

Orange County Government

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



Draft Meeting Minutes

Tuesday, January 24, 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 9:01 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 Joel Kunkel
Senior Minutes Coordinator Lakela Louis
Minutes Coordinator Megan Fiocco

Invocation - District 6

Bishop Melvin Scott Sr., House of God Saints in Christ

Pledge of Allegiance**Presentation**

Proclamation recognizing February as Black History Month

Presentation

Proclamation designating February 3, 2023 as School Crossing Guard Appreciation Day

Presentation

Proclamation recognizing January 27, 2023 as International Holocaust Remembrance Day

Public Comment

The following persons addressed the Board during public comment:

- Kevin Rose
- Gabrielle Milch
- Gerardo Lopez
- Nicole King
- Chuck O'Neal

The following material was presented to the Board during public comment: Exhibit 1, from Chuck O'Neal.

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor modified County Attorney Item 1, to reflect an additional appointee for District 1; further, deferred action on County Administrator Item 5; further, deferred action on Planning, Environmental, and Development Services Department Item 11; and further, a motion was made by Commissioner Moore, seconded by Commissioner Gomez Cordero, 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. **23-152** Approval and execution of the minutes of the December 13, 2022 meeting of the Board of County Commissioners. (Clerk's Office)
2. **23-153** 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:
 - January 06, 2023, to January 12, 2023; \$64,196,828.87
 - January 13, 2023, to January 19, 2023; \$19,249,970.51

(Finance/Accounting)

B. COUNTY ADMINISTRATOR

1. **23-154** Approval and execution of Memorandum of Agreement between Orange County and the Jerry B. Haddock Lodge #86, Fraternal Order of Police. (Human Resources Division)
2. **23-155** Approval and execution of Memorandum of Agreement between Orange County and the Florida State Lodge Fraternal Order of Police, Inc. (Human Resources Division)
3. **23-156** Approval and execution of Memorandum of Agreement between Orange County and the American Federation of State, County and Municipal Employees, AFL-CIO. (Human Resources Division)
4. **23-157** Approval and execution of Memorandum of Agreement between Orange County, Florida and the Laborers' International Union of North America Local

517. (Human Resources Division)

5. **23-158** Approval and execution of Amendment No. 1 Service Funding Agreement Fiscal Year 2022-2023 by and between Orange County, Florida and Legal Aid Society of the Orange County Bar Association, Inc. (Office of Management and Budget)

(This item was deferred.)

6. **23-159** Approval to pay the second quarter billing for the Orange County Property Appraiser in the amount of \$3,315,948.62. (Office of Management and Budget)
7. **23-160** Approval of budget amendments #23-08, #23-09, and #23-10. (Office of Management and Budget)
8. **23-161** Approval of budget transfer #23C-0049. (Office of Management and Budget)
9. **23-162** Approval of CIP amendment #23C-0049. (Office of Management and Budget)

C. COUNTY ATTORNEY

1. **23-163** Approval and execution of Resolution 2023-M-02 of the Orange County Board of County Commissioners regarding the appointment of the 2024 Orange County Charter Review Commission.

(This item was modified.)

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. **23-164** Approval to award Invitation for Bids Y22-1060-AV, Landscape Management of Active and Inactive Southern Water Plant Locations, to the low responsive and responsible bidder, Quisqueya Landscaping Services, LLC. The estimated contract award amount is \$427,020 for a three-year term. ([Utilities Department Water Division] Procurement Division)
2. **23-165** Approval to award Invitation for Bids Y22-7015-RC, Orange County Public Works Building 2 and 5 Roof Replacement, to the low responsive and responsible bidder, Atlas Apex Roofing, LLC. The total contract award amount is \$952,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
3. **23-166** Approval to award Invitation for Bids Y22-7049-ZR, Utilities Pump Stations Improvements Package 42, to the low responsive and responsible bidder, Prime Construction Group, Inc. The total contract award amount is \$3,525,525. ([Utilities Department Engineering Division] Procurement

Division)

4. **23-167** Approval to award Invitation for Bids Y23-704-CC, Regional History Center Computer Room Air Conditioner Units Replacement, to the low responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$665,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
5. **23-168** Approval to award Invitation for Bids Y23-708-MB, Courthouse Additional Vendor Parking, to the low responsive and responsible bidder, Valencia Construction Group, Inc. The total contract award amount is \$523,023. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. **23-169** Approval of Contract Y23-158, Maintenance and Support of Internet Based Orange County Water Resource Atlas, with the University of South Florida, in the not-to-exceed amount of \$276,160 for a four-year term. ([Planning, Environmental, and Development Services Department Environmental Protection Division] Procurement Division)
7. **23-170** Approval of Contract Y23-2027, Domestic Violence Childcare Program, with Community Coordinated Care for Children, Inc., in the total contract award amount of \$1,000,000 for a two-year term. ([Community and Family Services Department Citizens' Commission for Children Division] Procurement Division)
8. **23-171** Approval of Amendment No. 9, Contract Y18-180A, Ryan White Part A Medical Case Management and Referral for Healthcare and Support Services, with Center for Multicultural Wellness and Prevention, Inc., in the amount of \$100,000, for a revised estimated contract amount of \$576,845. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
9. **23-172** Approval of Amendment No. 8, Contract Y18-180C, Ryan White Part A Medical Case Management and Referral for Healthcare and Support Services, with Miracle of Love, Inc., in the amount of \$80,000, for a revised estimated contract amount of \$1,033,274. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
10. **23-173** Approval of Amendment No. 5, Contract Y20-1067A, Plumbing Services, with Frank Gay Services, LLC, in the amount of \$320,000, for a revised estimated contract amount of \$1,168,079.50. ([Administrative Services Department Facilities Management Division] Procurement Division)
11. **23-174** Approval of Amendment No. 3, Contract Y20-1067C, Plumbing Services, with Frank Gay Services, LLC, in the amount of \$221,875, for a revised estimated contract amount of \$750,625. ([Administrative Services

Department Facilities Management Division] Procurement Division)

12. **23-175** Approval of Amendment No. 2, Contract Y20-828, Final Engineering Services for Lake Apopka Trail Connector (from Lake Apopka Loop to West Orange Trail), with WBQ Design & Engineering, Inc., in the amount of \$217,796.65, for a revised total contract amount of \$1,505,189.83. ([Public Works Department Engineering Division] Procurement Division)
13. **23-176** Approval of Amendment No. 5, Contract Y20-2019, Provision of Community Services and Facility Use, with Employ U, Inc., in the amount of \$150,000, for a revised total contract amount of \$450,000. ([Community and Family Services Department Citizens' Commission for Children Division] Procurement Division)
14. **23-177** Approval of Purchase Order M109866, Stryker ProCare Warranty and Annual Preventative Maintenance, with Stryker Medical, in the total amount of \$388,191.80. ([Fire Rescue Department Infrastructure and Asset Management Division] Procurement Division)
15. **23-178** Approval of Purchase Order M109871, Pharmacy Interface for the New Electronic Health Record System for Corrections Health Services, with BDM Healthware Inc., in the not-to-exceed amount of \$181,062.50. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
16. **23-179** Approval of Change Order No. 2, Purchase Order M106366, Renewal of Mobile Compliance Software Licensing and Support, with Smarsh, Inc., in the amount of \$208,447.50, for a revised total amount of \$359,649.50. ([Administration and Fiscal Services Information Systems and Services Division] Procurement Division)
17. **23-180** Ratification of Change Order No. 4, Purchase Order M108670, Specialized Legal Counsel Services, with Nabors, Giblin, and Nickerson, P.A., in the amount of \$100,000, for a revised not-to-exceed amount of \$200,000. ([Administration and Fiscal Services County Attorney's Office] Procurement Division)
18. **23-181** Ratification of Change Order No. 2, Purchase Order M109447, Emergency Big Sand Lake Drawdown Project, with Superior Construction Company SE, LLC, in the amount of \$450,000, for a revised total amount of \$1,049,637. ([Planning, Environmental, and Development Services Department Environmental Protection Division] Procurement Division)
19. **23-182** Ratification of Sub-Recipient Agreement Amendment No. 2, Contract Y22-2001, Providing Implementation and Training in Infant and Early Childhood Mental Health Consultation, Parent Child Interaction Therapy, and Child Parent Psychotherapy, with Kinder Konsulting & Parents Too, Inc., in

the amount of \$1,967,125, for a revised total contract amount of \$3,014,487. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)

- 20. 23-183** Selection of SGM Engineering Inc. to provide Design Services for the Orange County Convention Center West Building Access Control Replacement, Request for Proposals Y22-803-RC. ([Convention Center Facilities Operations Division] Procurement Division)
- 21. 23-184** Approval and execution of Contract for Purchase and Sale by and between Thomas M. Lewis and Deborah R. Lewis 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 \$440,000, and perform all actions necessary and incidental to closing for Green PLACE Parcel 102. District 2. (Real Estate Management Division)
- 22. 23-185** Approval and execution of Contract for Purchase and Sale by and between Deborah Lewis 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 \$277,513.50, and perform all actions necessary and incidental to closing for Green PLACE Parcel 154. District 2. (Real Estate Management Division)
- 23. 23-186** Approval and execution of Contract for Purchase and Sale by and between Jacqueline Lewis-Gress and Roy J. Gress, 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 \$498,723.50, and perform all actions necessary and incidental to closing for Green PLACE Parcel 155. District 2. (Real Estate Management Division)
- 24. 23-187** Approval and execution of Contract for Purchase and Sale by and between Thomas M. Lewis 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 \$277,513.50, and perform all actions necessary and incidental to closing for Green PLACE Parcel 156. District 2. (Real Estate Management Division)
- 25. 23-188** Approval and execution of Hold Harmless and Indemnification Agreement Parcel ID No. 06-22-31-4444-00-190 by and between Mildred Taylor Austin

and Orange County and authorization to record instrument for Austin Boat Dock Const. Permit BD-21-11-155. District 5. (Real Estate Management Division)

26. **23-189** Approval and execution of Right of Entry Agreement among Orange County, City of Orlando, and City of Clermont for Conserv II - Clermont Right of Entry (PN 19670). (Real Estate Management Division)
27. **23-190** Approval to record executed Notice of Extension by and between Central Florida Expressway Authority and Orange County, Florida and authorization to disburse funds to pay recording fees and record instrument for OOCEA (Western Beltway Part C) Bike Path Property deed to Orange County. Districts 1 and 2. (Real Estate Management Division)
28. **23-191** Approval to grant staff the authority to reinstate PMA Consultants, L.L.C. (PMA) as a certified M/WBE graduate firm should, upon receipt and review of an acceptable application and all necessary supporting documentation by PMA, staff find that PMA meets the requirements that would have been necessary for a previously certified M/WBE firm to remain in graduate status. (Business Development Division)

E. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **23-192** Approval and execution of Florida Department of Children and Families Applications for a License to Operate a Child Care Facility at Pine Hills, Hal P. Marston, Bithlo, East Orange, Southwood, John H. Bridges, Callahan, and Washington Shores Early Learning Center Head Start sites. (Head Start Division)
2. **23-193** Receipt and filing of Head Start Policy Council Program Information and Updates December 2022 and Head Start Policy Council Meeting Minutes November 17, 2022 for the official county record. (Head Start Division)

F. CORRECTIONS DEPARTMENT

1. **23-194** Approval and execution of Memorandum of Understanding for Governmental Entity Access to Driver and Vehicle Information Database System (David) by and between Orange County, on behalf of the Orange County Corrections Department, and the Florida Department of Highway Safety and Motor Vehicles. (Fiscal and Operational Support Division)

G. HEALTH SERVICES DEPARTMENT

1. **23-195** Approval and execution of renewal Certificate of Public Convenience and Necessity for Greater Orlando Aviation Authority to provide Advanced Life Support transport services in Orange County, Florida. The term of this certificate is from May 1, 2023, through April 30, 2025. There is no cost to

the County. (EMS Office of the Medical Director)

2. **23-196** Approval to increase the Health Services Department manning table by three positions to increase capacity for Orange County's Drug Free Office fentanyl overdose prevention initiative.

H. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **23-197** Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 square feet to 1,626 square feet with a mitigation payment of \$1,087 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Ronald and Elizabeth Schenk Dock Construction Permit BD-22-10-167. District 1. (Environmental Protection Division)
2. **23-198** Approval and execution of Multi-Family Affordable Housing Developer's Agreement between Orange County, Florida, and Emerald Villas Phase Three, LLC, and Neighborhood Lending Partners of Florida, Inc., regarding the Affordable Housing Trust Fund Program Y21-1046B - Emerald Villas Phase Three, LLC providing a total amount of \$7,000,000 of available Affordable Housing Trust Fund and American Rescue Plan Dollars. District 2. (Housing and Community Development)
3. **23-199** 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 22-0186	LC 23-0007	LC 23-0043	LC 23-0039	LC 22-0455
LC 23-0069	LC 23-0016	LC 23-0078	LC 22-0165	LC 23-0004
LC 22-0483	LC 23-0051	LC 23-0031	LC 22-0274	LC 23-0050
LC 23-0006	LC 23-0071	LC 22-0377	LC 22-0374	LC 23-0062

4. **23-200** Approval and execution of Proportionate Share Agreement for "Midnight PMF Apartments" Semoran Boulevard by and between PMF Midnight I LLC and Orange County for a proportionate share payment in the amount of \$546,668. District 3. (Roadway Agreement Committee)
5. **23-201** Approval and execution of Proportionate Share Agreement for Palms at Windermere Ficquette Road & Reams Road by and between DFC Reams Road, LLC and Orange County for a proportionate share payment in the amount of \$664,539. District 1. (Roadway Agreement Committee)
6. **23-202** Approval and execution of Proportionate Share Agreement for Shenandoah

Reserve Goldenrod Road by and between E3 Community Church, Inc. and Orange County for a proportionate share payment in the amount of \$157,698. District 3. (Roadway Agreement Committee)

7. **23-203** Approval and execution of Proportionate Share Agreement for The Registry on Grass Lake Avalon Road and US 192 by and between Grass Lake FL, LP and Orange County for a proportionate share payment in the amount of \$1,068,802. District 1. (Roadway Agreement Committee)
8. **23-204** Approval and execution of Proportionate Share Agreement for Buena Vista Park PD Winter Garden-Vineland Road by and between LBV Orlando Hospitality, LLC and Orange County for a proportionate share payment in the amount of \$229,466. District 1. (Roadway Agreement Committee)
9. **23-205** Approval and execution of Second Amendment to Right-of-Way Agreement Avalon Groves PD-South Parcel C.R. 545 (Avalon Road) by and between Prose Horizons West Venture, LP and Orange County to extend the time frame for conveyance of right-of-way. District 1. (Roadway Agreement Committee)
10. **23-206** Approval and execution of Second Amendment to Right-of-Way and Proportionate Share Agreement Avalon Pointe C.R. 545 (Avalon Road) by and between Prose Avalon Pointe Venture, LP and Orange County to extend the time frame for conveyance of right-of-way. District 1. (Roadway Agreement Committee)
11. **23-207** Approval and execution of Resolution 2023-M-03 of the Orange County Board of County Commissioners regarding the Designation of Certain County Employees Assigned to the Office of Tenant Services as Code Enforcement Officers. (Fiscal and Operational Support Division)

(This item was deferred.)

I. PUBLIC WORKS DEPARTMENT

1. **23-208** Authorization to record the plat of Alaira II. District 1. (Development Engineering)
2. **23-209** Approval to decrease the speed limit on Young Pine Road from Curry Ford Road to one mile east of Lee Vista Boulevard from 50 mph to 45 mph. District 4. (Traffic Engineering Division)
3. **23-210** Approval to decrease the speed limit on the straight segments of Hoffner Avenue from Orange Avenue to Conway Road from 35 mph to 30 mph. District 3. (Traffic Engineering Division)
4. **23-211** Approval to decrease the speed limit on Round Lake Road from Ponkan

- Road to County Limits from 55 mph to 45 mph. District 2. (Traffic Engineering Division)
5. **23-212** Approval to decrease the speed limit on Chickasaw Trail from Colonial Drive to American Rose Parkway to 35 mph, from American Rose Parkway to El Prado Avenue to 30 mph, and from El Prado Avenue to Curry Ford Road to 35 mph. District 3. (Traffic Engineering Division)
6. **23-213** Approval to decrease the speed limit on Bloomfield Drive from North Dean Road to Rouse Road from 45 mph to 35 mph. District 4. (Traffic Engineering Division)
7. **23-214** Approval to decrease the speed limit on Bonneville Drive from East Colonial Drive to Allison Drive from 45 mph to 35 mph. District 5. (Traffic Engineering Division)
8. **23-215** Approval to decrease the speed limit on Edgewater Drive from Rose Avenue to Clarcona Ocoee Road from 40 mph to 35 mph. District 2. (Traffic Engineering Division)
9. **23-216** Approval to decrease the speed limit on Rouse Road from Corporate Boulevard to University Boulevard from 45 mph to 40 mph. District 5. (Traffic Engineering Division)
10. **23-217** Approval to decrease the speed limit on Lake Butler Boulevard from Clarice Court to County limits (460 feet west of Sunbitten Court) from 45 mph to 35 mph. District 1. (Traffic Engineering Division)
11. **23-218** Approval and execution of (1) Resolution 2023-M-04 of the Orange County Board of County Commissioners regarding the Local Agency Program Agreement with the State of Florida Department of Transportation for the State Road 434 (Alafaya Trail) at Corporate Boulevard Project and (2) State of Florida Department of Transportation Local Agency Program Agreement FPN: 435526-1-58-01 and FPN: 435526-1-68-01. District 5. (Transportation Planning)

J. UTILITIES DEPARTMENT

1. **23-219** Approval and execution of Resolution 2023-M-05 of the Orange County Board of County Commissioners regarding Establishing Corrected Rates for 2022 for Contract Haulers for Solid Waste Collection and Recycling Services; Providing for a True-Up Payment for Services Rendered in 2022; and Providing for an Effective Date. All Districts. (Fiscal and Operational Support Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. **23-220** Receipt of the following items to file for the record: (Clerk's Office)
 - a. Florida Public Service Commission Order Approving Florida Power & Light Company's Implementation of the Inflation Reduction Act Provisions. In re: Petition for limited proceeding to approve refund and rate reduction resulting from implementation of Inflation Reduction Act, by Florida Power & Light Company.
 - b. City of Orlando Council Agenda Item for the meeting of December 5, 2022. 2nd Reading Consideration of the Ordinance 2022-70 with Exhibit A (Legal Description), Exhibits B, C, D, (Future Land Use and Zoning Maps), City of Orlando Fiscal Impact Statement and Orlando Sentinel Notice of Proposed Enactment. Ordinance 2022-70 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 north of Barley Street, south of Edgemoor Street, east of S. Fanfair Avenue, west of S. Ivey lane, and comprised of 1.85 acres of land, more or less, and amending the city's boundary description; amending the city's adopted growth management plan to designate the property as office-low intensity on the City's official future land use maps; designating the property as low intensity office residential on the city's official zoning maps; providing for amendment of the City's official future land use and zoning maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date.

These items were received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. **23-221** Selection of one firm and an alternate to provide Continuing Professional Services for Water Resources Program, Request for Proposals Y22-906-ZR, from the following two firms, listed alphabetically:
 - Arcadis U.S., Inc.
 - Carollo Engineers, Inc.

([Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to appoint Carollo Engineers, Inc., 476.25 points, as the selected firm; and further, appoint Arcadis U.S., Inc., 390.25 points as the selected 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. **23-222** Approval of 2023 State Legislative Priorities. All Districts. (Legislative Affairs Office)

A motion was made by Commissioner Moore, seconded by Commissioner Gomez Cordero, to approve the overall agenda for the 2023 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

C. COUNTY ADMINISTRATOR

1. **23-223** Commissioner Office Staffing Levels.

A motion was made by Commissioner Bonilla, seconded by Commissioner Wilson, to transfer \$533,942 from general fund reserves to Commissioner District Office Personnel Budget for a third full-time Administrative Aide; and further, approve authorization to amend the current BCC Staffing policy to add another full-time position and to remove the combined salary cap if the total salaries and benefits do not exceed the amended fiscal year budget for personal services. The motion carried by the following vote:

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

IV. WORK SESSION AGENDA

A. COUNTY ADMINISTRATOR

1. **23-224** Review of Chapter 35 Towing Rates and Fees.

The following persons addressed the Board:

- Bob Cortes
- Mike Seamon
- Dorothy Burk

The Board took no action.

V. RECOMMENDATIONS

1. 23-225 January 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 # SE-22-07-047, McGregor Love for Growing Minds School, (Appeal), which was pulled from the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

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

VI. PUBLIC HEARINGS

A. Budget Amendment

1. 23-006 Amending Fiscal Year 2022-23 Budget

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

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to approve the following Budget Amendments: 23-11 Fund Balance, 23-12 Encumbrance Rollovers, 23-13 Grants Rollovers, and 23-14 Capital Improvement Rebudgets; further, approve new position requests: 3 - Planning, Environmental, and Development Services, Housing, and 1 - Sustainability Project Coordinator (no budget impact); and further, approve payments to the Sheriff's Office \$9.1 million (\$6.1 million for Supply Chain Delays and \$3 Million Union Contract). The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

B. Petition to Vacate

2. 23-022 Case # PTV-21-04-022

Angel Anderson, vacate a portion of a utility easement; District 2

Consideration: Resolution granting Petition to Vacate # 21-04-022, vacating a portion of a 7 foot wide utility easement running along the rear of the petitioners residential lot located at 4415 Baybreeze Road in the Lakebreeze Park Subdivision, containing approximately 56.88 square feet.

Location: District 2; property located at 4415 Baybreeze Road; Section 09, Township 22, Range 29; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Angel Anderson
- Wayne Morall

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to approve the request listed in the staff report dated January 24, 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. 23-023 Case # PTV-21-10-029

Phaneendra Katta, vacate a portion of right-of-way; District 5

Consideration: Resolution granting Petition to Vacate # 21-10-029, vacating a 25 foot wide by approximately 41 foot long portion of right-of-way known as Courtland Street, containing approximately 1,038 square feet.

Location: District 5; property located at 862 Courtland Street; Section 07, Township 22, Range 29; 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 January 24, 2023. The motion carried by the following vote:

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

C. Substantial Change

4. 23-017 Case # CDR-22-02-038

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

Consideration: Substantial change request is to add Building H-2 and a golf bar within Lot C, and provide details associated with Building H-2. This plan also splits the Building H envelope to 3 buildings, 1 golf bar, and 2 future kiosks. In addition, a waiver from Orange County Code Section 38-1390.51(A) is requested to allow the façade of building H-2 to be setback a maximum of 97-feet from the property line along the framework main street "shoreside way" as depicted on sheet C-2 of the development plan. in lieu of the build-to line of 10 (ten) feet from the property line along a framework main street; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89.

Location: District 1; property generally located East of Hamlin Groves Trail / South of New Independence Parkway; Orange County, Florida (legal property description on file in Planning

Division)

The following person addressed the Board: Jim Willard.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and 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 December 30, 2022. 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. 23-227 Case # CDR-22-09-293

Peter Traficante, Kimley-Horn & Associates, Trails Neighborhood Retail Center Planned Development / Land Use Plan (PD / LUP), amend plan; District 5

Consideration: A PD substantial change to add certain C-2 (General Commercial District) uses to the list of permitted uses, including: Animal shelters, boarding kennels, animal points, training or animals with no outdoor runs or outdoor compounds; Washing & Packaging of fruit and vegetables; Landscaping and irrigation business, lawn care, tree service; T.V. Studios (excluding towers); Satellite Dish Services; Wholesale distribution of durable and nondurable goods; Wholesale bakeries; Wholesale florists; Caterers; Indoor auctions; Music video production, audio-visual motion picture program production, commercial T.V. production; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 5; property located at 3016 N Alafaya Trail or generally located north of Lokanotosa Trail and west of North Alafaya Trail; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Peter Traficante.

A motion was made by Commissioner Bonilla, seconded by Commissioner Scott, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the thirteen (13) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated January 6, 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

D. Planning and Zoning Commission Rezoning Board-Called

6. 23-024 Case # RZ-22-10-106

Mark Shukwit, October 20, 2022; District 2

Consideration: Request to rezone a portion of the 1.22-gross acre lot from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) for parking and storage of vehicles.

Location: District 2; property located at 7210 Edgewater Dr; generally located on the southwest corner of Edgewater Drive and Mott Avenue; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Mark Shukwit.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the six (6) restrictions listed under the Planning and Zoning Commission recommendation in the staff report dated December 29, 2022. 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. Ordinance/Comprehensive Plan - Adoption of Small-Scale Amendments and Ordinance

7. **23-025** Planning and Zoning Commission Appeal; Adoption of Future Land Use Map Amendment SS-22-04-030, Ordinance, and Concurrent Rezoning RZ-22-04-031, Alison M. Yurko, Maria Hamilton

a. Amendment SS-22-04-030

Consideration: Appeal of the November 17, 2022, Planning and Zoning Commission / Local Planning Agency decision and to consider the applicant's request to change the Future Land Use designation from Rural Settlement 1/1 (RS 1/1) to Office (O) Rural Settlement (RS); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location: District 1; property located at 8236 Conroy Windermere Road; generally located on the south side of Conroy Windermere Road, and west of Cleveland Avenue; Orange County, Florida (legal property description on file in Planning Division)

And

b. Rezoning RZ-22-04-031

Consideration: Appeal of the November 17, 2022, Planning and Zoning Commission / Local Planning Agency decision and to consider the applicant's request to change the zoning designation from R-CE (Country Estate District) to P-O Restricted (Professional Office District); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location District 1; property located at 8236 Conroy Windermere Road; generally located on the south side of Conroy Windermere Road, and west of Cleveland Avenue; Orange County, Florida (legal property description on file in Planning Division)

And

c. 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 Small-Scale Development Amendments pursuant to Section 163.3187, Florida Statutes; and providing effective dates.

The following persons addressed the Board:

- Brent Spain
- Maria Hamilton
- Alison Yurko
- Gary Davids
- Susan Stucker
- April Holtzman
- Paul Van Wormer
- Warren Woodard
- Robert Hamilton
- Rebecca Hamilton
- Mary Hurley-Smith
- Carol Tortorella
- Lisa Horan
- Sandra Bartholomew
- Nirmal Shengill
- Steve Denomme
- Amritpaul Singh
- Francia Vosin
- Julie Kloft
- Gurrir Singh
- Richard Heart
- Ajit Kohli
- Sukhpal Singh
- Mark Spinicelli
- Dr. Inderjit Singh

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

- Exhibit 1, from Brent Spain
- Exhibit 2, from Alison Yurko
- Exhibit 3, from Alison Yurko
- Exhibit 4, from Rebecca Hamilton
- Exhibit 5, from Carol Tortorella
- Exhibit 6, from Lisa Horan
- Exhibit 7, from Lisa Horan
- Exhibit 8, from Alison Yurko

A motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to deny the requested Office (O) Rural Settlement (RS) Future Land Use; further, deny the associated Small-Scale Ordinance; and further, deny the requested P-O Restricted (Professional Office District) zoning, subject to the six (6) restrictions listed under the Planning and Zoning Commission recommendation in the staff report dated December 29, 2022. The motion carried by the following vote:

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

Nay: 2 - Commissioner Moore, and Commissioner Gomez Cordero

F. Ordinance

8. **23-026** Amending Orange County Code, Chapter 37, Article XX, Division 3, Section 37-755 pertaining to revised Sewer Use Ordinance; All Districts

Consideration: An Ordinance amending Chapter 37, Article XX of Orange County Code known as the "Sewer Use Ordinance" regulating the pretreatment of wastewater; amending Division 3, Section 37 755, Surcharge Program, to clarify the objectives of the surcharge program and the director's discretion to remove a significant commercial or industrial user from the surcharge program; and providing an effective date.

Revision to Lines 36 and 42:

Line 36. Additionally, the director ~~or designee~~ has the discretion to remove a significant commercial user or significant industrial user from the surcharge program upon a finding that the user's discharge poses no excessive loading or other potential contamination to the sanitary sewer system and does not create any environmental concerns.

Line 42. The director ~~or designee~~ may also remove a user from the program upon a finding that equitable recovery costs for receiving and treating abnormally high strength wastes has been achieved or that the waste is primarily residential in nature and poses no additional demand on the sanitary sewer system and treatment facilities.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to adopt Ordinance 2023-05, the proposed revisions to Orange County Code Chapter 37-Water and Wastewater, Article XX, Public and Private Sewer System Use Requirements (aka Sewer Use Ordinance); and further, approve additional revisions to lines 36 and 42. The motion carried by the following vote:

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

Absent: 2 - Commissioner Moore, and Commissioner Bonilla

9. **23-027** Amending Orange County Code pertaining to residential tenancies and fair housing in Orange County, Florida, Amending Chapter 25 ("Licenses, Taxation and Miscellaneous Business Regulations"), Article XIII ("Rental

Notices") of the Orange County Code of Ordinances; Amending the Title of Article XIII and Creating Divisions Therein; Amending Sections 25-370, 25-371, and 25-372 of the Code to Reference the Division and Clarify Applicability, Enforcement and Penalties; Enacting a New Tenant's Bill of Rights Ordinance to be Codified at Chapter 25, Article XIII, Division 3 of the Code, Section 25-410 through Section 25-449; Amending Schedule "A" of Chapter 11 ("Code Enforcement"), Article III ("Code Enforcement Citation Program"), Section 11-62 ("Applicable Codes and Ordinances") to Provide for Enforcement; Amending Chapter 22 ("Human Rights"), Article IV ("Fair Housing") of the Code; Prohibiting Discrimination in Housing Based on Additional Categories; Providing for Repeal of Laws in Conflict; and Providing for Filing of Ordinance and Effective Date; All Districts

Consideration: An Ordinance pertaining to Residential Tenancies and Fair Housing In Orange County, Florida; amending Chapter 25 ("Licenses, Taxation and Miscellaneous Business Regulations"), Article XIII ("Rental Notices") of the Orange County Code Of Ordinances; amending the Title of Article XIII and creating divisions therein; amending Sections 25-370, 25-371, and 25-372 of the code to reference the division and clarify applicability, enforcement and penalties; enacting a new Tenant's Bill of Rights Ordinance to be codified at Chapter 25, Article XIII, Division 3 of the code, Section 25-410 through Section 25-449; amending Schedule "A" of Chapter 11 ("Code Enforcement"), Article III ("Code Enforcement Citation Program"), Section 11-62 ("Applicable Codes and Ordinances") to provide for enforcement; amending Chapter 22 ("Human Rights"), Article IV ("Fair Housing") of the Code; prohibiting discrimination in housing based on additional categories; providing for repeal of laws in conflict; and providing for filing of ordinance and effective date.

The following persons addressed the Board:

- Cynthia Laurent
- Carmon Torrez

New Subsection #10, for Section 25-413 Office of Tenant Services as follows:

Section 25-413. Office of Tenant Services

10. Collecting data as necessary to prepare and submit an annual report to the Board of County Commissioners that summarizes the activities undertaken by the Office of Tenant Services pursuant to this division.

A motion was made by Commissioner Urbe, seconded by Commissioner Gomez Cordero, to adopt Ordinance 2023-06, pertaining to Residential Tenancies and Fair Housing in Orange County, Florida; amending Chapter 25 ("Licenses, Taxation and Miscellaneous Business Regulations"), Article XIII ("Rental Notices") of the Orange County Code of Ordinances; amending the Title of Article XIII and Creating Divisions Therein; amending Sections 25-370, 25-371 and 25-372 of the Code to Reference the Division and Clarify Applicability, Enforcement and Penalties; Enacting a New Tenant's Bill of Rights Ordinance to be Codified at Chapter 25, Article

XIII, Division 3 of the Code, Section 25-410 through Section 25-449; amending Schedule "A" of Chapter 11 ("Code Enforcement"), Article III ("Code Enforcement Citation Program"), Section 11-62 ("Applicable Codes and Ordinances") to Provide for Enforcement; amending Chapter 22 ("Human Rights"), Article IV ("Fair Housing") of the Code; Prohibiting Discrimination in Housing Based on Additional Categories; Providing for Repeal of Laws in Conflict; and Providing for Filing of Ordinance and Effective Date; and further, authorize County staff to correct any scrivener's errors.

The main motion was not voted on.

A motion was made by Commissioner Uribe, seconded by Commissioner Scott, to amend the main motion to include approved new subsection #10, of Section 25-413 Office of Tenant Services. 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

and

I. CONSENT AGENDA (Deferred)

B. COUNTY ADMINISTRATOR (Deferred)

5. **23-158** Approval and execution of Amendment No. 1 Service Funding Agreement Fiscal Year 2022-2023 by and between Orange County, Florida and Legal Aid Society of the Orange County Bar Association, Inc. (Office of Management and Budget)

A motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to approve Amendment No. 1 Service Funding Agreement Fiscal Year 2022 2023 between Orange County, Florida and the Legal Aid Society of the Orange County Bar Association, Inc. 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

and

H. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT (Deferred)

11. **23-207** Approval and execution of Resolution 2023-M-03 of the Orange County Board of County Commissioners regarding the Designation of Certain County Employees Assigned to the Office of Tenant Services as Code Enforcement Officers. (Fiscal and Operational Support Division)

A motion was made by Commissioner Scott, seconded by Commissioner Gomez Cordero, to approve Resolution 2023-M-03 of the Orange County Board of County Commissioners regarding the Designation of Certain County Employees Assigned to the Office of Tenant Services as Code Enforcement Officers. 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

IV. WORK SESSION AGENDA (Continued)

B. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **23-226** State of the Wetlands Study. (Environmental Protection Division)

The following person addressed the Board: Claudia Listopad.

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: 6:24 p.m.

ATTEST:

County Mayor Jerry L. Demings

Date: _____

ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk

Katie Smith
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.