





Interoffice Memorandum

AGENDA ITEM

February 4, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department 

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406** 

SUBJECT: March 8, 2022 – Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Richard Wohleber Dock Construction
Permit BD-21-09-128

The applicant, Richard Wohleber, is requesting a Dock Construction Permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project is located at 1320 S. Tampa Avenue, Orlando, Florida 32805 on Clear Lake in District 6. The Parcel ID Number is 34-22-29-1396-01-040.

On September 12, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock to replace an existing dock at the subject property. Included with the application was an Application for Waiver to Section 15-343(b) to reduce the side setback to the northern projected property line from 25 feet to 10 feet and an Application for Waiver to Section 15-342(b) to increase the maximum allowed terminal platform size of 875 square feet to 990 square feet.

Waiver Request - Side Setback

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage seventy-five (75) feet or greater, docks shall have a minimum side-setback of twenty-five (25) feet from the projected property line...Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver." The applicant has a shoreline that measures approximately 100 feet at the Normal High Water Elevation (NHWE), requiring a side setback of 25 feet from projected property lines. The applicant is requesting a side setback of 10 feet from the projected property line to the north. The applicant provided a notarized Letter of No Objection (LONO) from the affected neighbor (Joy Livingston at 1316 S. Tampa Avenue); therefore, pursuant to Section 15-343(b), the side setback waiver can be approved by the Environmental Protection Officer (EPO) and no action was required by the Environmental Protection Commission (EPC) or the Board on this item.

Waiver Request – Terminal Platform Size

Chapter 15, Article IX, Section 15-342(b) of the Code states, "the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet." The applicant has a shoreline that measures approximately 100 feet at the Normal High Water Elevation, allowing for a maximum terminal platform of 875 square feet. The applicant is requesting a terminal platform size of 990 square feet (115 square feet larger than allowed).

Pursuant to Section 15-350(a)(2), "the applicant shall describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners."

To address Section 15-350(a)(2)(1), the applicant's agent, Robin Lopez, states, "*If granted approval, this waiver request will give way to the removal and replacement of an existing, dilapidated dock structure. It's expected that the construction of the proposed dock will provide a more habitable location for aquatic plants and animals in comparison to the existing structure. The applicant has agreed to pay any mitigation fees that may be imposed as a result of the additional square footage.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*Given that we have received and provided our Letter of No Objection from the neighbor most closely impacted by this waiver request, we don't expect there to be any additional impact caused by the approval of this waiver.*"

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment of \$575 to the Conservation Trust Fund (CTF).

Public Noticing

On November 16, 2021, a Notice of Application for Waiver was sent to all shoreline property owners within a 300-foot radius of the property. No objections were received.

EPD Staff Evaluation/Recommendation

Staff evaluated the waiver request for compliance with the criteria for approval. The recommendation of the EPO is to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant had demonstrated that there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as no objections have been received and a LONO was provided. Pursuant to Section 15-350(a)(2)(1), negative effects to the environment from additional shading due to the excess in terminal platform size will be offset through the payment of \$575 to the CTF as mitigation.

Environmental Protection Commission Public Hearing

EPD presented the waiver request to the EPC at their January 26, 2022 meeting. Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the waiver request to Section 15-342(b) with a payment of \$575 to the CTF to offset the negative effects to the environment due to shading impacts from the excess terminal platform size.

ACTION REQUESTED: 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 875 square feet to 990 square feet with a mitigation payment of \$575 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Richard Wohleber Dock Construction Permit BD-21-09-128. District 6

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver

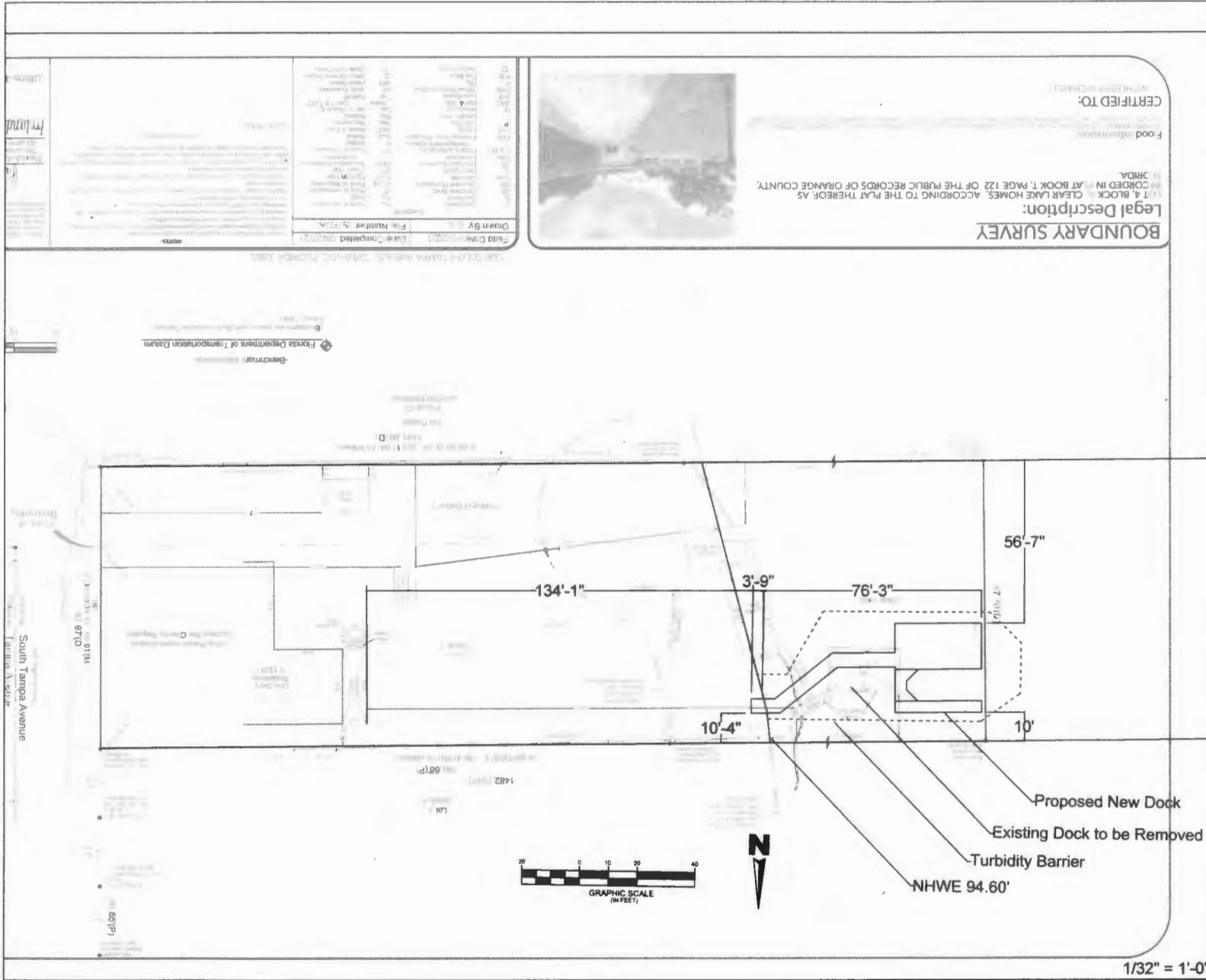


**Dock Construction Application
for Waiver**
BD-21-09-128
District #6

Applicant: Richard Wohleber
Address: 1320 S. Tampa Ave
Parcel ID: 34-22-29-1396-01-040

Project Site 
Property Location 





BOUNDARY SURVEY

Legal Description: LOT 4 BLOCK CLEAR LAKE HOMES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN AT BOOK T, PAGE 122 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



CERTIFIED TO:

Food Distribution

Field Crew: [Name] Date Completed: [Date]
 File Number: S-2774

- 101. GENERAL NOTES**
- 101.1 DETAILS SHOWN ON PLANS MAY BE FOR TYPICAL CONDITIONS. FOR CONDITIONS NOT SHOWN, PROVIDE DETAILS OF A SIMILAR NATURE, OR IF NOT CERTAIN HOW TO PROCEED, CONTACT THE ENGINEER OF RECORD.
 - 101.2 DIMENSIONS SHOWN ON THESE PLANS SHALL BE VERIFIED BY THE CONTRACTOR OR BUILDER PRIOR TO CONSTRUCTION. THESE PLANS MAY NOT BE DRAWN TO SCALE. SCALING OF DRAWINGS IS STRONGLY DISCOURAGED.
 - 101.3 THE CONTRACTOR SHALL COORDINATE ALL NEW WORK WITH EXISTING CONDITIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER OF RECORD IMMEDIATELY AND BEFORE PROCEEDING WITH WORK.
 - 101.4 OBTAIN APPROVAL FROM THE ENGINEER OF RECORD FOR ALL STRUCTURAL MODIFICATIONS OR SUBSTITUTIONS.
 - 101.5 CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PRACTICES, INCLUDING TECHNIQUES, PROCEDURES, SHORING, AND THE SEQUENCE OF CONSTRUCTION. CONTRACTOR SHOULD NOTIFY THE ENGINEER OF RECORD IF A CONFLICT ARISES DUE TO VARIATIONS OR OTHER PROBLEMS WITH THE CONSTRUCTION DOCUMENTS.

- 102. APPLICABLE CODES AND STANDARDS**
- CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THESE STRUCTURAL SPECIFICATIONS AND THE REQUIREMENTS CONTAINED IN THE FOLLOWING CODES AND STANDARDS. WHEN A DIFFERENCE EXISTS BETWEEN THESE SPECIFICATIONS AND ANY OTHER GOVERNING CODE, THE MORE STRINGENT SHALL CONTROL. ANY OTHER ITEMS NOT COVERED THEREIN SHALL BE COMMENSURATE WITH SOUND ENGINEERING AND STANDARD CONSTRUCTION PRACTICE.
- 102.1 2020 FLORIDA BUILDING CODE - RESIDENTIAL
 - 102.2 AISC MANUAL OF STEEL CONSTRUCTION - 13TH EDITION
 - 102.3 ACI BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE - ACI 318-14
 - 102.4 AMERICAN WOOD COUNCIL - NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION - 2018 EDITION
 - 102.5 ASCE 7-16 MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES

103. DESIGN LOADS

THIS STRUCTURE HAS BEEN DESIGNED FOR THE FOLLOWING LOADS. DESIGN LOADS INDICATED ARE IN POUNDS PER SQUARE INCH UNLESS NOTED OTHERWISE. IF ANY PERMANENT MATERIALS EXCEED THESE LOADS, THE ENGINEER OF RECORD SHALL BE CONTACTED TO REVISE THE STRUCTURAL DESIGN AND CONSTRUCTION DOCUMENTS.

- 103.1 DEAD LOADS: WEIGHT OF STRUCTURE AND ALL THINGS PERMANENTLY ATTACHED
 DECK - 10 PSF ROOF - 10 PSF - BOTTOM CHORD
- 103.2 LIVE LOADS
 DECK - 40 PSF
 WIND SPEED - 140 MPH
 EXPOSURE - D
 INTERNAL PRESSURE COEFFICIENT - 0.0 (COMPLETELY OPEN)
 BUILDING TYPE - I - RISK FACTOR 1.0
 GUARDRAILS AND HANDRAILS - 200 PSF
 GUARDRAILS INFILL COMPONENTS - 50 PSF
 STAIRS - 40 PSF

- 104. STRUCTURAL LUMBER FRAMING (DIMENSIONAL LUMBER)**
- 104.1 UNLESS NOTED OTHERWISE, ALL STRUCTURAL LUMBER SHALL BE SOUTHERN YELLOW PINE (SYP) #2 OR BETTER.
 - 104.2 STRUCTURAL LUMBER EXPOSED TO WEATHER SHALL BE PRESSURE TREATED OR MANUALLY SEALED AT TIME OF CONSTRUCTION.
 - 104.3 ALL FASTENERS TO BE HOT DIPPED GALVANIZED (#40) OR STAINLESS STEEL.
 - 104.4 ALL DECKING SHALL BE SOUTHERN YELLOW PINE (SYP) #2 OR BETTER OR WOOD/PLASTIC COMPOSITE CONFORMING WITH ASTM D7032.
 - 104.5 HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE ON EACH CONTIGUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS.
 - 104.6 ILLUMINATION
 ALL STAIRS SHALL BE PROVIDED WITH ILLUMINATION IN ACCORDANCE WITH SECTION R303.7.

Prepared for:
Wohleber Dock
 2801 Bluewater Ln.
 Clearwater, FL 34714
 P.E. #040621
 (817) 884-9891
 www.surveymicrosites.com

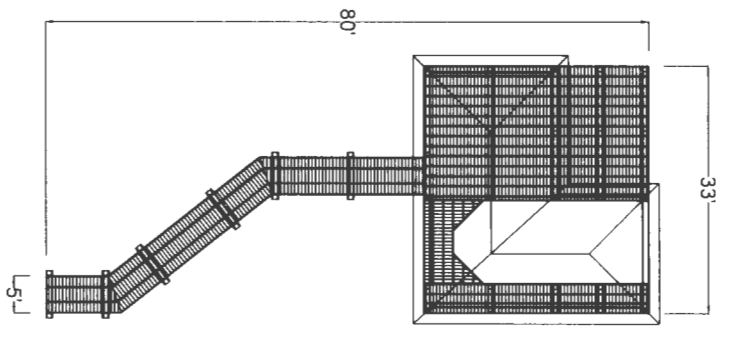
Wohleber Dock
 1320 S Tampa Ave
 Orlando, FL 32805

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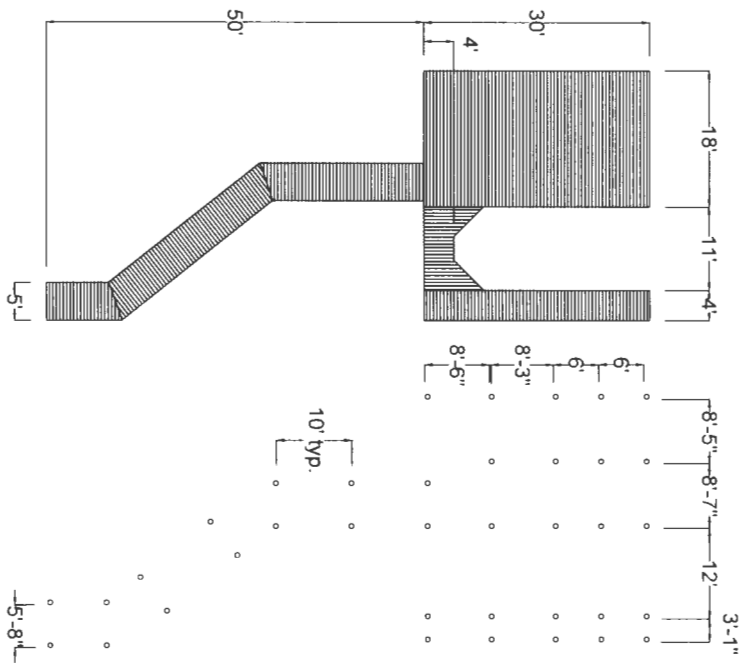
Project:
SDD-2021-33

SO

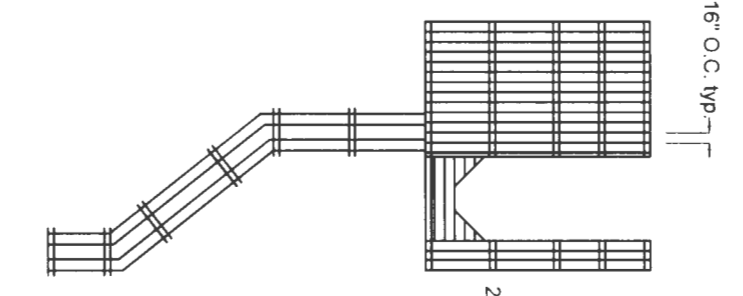
1/32" = 1'-0"



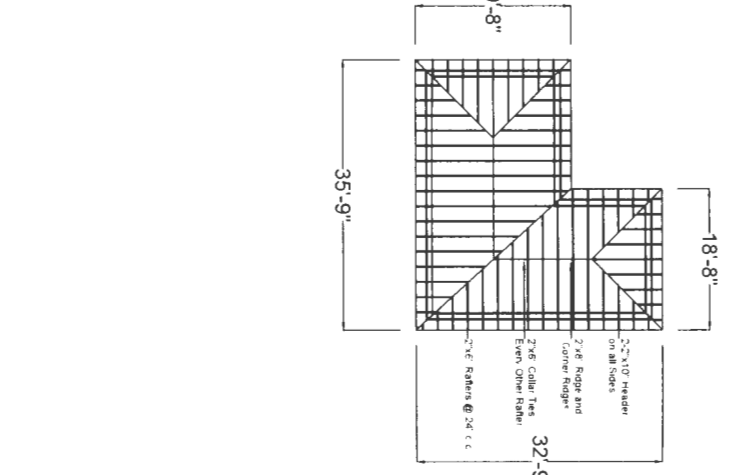
Plan View (Top View)



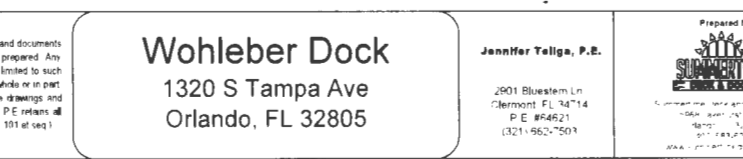
Decking Layout



Piling Layout



Framing Layout



Roof Layout

TERMINAL PLATFORM AREA 990 Sq. Ft.
TERMINAL PLATFORM + WALKWAY AREA 1,240 Sq. Ft.

1/16" = 1'-0"

S1

Project
SDD-2021-33

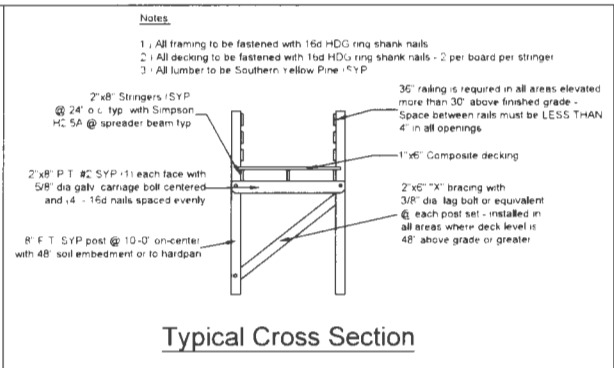
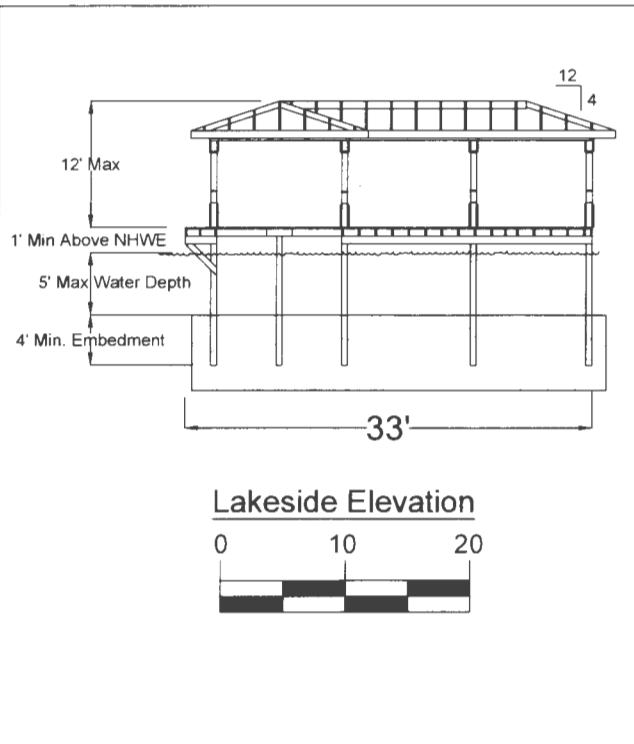
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Wohleber Dock
1320 S Tampa Ave
Orlando, FL 32805

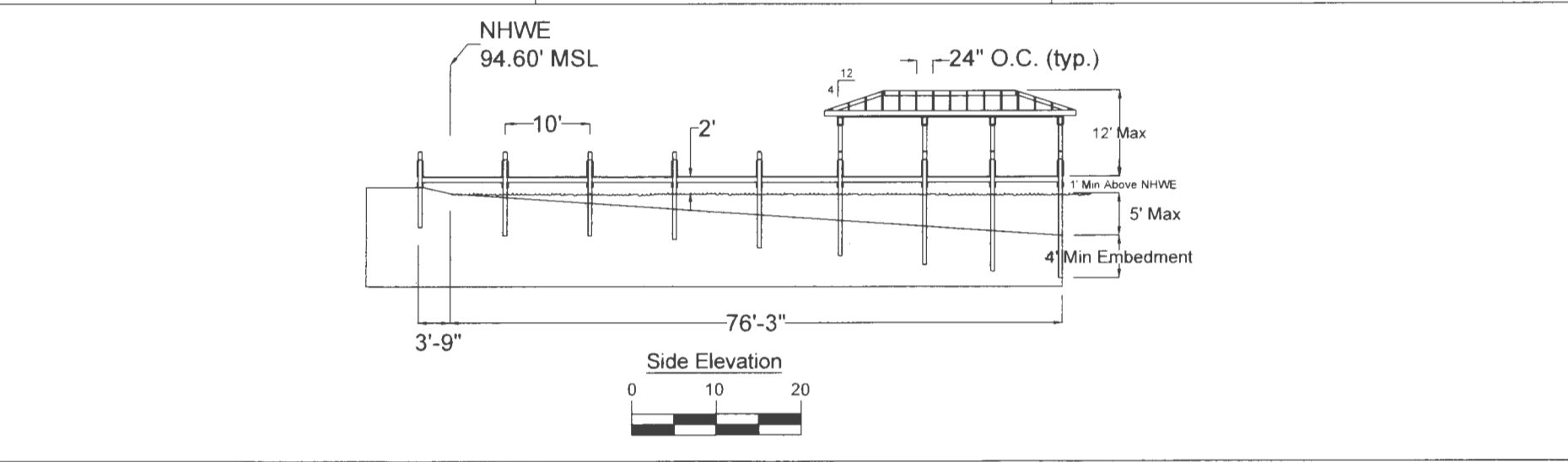
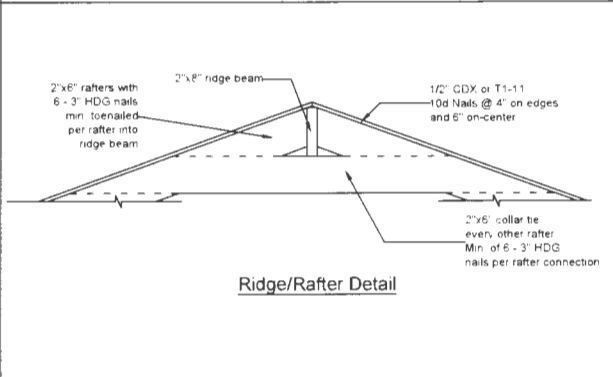
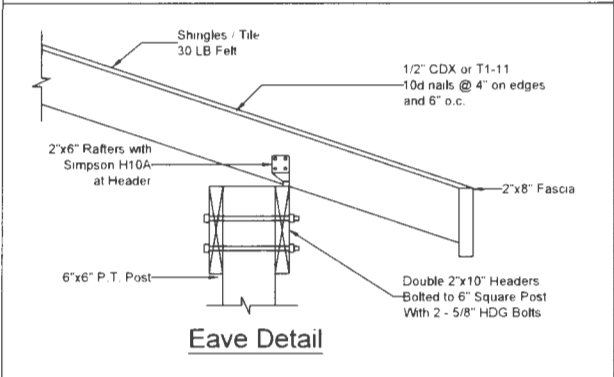
Jennifer Teliga, P.E.
2901 Bluestem Ln
Clermont, FL 34714
P.E. #5452
(321) 962-7507

Prepared for

Submitted by



***This Space Intentionally Left Blank ***



Prepared for
Wohleber Dock
2801 Bluestem Ln
Orlando, FL 32714
P.E. #65623
(321) 662-1501

Wohleber Dock
1320 S Tampa Ave
Orlando, FL 32805

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Project:
SDD-2021-33

S2



APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR WAIVER

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

Mail or Deliver To: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Robin Lopez on behalf of Richard Wohleber (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following: 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

1. Describe how this waiver would not negatively impact the environment:

This waiver request is in regard to the side setback distances of boat docks from the abutting property lines. Applicant is requesting to rebuild existing boat dock, with some modifications, in the same area as the existing boat dock. Rebuilding the dock in the same location will reduce any additional impact on the environment that may occur if it were built in a new, undisturbed area of the shoreline.

2. Describe the effect of the proposed waiver on abutting shoreline owners:

If approved, this waiver will grant the applicant a 10' setback from the abutting property line as shown. This is consistent with the location of the existing boat dock. A Letter of No Objection (LONO) from the effected shoreline owners has been provided.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Robin Lopez
Signature of Applicant/Agent [Signature] Date: 10.14.2021
Corporate Title (if applicable):



APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR WAIVER

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

Mail or Deliver To: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Robin Lopez on behalf of Richard Wohleber (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

1. Describe how this waiver would not negatively impact the environment:

If granted approval, this waiver request will give way to the removal and replacement of an existing, dilapidated dock structure. It's expected that the construction of the proposed dock will provide a more habitable location for aquatic plants and animals in comparison to the existing structure. The applicant has agreed to pay any mitigation fees that may be imposed as a result of the additional square footage.

2. Describe the effect of the proposed waiver on abutting shoreline owners:

Given that we have received and provided our Letter of No Objection from the neighbor most closely impacted by this waiver request, we don't expect there to be any additional impact caused by the approval of this waiver.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Robin Lopez
Signature of Applicant/Agent [Signature] Date: 10.14.2021
Corporate Title (if applicable):



AFFECTED ADJACENT PROPERTY OWNER
NOTORIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver, which shall be reviewed by the environmental protection division. Waivers from side setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver.

I, Joy Livingston, a legal property owner of property located at 1316 S Tampa Ave,
(Adjacent Property Owner Name) (Address)
have reviewed the dock construction plans dated 7/19/21, for the property located at
1320 S Tampa Ave, and have no objections.

The dock construction plans include a side setback waiver request of 10 feet, in lieu of the
minimum 25 feet required by Code.

(Signature - Adjacent Affected Property Owner)

(Date)

(Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 19th day of 2021, by Joy Livingston.

(Notary seal)



(Signature of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification X

Type of Identification Produced FL D.L.

[Handwritten signature]



PLAT OF SURVEY

LOT 4, BLOCK A, CLEAR LAKE HOMES, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 1, PAGE 121, OF THE PUBLIC RECORDS OF GRADIE COUNTY, FLORIDA.

N 00°00'00" E
70.00'

CLEAR LAKE

80'

10'

10'

11 50'00"00" W 250'

11 50'00"00" W 250'

LOT 4
BLOCK A

LOT 3
BLOCK A

N 00°00'00" E
70.00'

TAMPA AVENUE

60' PLATED HIGHWAY-OF-WAY

SHARPLEY ROADWAY

LEGEND:

- BOUNDARY BETWEEN LOTS AND BLOCKS
- BOUNDARY BETWEEN PLATS
- ROAD OF 60' WIDE
- ROAD OF 10' WIDE
- ROAD OF 15' WIDE
- ROAD OF 20' WIDE
- ROAD OF 25' WIDE
- ROAD OF 30' WIDE
- ROAD OF 35' WIDE
- ROAD OF 40' WIDE
- ROAD OF 45' WIDE
- ROAD OF 50' WIDE
- ROAD OF 55' WIDE
- ROAD OF 60' WIDE
- ROAD OF 65' WIDE
- ROAD OF 70' WIDE
- ROAD OF 75' WIDE
- ROAD OF 80' WIDE
- ROAD OF 85' WIDE
- ROAD OF 90' WIDE
- ROAD OF 95' WIDE
- ROAD OF 100' WIDE

CERTIFIED TO:
RICHARD C. WOODRUFF
USA NATIONAL GUARANTY
COAST TO COAST
GUARANTEE TITLE & TRUST

I HAVE EXAMINED THE FINAL COMPASS MAP
NO 120179 0000 0 DATED 12/1/00 AND FOUND
NO SUBJECT VOLUNTARY LIES IN THIS
AREA OF UNPAID FLOODING.

EXAMINED SURVEY RECORDS AND BASED ON
THE EQUIPMENT SET OF 101 & 1000 A
DENSE LOGS, AN ACCURATE SURVEY

(FILE DATE) 11/8/00

SCALE 1" = 40' H.C.L.

APPROVED BY DATE

FOR RECORDS

ISSUED BY



I THE SURVEYOR HAS NOT ABSTRACTED THE
LATEST SURVEY RECORDS FOR EASEMENTS, RIGHTS
OF WAY, EASEMENTS OR RECORDS WHICH
MAY AFFECT THE TITLE OR INTEREST OF THE LAND
OR THE INTERESTS THEREIN. ANY SUCH
EASEMENTS SHOULD BE OBTAINED FROM THE
RECORDS OF THE COUNTY CLERK.

I HEREBY CERTIFY THAT I HAVE EXAMINED THE
WORKING DRAWINGS AND FOUND THEM TO BE
IN ACCORDANCE WITH THE REQUIREMENTS OF THE
FLORIDA SURVEYING BOARD AND THAT THE SURVEY
IS A REPRESENTATIVE OF THE SURVEY AND MEETS
THE REQUIREMENTS OF THE FLORIDA SURVEYING
BOARD. I AM A LICENSED SURVEYOR IN THE STATE OF
FLORIDA. MY LICENSE NUMBER IS 120179-0000-0.

AMERICAN SURVEYING & MAPPING
INCORPORATED
1100 N. W. 10TH AVENUE
SUITE 100
MIAMI, FLORIDA 33136

ERIC A. BRONITZ, PLS. 101

[Handwritten signature]



ENVIRONMENTAL PROTECTION DIVISION
 David D. Jones, P.E., CEP, Manager
 3165 McCarty Place, Suite 200
 Orlando, FL 32803
 407-836-1400 • Fax 407-836-1499
 www.ocfl.net

ENVIRONMENTAL
 PROTECTION
 COMMISSION

Mark Ausley
 Chairman

Oscar Anderson
 Vice Chairman

Flornatt Blackburn

Billy Butterfield

Peter Fleck

Richard Horn

Elaine Imbraglio

ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 January 26, 2022

Applicant: Richard Wohleber

Permit Application Number: BD-21-09-128

Address: 1320 S. Tampa Ave, Orlando, FL 32805

RECOMMENDATION:

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for waiver is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 875 square feet to 990 square feet with a mitigation payment of \$575 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Richard Wohleber Dock Construction Permit BD-21-09-128. District 6

EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Signature of EPC Chairman: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 1-26-22