lee Road by and between Lee Road Partners LP and Orange County for a proportionate share payment in the amount of \$149,910. District 5. (Roadway Agreement Committee)
5. **23-1550** Approval and execution of Proportionate Share Agreement for Orange Shoppes at Sandlake Orange Avenue and Sand Lake Road/McCoy Road by and between Sandlake Station Partners, LLC and Orange County for a proportionate share payment in the amount of \$193,438. District 3. (Roadway Agreement Committee)
6. **23-1551** Approval and execution of Proportionate Share Agreement for Thompson Heights Wekiva Springs Road and Welch Road by and between Thompson Heights, LLC and Orange County for a proportionate share payment in the amount of \$100,947. District 2. (Roadway Agreement Committee)
7. **23-1552** Approval and execution of Proportionate Share Agreement for Orange Blossom Storage Center Orange Blossom Trail & Sand Lake Road by and between Landstreet SS LLC and Orange County for a proportionate share payment in the amount of \$32,362. District 3. (Roadway Agreement Committee)
8. **23-1553** Approval and execution of Resolution 2023-M-48 of the Orange County Board of County Commissioners regarding designation of that portion of S.R. 435 between Conroy Road and Vineland Road in Orange County as "Officer Kevin Valencia Memorial Highway" in honor of Officer Kevin Valencia; and for the erection by the Florida Department of Transportation of suitable markers proclaiming said designation. District 6. (Traffic

Engineering Division)

9. **23-1554** Approval for funding from FY 2023-2024 in the amount of \$2,089,717 and execution of Bus Service Agreement 24-C04 by and between Central Florida Regional Transportation Authority d/b/a LYNX (LYNX) and Orange County, Florida relating to the providing of bus service in the International Drive Community Redevelopment Area of Orange County, Florida. Districts 1 and 6. (Transportation Planning Division)
10. **23-1555** Approval and execution of 24-C07 Service Funding Agreement by and between Orange County, Florida and Central Florida Regional Transportation Authority for FY 2023-24 in the amount of \$71,891,283. All Districts. (Transportation Planning Division)

J. UTILITIES DEPARTMENT

1. **23-1556** Approval and execution of Interconnection of Customer-Owned Renewable Generation Systems to Duke Energy Florida, Inc. Electric Grid Application and Compliance Form for Tier 2 and Tier 3 Systems (greater than 10 KW) by and between Orange County, Florida and Duke Energy Florida, Inc. for the Northwest Water Reclamation Facility Solar Energy System and authorization for the County Administrator to sign application documents incidental to this project on behalf of Orange County, Florida. District 2. (Engineering Division)
2. **23-1557** Approval and execution of Interconnection of Customer-Owned Renewable Generation Systems to Duke Energy Florida, Inc. Electric Grid Application and Compliance Form for Tier 3 Customer-Owned Renewable Generation Systems (>100kw, <=2mw) by and between Orange County, Florida and Duke Energy Florida, Inc. for the Southern Regional Water Supply Facility Solar Energy System and authorization for the County Administrator to sign application documents incidental to this project on behalf of Orange County, Florida. District 4. (Engineering Division)
3. **23-1558** Ratification of Water Vendor Participation Agreement for the Florida Low Income Household Water Assistance Program (LIHWAP) with Promise Network, Inc. All Districts. (Customer Service Division)
4. **23-1559** Approval of Change Order Number 1, Y22-777-TA Pump Station Improvements Package 24, Carr & Collier, Inc., in the amount of \$566,990.97, for a revised total contract amount of \$4,086,990.97. Districts 3 and 4. (Field Services Division)
5. **23-1560** Approval and execution of Settlement Agreement and approval of Change Order Number 8, Contract Y18-729-TA South Water Reclamation Facility (SWRF) Influent Pump Station Improvements, with MWH Constructors, Inc., in the amount of \$1,029,616.98 for a revised total contract amount of

\$26,452,555.22. District 6. (Field Services Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

- 1. **23-1436** Receipt of the following items to file for the record:
 - a. Greater Orlando Aviation Authority Orlando International Airport & Orlando Executive Airport adopted budgets Fiscal Year 2023-2024.

This item was received and filed.

I. CONSENT AGENDA (Deferred)

C. COUNTY ADMINISTRATOR

- 2. **23-1501** Approval and execution of Orange County, Florida and FusionFest, Inc. Funding Agreement relating to FusionFest 2024 and authorization to disburse \$200,000 as provided in the FY2023-24 adopted budget. (Arts and Cultural Affairs Office)

Board discussion ensued.

A motion was made by Commissioner Wilson, seconded by Commissioner Gomez Cordero, to approve and execute Orange County, Florida and FusionFest, Inc. Funding Agreement relating to FusionFest 2024 and authorization to disburse \$200,000 as provided in the FY2023-24 adopted budget. 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

III. DISCUSSION AGENDA

A. COMMISSIONER'S REPORT

- 1. **23-1561** Commissioner Wilson wishes to discuss lakeshore enforcement and the Environmental Protection Commission.

The Board took no action.

B. COUNTY ADMINISTRATOR

- 1. **23-1562** Approval of the Arts and Cultural Affairs Advisory Council's funding recommendations for Arts and Cultural Affairs Grants for Cultural Tourism for FY 2024. (Arts and Cultural Affairs Office)

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Moore, to approve the Arts and Cultural Affairs Advisory Council’s funding recommendations of Arts and Cultural Affairs Grants for Cultural Tourism for Fiscal Year 2024. The motion carried by the following vote:

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

C. COUNTY MAYOR

- 1. **23-1563** Approval of 2024 State Legislative Priorities. (Legislative Affairs Office)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the overall agenda for the 2024 State Legislative Session. 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. COMMUNITY AND FAMILY SERVICES DEPARTMENT

- 1. **23-1564** Head Start Annual Update. (Head Start Division)

The Board took no action.

IV. RECOMMENDATIONS

- 1. **23-1565** October 5, 2023 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the recommendations, with the exception of Case # VA-23-09-073, Nadav Korem (Appeal Filed) and Case # VA-23-07-046, Robert Haines (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: 6 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Scott

Absent: 1 - Commissioner Bonilla

V. PUBLIC HEARINGS

A. Petition to Vacate

- 1. **23-1408** Case # 23-02-006

Mark Freeman, on behalf of Kimberly M. Zerrusen Freeman, vacate a

portion of an unopened and unimproved right-of-way; District 3

Consideration: Resolution granting Petition to Vacate # 23-02-006, vacating a portion of a 25-foot wide unopened and unimproved right-of-way known as Lake Street that lies along the northern boundary of their residential lot located in the Jennie Jewel Neighborhood.

Location: District 3; The parcel address is 3503 Lake Street; S12/T23/R29; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Uribe, seconded by Commissioner Scott, to approve the request listed in the Staff Report dated October 24, 2023. 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

2. **23-1409** Case # 23-06-021

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

Consideration: Resolution granting Petition to Vacate # 23-06-021, vacating a 5-foot-wide portion of a 20-foot-wide drainage easement, what lies along the northerly 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)

This public hearing was canceled.

B. Shoreline Alteration/Dredge and Fill

3. **23-1342** Case # SADF 23-07-019

Michael and Marie Santana, Lake Anderson, permit; District 3

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 23-07-019 to authorize the construction of a replacement seawall on the shoreline of Lake Anderson pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control

Location: District 3; on property located adjacent to Lake Anderson, located at 3562 Emerywood Lane, Orlando, FL 32812; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: Alan Horn.

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to accept the findings and recommendation of the Environmental Protection Division; and further, approve the Shoreline Alteration/Dredge and Fill Permit (SADF-23-07-019) subject to the twenty-three (23) conditions of approval listed in the Staff Report dated September 26, 2023. 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

4. **23-1238** Case # ZM-23-07-047

A. Kurt Ardaman for Northstar Powers LLC
Northstar Powers LLC, August 3, 2023; District 2

Consideration: Appeal of the Zoning Manager's determination on calculation of the minimum distance separation requirement between package stores and religious institutions

Location: District 2; property located at 6320 Clarcona Ocoee Road, Orlando, Florida, 32810 (legal property description on file at Zoning Division)

Court Reporter: Olivia Ayala, Milestone Reporting

The following persons addressed the Board:

- A. Kurt Ardaman
- Alandus D. Sims
- Vicki Vargo
- Sandra Fatmi-Hall
- Deborah Carwise
- Gena Abel-Barnes
- Patrick Dallas
- Althea Subanney
- Marjorie Hutto
- Cheryl Soriano
- Dexter Watts
- Cara Blanco
- Howard Earle
- Otto Acosta
- Carl Minion

The following materials was presented to the Board prior to the close of the public hearing: Exhibit 1, from A. Kurt Ardaman.

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to uphold the Zoning Manager's determination about how to properly measure the shortest route of ordinary pedestrian travel under the facts in this case; and further deny the request. 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

D. Special Exception

5. 23-1334 Case # SE-23-10-079

Christopher Mills for Windermere High School Stadium, amend; District 1

Consideration: Amendment to a Special Exception in the R-CE Zoning district to allow the construction of an on-site stadium for an existing public high school

Location: District 1; property located at 5523 Winter Garden Vineland, Rd., Windermere, FL 34786

Revised Conditions of Approval #7 and #8:

7. An exterior lighting photometric plan for the Stadium compliant with the county's exterior lighting ordinance, and with fixture color temperature of 3,500 K–5,700 K maximum shall be submitted and approved at the time of permitting. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.

8. The stadium lighting fixtures shall, at a minimum, be the Musco Light-Structure Green LED or better fixture, and the stadium lighting fixtures shall be positioned/located on the property to prohibit any off-site glare or light spillage onto adjacent properties.

New Condition of Approval #17

17. Prior to or simultaneous with the completion of the football/sports stadium, OCPS shall plant understory trees (e.g., Crape Myrtle, Holly, etc.) adjacent to the western side of the new stadium. One understory tree shall be planted evenly spaced in a row adjacent to the existing row of Live Oak trees. The understory trees shall be placed to line up with the space between the existing row of Live Oak trees and generally alternating between the spacing of the existing Oak trees.

Previous Condition of Approval # 17 is renumbered to Condition of Approval # 18:

~~17~~18. Pursuant to Section 30-43(2)d. of the Orange County Code, violations of the conditions of approvals and safeguards provided herein may result in the revocation of this special exception after notice and hearing before the Orange County Board of County Commissioners.

Previous Condition of Approval # 18 is renumbered to Condition of Approval # 19 and modified, as follows:

19. All previous conditions from the May 5, 2015 BCC approval (SE-13-07-046), and subsequent amendment via SE 18-11-144, shall apply with the exception of conditions of approval #12, #18 and #20 from SE-13-07-046 which are hereby deleted.

The following persons addressed the Board:

- Jad Brewer
- Deawn Hughes
- Louis Tavares
- Karina Roman Zavala
- Maggie Caprise
- Paulo Moreira
- Donnie Cary
- Patricia Barra
- Andy Leftakis
- Keith Johnston
- Ray Szull
- Brent Spain
- Pamela Gould, School Board Member, District 4 Orange County Public Schools

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

A motion was made by Commissioner Wilson, seconded by Commissioner Scott, to approve the Special Exception, Case # SE-23-10-079; subject to the eighteen (18) conditions of approval with the Board of Zoning Adjustment recommendations dated September 25, 2023; further, modify conditions #7 and #8; further, approve new condition of approval #17; further, approve renumbered Conditions of Approval # 18 and #19; further, modify renumbered Condition of Approval #19; and further, approve and execute Consent Agenda Item D.1, the First Amendment to Agreement Regarding West Orange Relief High School Stadium. 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

and

I. CONSENT AGENDA (Deferred)

D. COUNTY ATTORNEY

1. **23-1509** Approval and execution of Orange County, Florida, and The School Board of Orange County, Florida First Amendment to Agreement Regarding West Orange County Relief High School Stadium.

This consent item was approved.

V. PUBLIC HEARINGS (Continued)

E. Planning and Zoning Commission Rezoning Appeal

6. **23-1045** Case # RZ-23-06-048

Brian Davidson
Gail Vandewoude, June 15, 2023; District 2

Consideration: Request to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow for the construction of two (2) detached single-family dwelling units, pending lot split approval; pursuant to Orange County Code, Chapter 30

Location: District 2; property located at 1012 Venetian Ave; generally east of Grant St, north of Hunter Ave and approximately 290 feet west of Edgewater Dr.; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Gail Vandewoude
- Brian Davidson

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

- Exhibit 1, from Gail Vandewoude
- Exhibit 2, from Brian Davidson

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to continue the public hearing until December 12, 2023, at 2 p.m. 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

7. **23-1341** Case # RZ-23-08-062

Jesus Montero
Jesus Montero, August 17, 2023; District 5

Consideration: Request to rezone from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) to allow for the construction of three dwelling units on 1.58-gross acres pending lot split approval.

Location: District 5; property located at 3827 N. Tanner Rd; generally located east of N. Tanner Rd, south of Stonebriar Way, and north of Josair Dr.; Orange County, Florida (legal property description on file in Planning Division)

The public hearing was withdrawn.

F. Planning and Zoning Commission Rezoning Board-Called

8. **23-1340** Case # RZ-23-07-057

Asif Huda Khan, August 17, 2023; District 3

Consideration: Request to rezone from A-2 (Farmland Rural District) to R-2 (Residential

District) in order to construct up to 88 single-family attached dwelling units. The proposed development will be age restricted to 55+.

Location: District 3; property located at 1975 4th St; generally south of Pine street, west of Hoenstine avenue and north of 4th Street; Orange County, Florida (legal property description on file)

County staff added four (4) New Restrictions:

2. Development shall be limited to no more than fifty (50) dwelling units;
3. Development shall be limited to no more than two (2) stories in height;
4. Development shall be limited single-family detached homes, duplexes, triplexes, and/or quadraplexes; and
5. At the time of Preliminary Subdivision Plan review, a community meeting will be required to address site development standards including but not limited to landscape buffers along Hoenstine Avenue and 4th Street.

Based upon input from the District Commissioner and agreed upon by the applicant, the following restriction was added:

New Restriction # 6

6. Access to the development would be available from Pine Street and 4th Street with restriction of access from Hoenstine Avenue.

The following person addressed the Board: Asif Khan.

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; further approve, the request to rezone from A-2 (Farmland Rural District) to R-2 (Residential District) in order to construct up to 88 single-family attached dwelling units; further, approve the request subject to the one (1) restriction listed under the Development Review Committee recommendation in the Staff Report dated October 3, 2023; and further, approve five (5) new restrictions. The motion carried by the following vote:

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

Absent: 2 - Commissioner Bonilla, and Commissioner Scott

G. Preliminary Subdivision Plan

9. 23-1407 Case # PSP-22-08-272

Adam Smith P.E., VHB, Inc., Selnik Planned Development / Selnik Preliminary Subdivision Plan; District 1

Consideration: Selnik Planned Development (PD) / Selnik Preliminary Subdivision Plan (PSP), Case # PSP-22-08-272, submitted in accordance with Orange County Code, Chapter 34, Article

III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 33.69 acres to construct 110 single-family residential dwelling units. The request also includes the following waiver from Orange County Code: A waiver from Orange County Code Section 34-152(c) is requested to allow for a six (6) foot wide private utility tract (Tract U-1) in lieu of a minimum access width of twenty (20) feet, and for lots 18-47 and 73-80 to front a mew, park, open space, etc., in lieu of the 20-foot access to a dedicated paved street; legal access to lots 18-47 and 73-80 will be through an ingress / egress easement and/or alley tract.

Location: District 1; property located at 5504 Winter Garden Vineland Road, Windermere, Florida 34786, West of Winter Garden Vineland Road / South of Lake Butler Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- John Prowell
- Louis Tavares
- Chris Adams
- Adam Smith
- Dan O'Keefe

The motion by Commissioner Wilson, to deny, died for a lack of a second.

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the thirty-five (35) conditions of approval listed under the Development Review Committee Recommendation in the Staff Report dated September 29, 2023. The motion carried by the following vote:

Aye: 4 - Mayor Demings, Commissioner Moore, Commissioner Uribe, and Commissioner Gomez Cordero

Nay: 1 - Commissioner Wilson

Absent: 2 - Commissioner Bonilla, and Commissioner Scott

H. Resolution

10. 23-1410 Regarding the Disposition of County Properties that are Appropriate for Use as Affordable Housing; All Districts

Consideration: A RESOLUTION REGARDING THE DISPOSITION OF COUNTY PROPERTIES THAT ARE APPROPRIATE FOR USE AS AFFORDABLE HOUSING

A motion was made by Mayor Demmings, seconded by Commissioner Uribe, to adopt and execute Resolution 2023-M-49, regarding the Disposition of County Properties that are Appropriate for Use as Affordable Housing. The motion carried by the following vote:

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

Absent: 2 - Commissioner Bonilla, and Commissioner Scott

I. Ordinance

11. 23-1413 Amending Orange County Code Article II, Chapter 5 pertaining to Dangerous Dogs; All Districts (Continued from October 24, 2023)

Consideration: AN ORDINANCE CONCERNING ANIMAL SERVICES AND DANGEROUS DOG PROCEEDINGS IN ORANGE COUNTY, FLORIDA; 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; AMENDING THE DEFINITION OF A DANGEROUS DOG AND PROPER ENCLOSURE OF A DANGEROUS DOG; REMOVING THE DEFINITION OF POTENTIALLY DANGEROUS DOG, AND ALL REFERENCES THEREIN; PROVIDING FOR AN APPOINTMENT OF A PRIMARY SPECIAL MAGISTRATE, AND TWO ALTERNATE SPECIAL MAGISTRATES; PROVIDING THE DEFINITION OF PRIMARY SPECIAL MAGISTRATE AND ALTERNATE SPECIAL MAGISTRATE; ESTABLISHING THE CONDUCT OF HEARINGS BEFORE THE SPECIAL MAGISTRATE; PROVIDING THE PROCEDURAL PROCESS FOR UNCLASSIFIED DOGS THAT CAUSE DEATH; PROVIDING FOR ALTERNATIVE CONFINEMENT AND QUARANTINE LOCATIONS OF DANGEROUS DOGS; EXEMPTIONS; APPEALS; UNLAWFUL ACTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Mayor Demings, seconded by Commissioner Gomez Cordero, to continue the public hearing until November 28, 2023, at 2 p.m. The motion carried by the following vote:

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

Absent: 2 - Commissioner Bonilla, and Commissioner Scott

and

I. CONSENT AGENDA (Deferred)

G. HEALTH SERVICES DEPARTMENT

6. 23-1541 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 agenda item was deferred until November 28, 2023, at 2 p.m.

√ 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: _____

ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk

Deputy Clerk