

Orange County Government

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



Draft Meeting Minutes

Tuesday, November 30, 2021

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Vice Mayor Christine Moore called the meeting to order at 9:11 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 Victoria P. Siplin

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Byron Brooks
Deputy County Administrator Chris Testerman
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Senior Minutes Coordinator Lakela Louis

Invocation - District 1

Pastor Ken Chapman, Salvation Army

Pledge of Allegiance**Presentation**

Proclamation designating December 12, 2021 as Pine Hills Re-Establishment Day

Public Comment

The following persons addressed the Board for public comment:

- Michael Gilbrook
- Maria Bolton-Joubert
- Joe Dunn
- Nick Hansen
- Kay Hudson
- Chris Castro
- Eric Rollings
- Clayton Ferrare
- Kelly Semrad

I. CONSENT AGENDA**Approval of the Consent Agenda**

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to approve 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 Siplin

A. COUNTY COMPTROLLER

1. **21-1416** Approval of the minutes of the October 26, 2021 meeting of the Board of County Commissioners. (Clerk's Office)
2. **21-1417** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:
 - November 12, 2021, to November 18, 2021; \$44,032,091.29
 - November 19, 2021, to November 23, 2021; \$14,968,457.19(Finance/Accounting)
3. **21-1418** Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Scrap assets.
 - b. Trade-in assets.
 - c. Donate asset to the School Board of Orange County, Florida.
 - d. Return leased asset to lessor.

B. COUNTY ADMINISTRATOR

1. **21-1419** Approval and execution of Bus Service Agreement 19-C62 by and between Central Florida Regional Transportation Authority d/b/a 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.
2. **21-1420** Approval of budget transfer #21-1393. (Office of Management and Budget)

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. **21-1421** Approval to award Invitation for Bids Y21-1058-AV, Temporary Labor for Orange County Convention Center, to the primary bidder, Info Way Solutions LLC, in the estimated contract award amount of \$3,715,200 for the base year, the secondary bidder, Lyneer Staffing Solutions, LLC, in the estimated contract award amount of \$3,828,350 for the base year, and the tertiary bidder, AUE Staffing, Inc., in the estimated contract award amount of \$3,926,450 for the base year. ([Convention Center Facilities Operations Division] Procurement Division)

2. **21-1422** Approval to award Invitation for Bids Y21-1081-R2, Orange County Infrastructure Repair and Replacement, to the low responsive and responsible bidders, RMS Constructors Group, LLC, in the estimated contract award amount of \$4,114,100 for the base year and Condor Construction Corp., in the estimated contract award amount of \$4,023,750 for the base year. ([Public Works Department Roads and Drainage Division] Procurement Division)

3. **21-1423** Approval to award Invitation for Bids Y22-104-MV, Sodium Hypochlorite, to the low responsive and responsible bidder, Allied Universal Corp. The estimated contract award amount for Lot A is \$2,142,860 for a one-year term, and the estimated contract award amount for Lot B is \$1,539.090 for a one-year term. ([Utilities Department Water Operations Division] Procurement Division)

4. **21-1424** Approval to award Invitation for Bids Y22-108-KB, Pest Control Services - Lot A, to the sole responsive and responsible bidder, Rentokil North America, Inc. dba Florida Pest Control. The estimated contract award amount is \$115,830 for a one-year term. ([Administrative Services Department Facilities Management Division] Procurement Division)

5. **21-1425** Approval to award Invitation for Bids Y21-765-JS, Southwood Community Center Parking Lot Renovation, to the low responsive and responsible bidder, Café Construction & Development, Inc. The total contract award amount is \$709,000. ([Administrative Services Department Capital Projects Division] Procurement Division)

6. **21-1426** Approval to award Invitation for Bids Y21-767-RC, Summer Woods Pond Improvements Project, to the low responsive and responsible bidder, Carr & Collier, Inc. The total contract award amount is \$1,177,277. ([Public Works Department Highway Construction Division] Procurement Division)

7. **21-1427** Approval to award Invitation for Bids Y21-7027-R2, Fire Station #40 Restroom Renovation, to the sole responsive and responsible bidder, Café Construction & Development, Inc. The total contract award amount is \$113,000 inclusive of Additive No. 1. ([Administrative Services Department Capital Projects Division] Procurement Division)

8. **21-1428** Approval to award Invitation for Bids Y21-7032-FH, Orange County Courthouse Public Defender Office Space Renovations, to the low responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$564,500 inclusive of Alternates No. 1 and 2. ([Administrative Services Department Capital Projects Division] Procurement Division)

9. **21-1429** Approval to award Invitation for Bids Y21-7046-TA, Water Reclamation Facility Scum Pumping Improvements, to the low responsive and

-
- responsible bidder, L7 Construction, Inc. The total contract award amount is \$1,663,700. ([Utilities Department Engineering Division] Procurement Division)
10. **21-1430** Approval to award Invitation for Bids Y21-7049-TA, Orange County Gravity Replacement Package 29, to the low responsive and responsible bidder, Ric-Man Construction Florida, Inc. The total contract award amount is \$704,945.60. ([Utilities Department Engineering Division] Procurement Division)
11. **21-1431** Approval to award Invitation for Bids Y21-7053-TA, Boggy Creek Road Improvements (from the Orange/Osceola Line to South of S.R. 417), to the low responsive and responsible bidder, Jr. Davis Construction Company, Inc. The estimated contract award amount is \$9,421,983. ([Public Works Department Engineering Division] Procurement Division)
12. **21-1432** Approval to award Invitation for Bids Y21-7058-TA, Orange County Convention Center Campus Digital Messaging Signs Remote Signage Upgrades, to the low responsive and responsible bidder, Transportation Systems, Inc. The total contract award amount is \$2,142,000. ([Convention Center Capital Planning Division] Procurement Division)
13. **21-1433** Approval to award Invitation for Bids Y22-737-R2, Emergency Excavation and Replacement of Yard Valves V-2 (30 Inch BV) and V-4 (24 Inch GV), to the low responsive and responsible bidder, Cathcart Construction Company - Florida LLC. The total contract award amount is \$439,181.60. ([Utilities Department Water Reclamation Division] Procurement Division)
14. **21-1434** Approval and execution of Contract Y22-149, Enhanced Learning Collaborative Approaches to Youth Mental Health, with Judge Baker Children's Center Corp., in the total contract award amount of \$1,028,580 for the period of December 1, 2021 through September 30, 2023. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
15. **21-1435** Approval of Amendment No. 11, Contract Y2-818, Professional Engineering Post Design Services for Holden Avenue (from John Young Parkway to Orange Blossom Trail), with NV5, Inc., in the amount of \$59,105.87, for a revised total contract amount of \$1,360,456.98. ([Public Works Department Engineering Division] Procurement Division)
16. **21-1436** Approval of Amendment No. 7, Contract Y17-126, OEM Replacement Parts for Dodge Automotive and Light Trucks, with Orlando Dodge Inc., in the amount of \$30,000, for a revised estimated contract amount of \$212,000. ([Administrative Services Department Fleet Management Division] Procurement Division)

17. **21-1437** Approval of Amendment No. 3, Contract Y19-1092, Liquid Polymer for Eastern Water Reclamation Facility (EWRF), with Polydyne, Inc., in the amount of \$270,000, for a revised contract amount of \$906,305. ([Utilities Department Water Reclamation Division] Procurement Division)
18. **21-1438** Approval of Purchase Order M105901, Three-Year Maintenance for Southern Regional Electrozone Generator, with Aqua-Aerobic Systems Inc., in the total amount of \$212,000. ([Utilities Department Water Operations Division] Procurement Division)
19. **21-1439** Ratification of Purchase Order M104177, Change Order No. 9, Turnkey COVID-19 Testing and Vaccination Services at Barnett Park, with CDR Maguire, Inc. dba CDR Health Care, Inc., in the amount of \$1,972,000, for a revised not-to-exceed amount of \$14,081,303.15. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
20. **21-1440** Ratification of Purchase Order M105896, Stryker ProCare Warranty and Annual Prevention Maintenance, with Stryker Medical, in the total amount of \$332,259.80. ([Fire Rescue Department Infrastructure and Asset Management Division] Procurement Division)
21. **21-1441** Selection of Starboard Consulting, LLC to provide Maximo Upgrade Project, Request for Proposals Y20-1100-TJ. ([Utilities Department Fiscal and Operational Support Division] Procurement Division)
22. **21-1442** Selection of M.G. Tennis Shop, Inc. to provide Tennis Management Services, Lot A, Request for Proposals, Y21-1021-MV. ([Community and Family Services Department Parks and Recreation Division] Procurement Division)
23. **21-1443** Selection of Barnes, Ferland and Associates, Inc. and Tetra Tech, Inc. to provide Engineering Services for Wekiwa Springs Septic Tank Retrofit Project Phases 3 and Above, Request for Proposals Y21-814-TA. ([Utilities Department Engineering Division] Procurement Division)
24. **21-1444** Approval of Contract Y22-2402, Revenue Recovery Assistance for Cultural Institutions, Federal Subrecipient Agreement, with United Arts of Central Florida, Inc., in the not-to-exceed amount of \$1,000,000. ([County Administrator Arts and Cultural Affairs Office] Procurement Division)
25. **21-1445** Approval of Contract Y22-2403, Revenue Recovery Assistance, Federal Subrecipient Agreement, with Dr. Phillips Center for the Performing Arts, Inc., in the not-to-exceed amount of \$500,000. ([County Administrator Arts and Cultural Affairs Office] Procurement Division)
26. **21-1446** Approval and execution of Renewal Letter by and between Weingarten

Nostat, Inc. and Orange County, Florida and authorization for the Real Estate Management Division to exercise renewal options and furnish notices, required or allowed by the lease, if needed for Winter Park Traffic Court Renewal 450 North Lakemont Avenue, Orlando, Florida 32837 Lease File #2030 District 5. (Real Estate Management Division)

27. **21-1447** Approval and execution of Resolution and authorization to initiate condemnation proceedings for Michigan Street Parcel 850 (Corrective Drainage Easement). District 3. (Real Estate Management Division)
28. **21-1448** Approval and execution of Shared Use Pond Easement Agreement by and between Martni Mac Partners, LLC and Orange County, and Shared Use Pond Easement Agreement by and between Poinciana FW, LLC and Orange County, and authorization to record instruments for Poinciana Boulevard Extension (RAC). District 1. (Real Estate Management Division)
29. **21-1449** Approval and execution of Distribution Easement from Orange County to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Ft. Gatlin Recreation Complex. District 3. (Real Estate Management Division)
30. **21-1450** Approval and execution of Joint Use Park and Easement Agreement (Middle School/County Property) by and between The School Board of Orange County, Florida and Orange County, Florida and authorization to disburse funds to pay recording fees and record instrument for Dr. P. Phillips / OCPS Future Middle School Joint Ballfield Park - Invest. District 1. (Real Estate Management Division)

D. FIRE RESCUE DEPARTMENT

1. **21-1451** Approval and execution of Federally Funded Subaward and Grant Agreement Contract Number: R0459 between the State of Florida, Division of Emergency Management and Orange County Fire Rescue in the amount of \$12,500. There is no local match required. (Operations Division)

E. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **21-1452** Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 4, 5, and 6. (Neighborhood Services Division)

LC 21-0562	LC 21-0586	LC 21-0629	LC 21-0566	LC 21-0675
LC 21-0621	LC 21-0653	LC 21-0703	LC 21-0573	LC 22-0018
LC 21-0672	LC 22-0014	LC 21-0558	LC 21-0649	LC 22-0022
LC 21-0677	LC 21-0659	LC 21-0565	LC 21-0667	LC 22-0026

2. **21-1453** Approval and execution of Proportionate Share Agreement for Foothills of Mount Dora Phase 4 Orange Blossom Trail by and among Donald and Janet Mealey Family Limited Partnership, First Team Properties, LLC, The Foothills of Mount Dora, LLC, Peacock Investment Holdings, LLC, and Orange County for a proportionate share payment in the amount of \$1,390,116. District 2. (Roadway Agreement Committee)
3. **21-1454** Approval and execution of Proportionate Share Agreement for Beachline Commerce John Young Parkway, Orange Blossom Trail & Taft-Vineland Road by and between Jim Pattison Developments (U.S.) Inc. and Orange County for a proportionate share payment in the amount of \$142,869. District 6. (Roadway Agreement Committee)
4. **21-1455** Approval and execution of Proportionate Share Agreement for Miller's Ale House (Hamlin) Avalon Road/CR 545 by and between Hamlin Retail Partners, LLC and Orange County directing both the proportionate share payment in the amount of \$42,122 and future transportation impact fee payments that may be associated with the project pursuant to the Amended and Restated Escrow Agreement for Town Center West (Silverleaf) to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)

F. PUBLIC WORKS DEPARTMENT

1. **21-1456** Authorization to record the plat of Spring Isle Daycare. District 4. (Development Engineering Division)
2. **21-1457** Approval and execution of Agreement for Traffic Law Enforcement on Private Roads by and between Orange County, Florida, and Taylor Morrison of Florida, Inc., for Fire Creek at Gotha. District 1. (Development Engineering Division)
3. **21-1458** Approval of a multi-way stop installation at Anderson Road and Hurd Avenue. District 3. (Traffic Engineering Division)
4. **21-1459** Approval to decrease the speed limit on Binion Road between Ocoee Apopka Road and Lust Road from 55 mph to 45 mph. District 2. (Traffic Engineering Division)
5. **21-1460** Approval to record the Right-of-Way Declaration and Maintenance Map for Wheeler Road. District 5. (Roads and Drainage Division)
6. **21-1461** Approval and execution of Hold Harmless Agreement by and between Nathan Omari, Diana Omari, and Orange County for fences located within a County Drainage Easement. District 4. (Roads and Drainage Division)

G. UTILITIES DEPARTMENT

1. **21-1462** Approval of Commercial Refuse Licenses for 1) USA Services of Florida, Inc., 2) Waste Connections of Florida, Inc., 3) Waste Management, Inc of Florida dba Orlando Hauling, 4) Waste Pro of Florida, Inc., 5) WCA of Florida, LLC, and 6) Weeks and Weeks Waste Services, Inc. dba Central Florida Dumpsters to provide solid waste hauling services to commercial generators in Orange County for a five-year term. All Districts. (Solid Waste Division)
2. **21-1463** Approval of Commercial Refuse License for O-Town Compost, Inc. to provide solid waste hauling services to commercial generators in Orange County for a five-year term. All Districts. (Solid Waste Division)
3. **21-1464** Approval and execution of Emergency Potable Water Supply Interconnection Agreement by and between the Orange County Research and Development Authority and Orange County to implement an emergency interconnection for Orange County to supply potable water to the Central Florida Research Park during a bona fide short-term emergency. District 5. (Engineering Division)
4. **21-1465** Approval and execution of Change Order Number 1, Contract Y21-7018-R2, Porter Transfer Station Tipping Floor & Push Wall Armor Replacement, with Carr & Collier, Inc., in the amount of \$97,609.79, for a revised total contract amount of \$1,035,309.79. District 2. (Field Services Division)
5. **21-1466** Approval and execution of First Amendment to Joint Participation Agreement between City of Orlando and Orange County regarding Construction of a County Water Main and County Reclaimed Water Main (Narcoossee Road Expansion) in an amount not-to-exceed \$3,334,021.88 for the construction of a 20-inch force main. District 4. (Engineering Division)

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

1. **21-1467** Receipt of the following items to file for the record: (Clerk's Office)
 - a. Florida Public Service Commission Final Order Granting Florida Power & Light Company and Florida City Gas Approval for Authority to Issue and Sell Securities. In re: Application for authority to issue and sell securities during calendar years 2022 and 2023, pursuant to Section 3.66.04, F.S., and Chapter 25-8, F.A.C., by Florida Power & Light Company and Florida City Gas.
 - b. City of Orlando Voluntary Annexation Request: Drennen and Orange Development (ANX2020-10017) and 3551 S. Orange Annex Agreement.

Notice of Proposed Enactment. On December 6, 2021, the Orlando City Council will consider proposed Ordinance # 2021-75, entitled an Ordinance of the City council of the City of Orlando, Florida, annexing to the corporate limits of the city certain land generally located east of South Orange Avenue, west of S. Rosalind Avenue and north of Jennie Jewel Drive, and comprised of 0.34 acres of land, more or less; providing for severability, correction of scrivener's errors, and an effective date.

c. City of Orlando Voluntary Annexation Request: 5189 Rosamond Dr.- ANX2021-10006. Notice of Proposed Enactment. On November 8, 2021, the Orlando City Council will consider proposed Ordinance 2021-61, 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 Lake Breeze Drive, south of Rosamond Drive, west of N. Orange Blossom Trail and east of N. Lake Orlando Parkway and comprised of 7.72 acres of land, more or less; providing for severability, correction of scrivener's errors, and an effective date.

d. City of Orlando Voluntary Annexation Request: 2nd Wave Apartments (ANX2021-10008). Notice of Proposed Enactment: On November 8, 2021 the Orlando City Council will consider proposed ordinance #2021-69, 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 The Novel Nona planned development, east of Narcoossee Road, south of Kirby Smith Road, and west of Lake Whippoorwill and comprised of 24.7 acres of land, more or less; amending the City's growth management plan to designate the property as urban village, in part and Conservation, in part; amending the City's growth management plan to Create Future Land Use Subarea Policy S.40.12; designating the property as planned development on the City's official zoning maps; providing a site plan and special land development regulations for the planned development; providing for consent to the municipal services taxing unit for Lake Whippoorwill; 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. COMMISSIONER'S REPORT

1. **21-1468** Commissioner Bonilla wishes to announce her intent to move to rescind the Board's action of November 9, 2021, regarding denial of Case # VA-21-09-081 Juan Frias, as presented, at the Board meeting on December 14, 2021.

Commissioner Bonilla rescinded the Board's action of November 9, 2021, regarding denial of Case # VA-21-09-081 Juan Frias, as presented.

B. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **21-1469** Multi-Purpose Field Allocation Procedures Update. (Parks and Recreation Division)

The Board took no action.

IV. WORK SESSION AGENDA

A. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **21-1470** Fertilizer Management Ordinance. (Environmental Protection Division)

The Board took no action.

2. **21-1471** Tree Preservation and Removal Ordinance.

This item was deferred to a future BCC meeting.

V. RECOMMENDATIONS

1. **21-1472** November 4, 2021 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Siplin, to approve the recommendations, with the exception of Case # VA-21-11-109, Walgreens (Mark Brenchley) (Board Called), 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 Siplin

VI. PUBLIC HEARINGS

A. Petition to Vacate

1. **21-1313** PTV 20-12-050

Kelly Froelich, on behalf of Apopka Vineland Holdings, LLC, vacate a portion of an unopened and unimproved rights-of-way; District 1

Consideration: Resolution granting Petition to Vacate # 20-12-050, a portion of two (2) 50 foot wide unopened and unimproved rights-of-way known as Pine Street and Orange Street and three (3) 16 foot wide unopened, unimproved and unnamed alleyways in the Orange Center Subdivision, containing a total of approximately 0.31 acres.

Location: District 1; one parcel address is located at 11225 S Apopka Vineland Road, the others are unaddressed; Section 15, Township 24, Range 28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to approve the request listed in the Staff Report dated November 30, 2021. The motion carried by the following vote:

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

2. 21-1314 PTV 21-03-012

Gerald and Monica Plew, vacate a portion of a utility easement; District 2

Consideration: Resolution granting Petition to Vacate # 21-03-012, vacating a 10 foot wide portion of a 15 foot wide utility easement along the rear and side property lines of their residential lot located at 407 Spring Hollow Boulevard within the Spring Hollow Subdivision, containing approximately 0.12 acres.

Location: District 2; property located at 407 Spring Hollow Boulevard; Section 21, Township 20, Range 28; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to approve the request listed in the Staff Report dated November 30, 2021. The motion carried by the following vote:

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

3. 21-1315 PTV 21-03-014

Mike King, on behalf of Kingdom Holdings Trust, vacate a portion of an easement; District 1

Consideration: Resolution granting Petition to Vacate # 21-03-014, vacate an approximately 12 foot wide by 88 foot long portion of a 30 foot wide emergency access easement located along the north property line of the petitioners residential lot in the gated community of Casabella, containing approximately 909 square feet.

Location: District 1; property located at 4055 Isabella Circle; Section 12, Township 23, Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to approve the request listed in the Staff Report dated November 30, 2021. The motion carried by the following vote:

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

B. Conservation Area Impact**4. 21-1316 CAI-21-08-055**

Lake Bumby Properties, permit; District 3

Consideration: A request by Lake Bumby Properties for a Conservation Area Impact (CAI) permit for wetland and surface water impacts associated with a proposed multi-family residential development known as Durham Place Apartments.

Location: District 3; property located at 5215 S. Orange Blossom Trail, Orange County, Florida (legal property description on file in Planning Division)

Court Reporter: Tara Slocum, Legal Realtime Reporting, Inc.

The following persons addressed the Board:

- Rebecca Wilson
- Rick Baldocchi

New Condition of Approval #25:

25. Prior to issuance of the Certificate of Occupancy, the permittee must place the upland tract in a Conservation Easement dedicated to Orange County. Generally speaking, this upland tract is located north of the existing E/W 15 foot wide canal easement, south of the proposed entrance road, east of the proposed storm water pond, southwest of the 25 foot wide canal easement (OR 2236 Page 983), and west of the 30 foot wide N/S Drainage and Access Easement (ORB 10526 Page 4808).

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to accept the findings and recommendation of the Environmental Protection Division staff; further, approve the Conservation Area Impact Permit CAI-21-08-055 for the Lake Bumby Properties (aka Durham Place Apartments) Project, subject to the twenty-four (24) conditions of approval listed in the Staff Report dated November 3, 2021; and further, approve new condition of approval #25. The motion carried by the following vote:

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

C. Preliminary Subdivision Plan**5. 21-1323 Case # PSP-21-03-069**

Scott Gentry, Kelly, Collins & Gentry, Inc., Silverleaf Planned Development - Regulating Plan / Silverleaf Phase 1 - Silverleaf North - Parcel A Preliminary Subdivision Plan; District 1

Consideration: Silverleaf Planned Development - Regulating Plan / Silverleaf Phase 1 - Silverleaf North - Parcel A Preliminary Subdivision Plan, Case # PSP-21-03-069, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This request is to subdivide 11.45 acres in order to construct 96 single-family residential dwelling units.

Location: District 1; property generally located North of Lake Ingram Road / West of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the twenty-nine (29) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated November 16, 2021. The motion carried by the following vote:

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

D. Substantial Change

6. 21-1311 Case # CDR-20-08-238

Erika Hughes, VHB, Inc., Ward Property Planned Development / Land Use Plan (PD/LUP), amend plan; District 4

Consideration: A PD substantial change to update the entitlements to include 762 multi-family units; 188 townhomes; 58 Senior Housing units; 150,000 square feet of retail uses; and 150,000 square feet of office uses; and adjust lot acreages. Additionally, the following waivers from Orange County Code are requested: a. A waiver from Section 38-1254(1) to allow multi-family buildings at a maximum building height of five (5) stories/sixty (60) feet to provide a minimum twenty-five (25) feet setback, in lieu of structures in excess of two (2) stories increasing this setback to reflect the additional structural height; b. A waiver from Section 38-1258(a) to allow multi-family buildings located within one hundred (100) feet of single-family residential property internal to the PD to have a maximum building height of five (5) stories/sixty (60) feet, in lieu of being restricted to a single story in height; c. A waiver from Section 38-1258(b) to allow multi-family buildings located within one hundred plus (100+) feet to one hundred fifty (150) feet of a single-family residential property internal to the PD to have a maximum building height of five (5) stories/sixty (60) feet, in lieu of having varying building heights with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet in height and the remaining buildings being one (1) story or two (2) stories in height; d. A waiver from Section 38-1258(j) is requested to allow for a minimum building separation of twenty (20) feet between multi-family buildings internal to the PD where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of providing thirty (30) feet for two-story buildings and forty (40) feet for three-story buildings; e. A waiver from Section 38-1272(a)(5) is requested to allow a maximum building height of sixty (60) feet, in lieu of fifty (50) feet, for any portion of the proposed Senior Housing/Assisted Living Facility which is not

within one hundred (100) feet of any residential. The maximum building height shall remain at the code maximum of thirty-five (35) feet for any portion of the proposed Senior Housing/Assisted Living Facility which is within one hundred (100) feet of any residential; f. A waiver from Section 38-1258(d) is requested to allow multi-family buildings to have a maximum building height of sixty (60) feet or five (5) stories in lieu of forty (40) feet or three (3) stories in height; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located South of Lake Nona Boulevard / West of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Erika Hughes.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the sixteen (16) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated November 16, 2021. The motion carried by the following vote:

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

7. **21-1320** Case # CDR-21-02-060

Larry Poliner, RCE Consultants, LLC, Corner Lake Planned Development / Land Use Plan (PD/LUP), amend plan; District 5

Consideration: A PD substantial change to convert entitlements for 21 single-family dwelling units into a 13,000 square foot (500 seat) religious institution; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 5; property generally located on the west side of State Road 419, south of the Lake Pickett Road intersection, and across the street from Colombia Elementary School; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Larry Poliner
- Cristi Nemeth

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to continue the public hearing until December 14, 2021, at 2 p.m. The motion carried by the following vote:

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

8. **21-1321** Case # CDR-21-07-232

Brooks A. Stickler; Kimley-Horn & Associates, Inc., International Corporate Park / Land Use Plan (PD / LUP), amend plan; District 4

Consideration: A PD substantial change to revise November 29, 2016 Board condition of approval #16 (2) (a) to reduce the 50 foot perimeter landscape buffer to 10 feet, for Lot 10A only; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located South of State Road 528 (Beachline Expressway) / East of Monument Parkway; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Brandon Sansaricq.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the nine (9) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated November 16, 2021. The motion carried by the following vote:

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

E. Agreement

9. 21-1318 First Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Ocoee; District 2

Consideration: First Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Ocoee.

A motion was made by Commissioner Moore, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendment is in compliance; and further, approve the First Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Ocoee. The motion carried by the following vote:

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

10. 21-1319 Second Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Ocoee; District 1

Consideration: Second Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Ocoee.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendment is in compliance; and further, approve the Second Amendment to the Joint Planning Area Interlocal Agreement between Orange County and the City of Ocoee. The motion carried by the following vote:

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

F. Planning and Zoning Commission Rezoning Board-Called

11. 21-1322 Case # RZ-21-08-049

Abdool Omar Kayam Shadik, September 16, 2021; District 2

Consideration: Request to rezone from R-2 (Residential District) to C-1 Restricted (Retail Commercial District) in order to allow for C-1 uses.

Location: District 2; property located at 5601 N. Pine Hills Road; generally located on the east side of Pine Hills Road, north of Clarcona Ocoee Road; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Moore, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and further, approve the requested C-1 Restricted (Retail Commercial District) zoning, subject to the two (2) restrictions listed in the staff report dated November 16, 2021. The motion carried by the following vote:

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

G. Board of Zoning Adjustment Appeal

12. 21-1324 Case # SE-21-04-008

Loan & Raymond Windish

Amit Shah for Vaishnav Sangh of USA, October 7, 2021; District 5

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by the applicant for a Special Exception in the R-1A zoning district to allow a 10,400 sq. ft. religious institution.

Location: District 5; property located at 5733 N. Dean Road, Orlando, FL 32817; Orange County, Florida (legal property description on file in Zoning Division)

Court Reporter: Kara Reynolds, Court Reporting Specialists, LLC

The following persons addressed the Board:

- Scott Simpson
- Mack Cope
- Robert Garcia
- Hoyt Burns
- Michael Stevens
- Gary Meltron
- Leo Fitzsimmons

- Robert Warren
- Robert Barbour

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

- Exhibit 1, Scott Simpson
- Exhibit 2, Mack Cope
- Exhibit 3, Mack Cope

The following material was received by the Clerk. The material referenced by the speaker was not presented to the Board: Submittal 1, from Michael Stevens.

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to continue the public hearing until January 11, 2022, at 2 p.m. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moore

H. Board of Zoning Adjustment Board-Called

13. 21-1325 Case # VA-21-10-090

Guimer Bernal, October 7, 2021; District 2

Consideration: Request for Variances in the R-2 zoning district as follows: 1) To allow a 1,088 sq. ft. detached Accessory Dwelling Unit (ADU) in lieu of a maximum of 626 sq. ft.; 2) To allow an ADU with 3 bedrooms in lieu of a maximum of 2; and 3) To allow an ADU that is not designed to be similar and compatible with the primary dwelling unit, with the same exterior finish material and similar architectural details. This is the result of Code Enforcement action.

Location: District 2; property located at 1104 E. 1st Street, Orlando, FL 32703; Orange County, Florida (legal property description on file in Zoning Division)

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the seven (7) conditions of approval listed under the Board of Zoning Adjustment recommendation in the staff report dated November 2, 2021. The motion carried by the following vote:

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

I. Certificate of Public Convenience and Necessity Application to provide Interfacility Basic and Advanced Life Support Transport Services

14. 21-1374 First 2 Aid EMS, Inc., to consider an application for a certificate of public convenience and necessity to provide interfacility basic and advanced life

support transport services; All Districts

Consideration: Request for an application by First 2 Aid EMS, Inc for a Certificate of Public Convenience and Necessity to provide interfacility Basic and Advanced Life Support transport services pursuant to Orange County Code, Chapter 20, Article III, Emergency and Nonemergency Medical Care and Transportation.

Location: All Districts.

The following persons addressed the Board:

- Brandy Luczywo
- Christopher Luczywo
- Chris Carmody
- Charles Naymon
- Jordan Miller
- Sabrina Persaud
- Jeff Gilliard

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to approve the First 2 Aid EMS, Inc's Application for a Certificate of Public Convenience and Necessity to Provide Interfacility Basic and Advanced Life Support Transport Services in Orange County for a two-year term; further, authorize the County Mayor or designee to execute and issue a Certificate of Public Convenience and Necessity in accordance with applicable law and consistent with direction from, and on behalf of, the Board of County Commissioners; and further, allow staff to make amendments consistent with Board direction and to correct scrivener's errors. The motion carried by the following vote:

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

Nay: 2 - Commissioner Moore, and Commissioner Bonilla

15. **21-1375** Osceola Regional Hospital Inc. d/b/a Osceola Regional Medical Center, to consider an application for a certificate of public convenience and necessity to provide interfacility basic and advanced life support transport services; All Districts

Consideration: Request for an application by Osceola Regional Hospital Inc. d/b/a Osceola Regional Medical Center for a Certificate of Public Convenience and Necessity to provide interfacility Basic and Advanced Life Support transport services pursuant to Orange County Code, Chapter 20, Article III, Emergency and Nonemergency Medical Care and Transportation.

Location: All Districts.

The following persons addressed the Board:

- Jason Cunningham
- Chris Carmody
- Jordan Miller

A motion was made by Commissioner Uribe, seconded by Commissioner Siplin, to deny the applicants request. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

J. Ordinance/Comprehensive Plan - Adoption of Out-of Cycle Regular Cycle Staff-Initiated Text Amendment and Ordinance

16. 21-1370 Adoption of Out-of Cycle Regular Cycle Staff-Initiated Comprehensive Plan Text Amendment 2021-2-C-PRE-1 and Ordinance

a. Amendment 2021-2-C-PRE-1

Consideration: Text amendment creating a Property Rights Element in the Comprehensive Plan, as required by HB 59 (2021), amending Sec. 163.3177, Florida Statutes; Countywide

And

b. Ordinance for Proposed Amendment

Consideration: An Ordinance pertaining to Comprehensive Planning in Orange County, Florida; amending the Orange County Comprehensive Plan, commonly known as the “2010-2030 Comprehensive Plan,” as amended, adopting amendment pursuant to section 163.3184(3), Florida Statutes, for the 2021 Calendar Year (Second Cycle); and providing an effective date.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendment is in compliance; further, adopt Amendment 2021-2-C-PRE-1; and further, adopt the associated Ordinance 2021-44. 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 Siplin

17. 21-1371 Adoption of Out-of Cycle Regular Cycle Staff-Initiated Comprehensive Plan Text Amendment 2021-2-C-FLUE-1 and Ordinance

a. Amendment 2021-2-C-FLUE-1

Text amendment to Future Land Use Element Policy FLU8.8.2, delegating authority to the County Planning Manager or his/her designee to assign a privately-initiated or staff-initiated Comprehensive Plan amendment application to the appropriate regular cycle or small-scale development review category; Countywide

And

b. Ordinance for Proposed Amendment

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, adopting amendment pursuant to section 163.3184(3), Florida Statutes, for the 2021 Calendar Year (Second Cycle); and providing an effective date.

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendment is in compliance; further, adopt Amendment 2021-2-C-FLUE-1; and further, adopt the associated Ordinance 2021-45. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

K. Ordinance

18. **21-1376** Amending Orange County Code, Chapter 37, Article XX, pertaining to public and private sewer system use requirements for Orange County, Florida; All Districts

Consideration: An Ordinance amending the Orange County Code Chapter 37, Article XX, Divisions 1, 2, and 3 pertaining to public and private Sewer System use requirements for Orange County, Florida; and providing for an effective date.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to adopt Ordinance 2021-46, pertaining to the proposed revisions to Orange County Code Chapter 37-Water and Wastewater, Article XX, Public and Private Sewer System Use Requirements. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bonilla

√ **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: 6:07 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.