

MINUTES OF MEETING

Board of Supervisors

Central Florida Tourism Oversight District

April 26, 2023

9:30 a.m.

Chair Garcia called the regular meeting of the Central Florida Tourism Oversight District Board of Supervisors to order on Wednesday, April 26, 2023, at The Wyndham Lake Buena Vista Resort, Horizons Ballroom, 1850 Hotel Plaza Boulevard, Lake Buena Vista, Florida.

Those present were Chair Martin Garcia, Vice Chair Michael A. Sasso, Bridget Ziegler, and Brian Aungst, Jr. constituting a quorum of the Board of Supervisors. Others in attendance included; John Classe, District Administrator; Tina Graham, District Clerk; and Tracy Borden, Assistant Clerk.

Chair Garcia asked the attendees to stand for the Pledge of Allegiance.

SAFETY MINUTE

Mr. Fernandez presented the safety instructions for the Horizons Ballroom. Mr. Fernandez identified the locations of each exit as well as the evacuation procedures.

PUBLIC COMMENT PERIOD

Jeff Aaron – on behalf of Lesley Dorminy – Mr. Aaron was invited to speak by Chair Garcia and spoke about updates to Lieutenant Jim Dorminy’s benefit case. Supervisor Aungst discussed his legal standings and Mr. Langley suggested a review of the case by legal counsel. Vice Chair Sasso volunteered to assist Mr. Langley in the review. Supervisor Ziegler echoed the comments. A motion was made by Vice Chair Sasso to continue working with Mr. Langley on the case and the motion passed unanimously.

Steve Schussler – The Boat House, T-Rex, Yak and Yeti and Rainforest Café – Spoke about creating an advisory board with operating participants of the district. He deferred the rest of his time to Stephen Lombardo.

Stephen Lombardo – The Boat House – Spoke about the potential repercussions to his businesses in regards to increased taxes and increased operating costs.

Melissa Gibson – Splitsville, Homecoming and Everglazed – Deferred her time to Mark Gibson.

Mark Gibson – Splitsville, Homecoming and Everglazed – Spoke about the potential repercussions to small businesses in regards to negative publicity and tax increases.

George Miliotes – Wine Bar George – Spoke about the potential repercussions to his small business and employees in regards to increased taxes. He deferred the rest of his time to Leanne Miliotes.

Leanne Miliotes – Wine Bar George – Spoke about the potential repercussions to her small business and employees in regards to increased taxes or increased operating costs.

Jacob Heninger – Basin – Defer his time to Shawna Heninger.

Shawna Heninger – Basin – Spoke about the potential repercussions to her small business and employees in regards to increased taxes or various regulations.

Richard Debler – Palmas Restaurants – Spoke about the potential repercussions to his businesses in regards to increased taxes and increased operating costs.

Jon Shirey – RCFD Union President – spoke about Fire Department concerns, the status of the collective bargaining agreement negotiations and Lieutenant Jim Dorminy’s benefit case.

Debie McDonald - Celebration Resident - Spoke about fears of local residents.

CONSENT AGENDA

No agenda items

INFORMATIONAL ITEMS

Item 6.1 – Permitting and Regulatory Report

A report of permitting and regulations. No action is required.

Item 6.2 – Proposed 2024 Budget Calendar

Chair Garcia mentioned that this would be addressed shortly. No action is required.

The District Clerk recorded proof of publication of the meeting notice.

REPORTS

7.1. Management Report

Mr. Classe discussed the proposed 2024 budget calendar and suggested a budget workshop in early July.

Mr. Classe reiterated some points from the public comments regarding the collective bargaining agreement with the firefighters union. Target date is May 24th to bring the agreement before the Board upon acceptance from the union members.

7.2. Acting General Counsel Report

Mr. Langley gave a brief summary of the eminent domain authority of the District.

NEW BUSINESS

Item 8.1 – Approval of Legislative Findings regarding and declare the Development Agreement and Declaration of Restrictive Covenants entered into by the Reedy Creek Improvement District and Walt Disney Parks and Resorts U.S. void *ab initio* and direction to litigation counsel regarding same.

Mr. Langley presented his legislative findings. The Charters of the District and Cities were examined and found that the two cities had exclusive authority over Comprehensive Plans and land development. Mr. Langley disclosed that these relationships changed with the adoption of HB9B and continued to describe that due to the lack of public hearing information, the Development Agreement was considered void *ab initio*. Mr. Langley then informed the Board of the history of the Comprehensive Plan Amendment Process, and noted that lack of exhibits in the Board of Supervisors packets additionally invalidated the agreement due to it being against Florida Statute 166.041.

Alan Lawson, of Lawson, highlighted his findings and advised that that actions of the former Board were attempted without legal authority, attempted without following notice and other procedural steps required by law, and that the action was within general power to act but considered unconstitutional or violative of substantive law.

Supervisor Aungst thanked the legal team for their report and asked if there needs to be an action item in relation to the 2032 Comprehensive Plan. Mr. Langley explained that clarification on the current version of the Comprehensive Plan should be brought back to the Board for further action.

Chair Garcia discussed the history of the relationship with the Walt Disney Company throughout the tenure of the previous Board

Chair Garcia made a motion to approve Item 8.1. Supervisor Ziegler seconded and with no discussion, the motion was passed unanimously.

PUBLIC HEARINGS

Chair Garcia called a Public Hearing to order at 11:10 a.m.

Item 9.1 - Resolution No. 639 (Final Reading) – A RESOLUTION OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT AMENDING ARTICLE 6, CHAPTER 6-90

AND ARTICLE 7, CHAPTER 7-20 AND CHAPTER 7-30 OF THE RCID LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mr. Langley read Resolution No. 639 by title. There were no public comments. Supervisor Ziegler moved to adopt the resolution, Supervisor Aungst seconded with no further discussion and the resolution passed unanimously.

ITEM 9.2 – Resolution No. 640 – A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CENTRAL FLORIDA TOURIST OVERSIGHT DISTRICT ADOPTING REGULATIONS PROHIBITING COVID-19 RESTRICTIONS AND MANDATES BY BUSINESSES WITHIN THE DISTRICT UPON THEIR CUSTOMERS OR PATRONS AND PROHIBITING COVID-19 RESTRICTIONS AND MANDATES REGARDING THE SERVICES AND OPERATIONS OF THE CENTRAL FLORIDA TOURIST OVERSIGHT DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mr. Langley read Resolution No. 640 by title. Vice Chair Sasso discussed the consistency of this Resolution with state law. Supervisor Ziegler discussed how the Resolution would benefit the businesses in the District.

Public comments were made by Debie McDonald regarding the Resolution's effect on the local businesses. Supervisor Ziegler moved to adopt the resolution, Vice Chair Sasso seconded with no further discussion and the resolution passed unanimously.

UNFINISHED BUSINESS

10.1 Special Advisor to the Board and District Administrator positions

Vice Chair Sasso requested this item be carried over to the next meeting as agreements are still being negotiated.

Chair Garcia announced that he had received resumes for interest in the position of District Administrator and highlighted that of Glen Gilzean. He then requested the rest of the Board to meet with him individually to discuss the position. A motion was made by Vice Chair Sasso for Chair Garcia to enter into negotiations with Mr. Gilzean. It was seconded by Supervisor Ziegler and passed unanimously. Supervisor Aungst expressed a preference for a master's level degree and spoke in favor of Mr. Gilzean. Supervisor Ziegler echoed Supervisor Aungst's comments.

10.2 General Counsel

No discussion was had by the Board.

10.3 District Clerk Job Description

No discussion was had by the Board.

OTHER BUSINESS

Chair Garcia asked for any additional Board discussions before they recessed into the shade meeting. Supervisor Ziegler asked about what actions related to the Comprehensive Plan needed to be done and Mr. Langley explained that clarification on the current version of the Comprehensive Plan should be brought back to the Board for further action.

Supervisor Aungst discussed the need to transfer the power of the Board of Appeals to the Board of Supervisors and asked for evaluation of the Pollution Control Board. Chair Garcia asked Mr. Langley for those items to be included on a future meeting agenda along with a report prepared.

Vice Chair Sasso asked for a process for lobbyists to approach the Board be drafted. Mr. Langley replied that this procedure was already underway and a draft of the requested policy will be presented at a future meeting.

Chair Garcia expressed gratitude to the General Counsel for their work for the Board.

11.1 Executive Session – Closed meeting in accordance with section 286.011 (8), Florida Statutes, to discuss the litigation case between the District and Tracy Schrey – Case No. 2018-CA-007365-O. – An advertisement regarding such closed meeting and those persons in attendance was published in the Orlando Sentinel on Friday, April 21, 2023.

The Board recessed to the Executive Session at 11:31a.m.

The Board returned at 12:06 p.m.

Chair Garcia then asked if there was any further business to discuss.

There being no further business to come before the Board, the meeting was adjourned at 12:07 p.m.