

~~OCT 18 2011~~ NP/CMS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, September 20, 2011  
Location: Commission Chambers, Orange County Administration Center,  
First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Lui  
Damiani, Jennifer Thompson, Ted Edwards, Tiffany Russell  
Member Absent: Commissioner Fred Brummer  
Others Present: County Comptroller as Clerk Martha Haynie, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County  
Attorney Joel Prinsell, Deputy Clerk Kathleen Johnson

• CALL TO ORDER, 2:09 p.m.

- Invocation - Father David Scotchie, St. Maximilian Kolbe Catholic Church
- Pledge of Allegiance

• PRESENTATION

Proclamation designating the week of September 19 through September 25, 2011 as  
National Pollution Prevention Week

• PRESENTATION

Proclamation designating the week of September 18 through September 24, 2011 as  
Child Passenger Safety Week and National Seat Check Saturday

• PUBLIC COMMENT

No one addressed the Board for public comment.

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Damiani  
Absent: Commissioner Brummer  
AYE (voice vote): All present members  
Action: The Board

- Modified County Attorney Item 1
- Deleted Administrative Services Department Item 20

and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the August 23, 2011 meeting of the Board of County  
Commissioners. (Clerk's Office)

2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Period as follows: September 9, 2011, to September 15, 2011; total of \$13,416,614.08. (Finance/Accounting)
3. Disposition of Intangible and Tangible Personal Property as follows: (Property Accounting)
  - a. Dispose of an asset that was scrapped by the division.
  - b. Dispose of assets that were returned to the vendor at the expiration of a lease.
  - c. Dispose of an asset that was destroyed by fire.
  - d. Transfer assets to the Orange County Sheriff's Office.
  - e. Trade in assets for an allowance towards the purchase of new equipment.

#### County Attorney

1. Approval of revisions to Administrative Regulations 8.07, 8.07.01, 8.07.02, 8.07.03, 8.07.04, 8.07.05, and 8.07.06 and new Administrative Regulations relating to use of county vehicles.

Clerk's Note: The following modification was made to the New Administrative Regulation regarding GENERAL VEHICLE USAGE POLICIES II Procedures A. 1. by changing the word "disparage" to the word "discredit."

#### County Administrator

1. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings. (Agenda Development Office)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y11-1097-PD, Interior Painting Services, to the low responsive and responsible bidder, Picasso Painting, for a 1-year term contract. The estimated contract award amount is \$327,900. Further, authorized to renew the contract by the Purchasing and Contracts Division for an additional two years. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y11-1126-DG, Meter Boxes, to the low responsive and responsible bidder, Grandview Pipe & Supply Company, Inc. The estimated contract award amount is \$1,797,663.60 for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional years. ([Utilities Department Water Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y11-1128-CH, Traffic Calming Program, to the low responsive and responsible bidder, Stage Door II, Inc. The estimated contract award amount is \$1,235,100 for a 1-year term contract. Further,

authorized the Purchasing and Contracts Division to exercise option years one and two for the contract, and a six month extension if necessary for the solicitation and award of a new contract. ([Public Works Department Traffic Engineering Division] Purchasing and Contracts Division)

4. Approval to award Invitation for Bids Y11-628-JS, General Electric MDS SD Radios, to the sole responsive and responsible bidder, Blackburn Controls, Inc. dba BCI Technologies. The total contract award amount is \$104,350 for the purchase of 100 radios. ([Utilities Department Water Reclamation Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y11-760-PH, West Southwood Subdivision Gravity Sewer Rehabilitation and Water System Improvements, to the low responsive and responsible bidder, Pospiech Contracting, Inc. The total estimated contract award amount is \$2,349,902.06. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
6. Approval to award Invitation for Bids Y11-773-EZ, Orange County Generator Replacement and Electrical Modification in Various Buildings, to the low responsive and responsible bidder, Eau Gallie Electric, Inc. The total contract award amount is \$983,053. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
7. Approval to award Invitation for Bids Y11-776-CH, Old Winter Garden Road at Mission Road Intersection Improvements, to the low responsive and responsible bidder, Compilog International Company. The total estimated contract award amount is \$409,526.80. ([Public Works Department Engineering Division] Purchasing and Contracts Division)
8. Approval to award Invitation for Bids Y11-780-RM, Silver Star Community Park Cricket Field, to the low responsive and responsible bidder, Stones Unlimited Builder, Inc. The total contract award amount is \$179,800. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
9. Approval to award Invitation for Bids Y11-785-RM, HVAC (Heating, ventilating, and air conditioning) Equipment and BAS (Building Automation System) Controls Replacement for the Taft Community Center, Sphaler Park Activity Center and Taft Service Center, to the low responsive and responsible bidder, Air Mechanical and Service Corporation. The total contract award amount is \$350,989. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
10. Approval of Purchase Order M54222, Purchase of 58 Cardiac Defibrillators, Related Equipment and Accessories to Physio-Control, Inc., in the amount of \$1,618,621.50. ([Fire Rescue Department Logistics Division] Purchasing and Contracts Division)

11. Approval of Contract Y11-1146-JS, Maintenance and Support for Motorola Communications Systems, Equipment and Radios with Motorola, Inc. in the estimated contract award amount of \$1,273,118.47 for fiscal year 2012. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year terms. ([Office of Accountability Public Safety Communications Division] Purchasing and Contracts Division)
12. Approval of Amendment No. 7, Contract Y7-114-NW, Occupational Medical Services, with Florida Hospital Centra Care, for an estimated amount of \$1,200,000. ([Office of Accountability Risk Management Division] Purchasing and Contracts Division)
13. Approval to award Invitation for Bids Y11-781-RM, Orange County Animal Services Kennel Renovations, to the low responsive and responsible bidder, Air Ideal, Inc. The total contract award amount is \$290,000. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
14. Approval of Amendment No. 2, Contract Y9-1085-GJ, Head Start Child Care Food Program, with G.A. Food Service, Inc. This amendment will result in a total estimated contract amount of \$1,440,167, an increase of \$103,498.68. ([Family Services Department Head Start Division] Purchasing and Contracts Division)
15. Approval and execution by the Mayor of U.S. Department of Transportation Federal Aviation Administration Land Lease between Orange County and the U.S. Department of Transportation Federal Aviation Administration and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, for radar site and authorization to record instrument for FAA Radar site – Lease Renewal, Warren Park located at 2406 Warren Park Road, Orlando, Florida. District 4. (Real Estate Management Division)
16. Approval and execution by the Mayor of Option to Lease Agreement between KB Home Orlando, LLC and Orange County and delegation of authority to the Real Estate Management Division to execute Site Lease Agreement(s) for hurricane recovery pursuant to that certain Option to Lease, if needed for Hurricane Recovery Debris Site located at Fiquette-Hancock Road, Orlando, Florida. District 1. (Real Estate Management Division)
17. Approval and execution by the Mayor of Utility Easement between the School Board of Orange County Florida, f/k/a the Board of Public Instruction of Orange County, Florida and Orange County and authorization to record instrument for Hunter's Creek Elementary School – (Orange County Utilities) OCU File No. 62545. District 1. (Real Estate Management Division)
18. Approval and execution by the Mayor of Utility Easement between the School Board of Orange County Florida, f/k/a the Board of Public Instruction of Orange County, Florida and Orange County and authorization to record instrument for

University High School Orange County Utilities Project #63885. District 5. (Real Estate Management Division)

19. Approval of Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Nicholas Colon and Jessica Bauer-Colon, approval and execution by the Mayor of County Deed from Orange County to Nicholas Colon and Jessica Bauer-Colon and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 7520 Bear Claw Run, Orlando, FL 32825. District 3. (Real Estate Management Division)
20. Approval of Donation Agreement and Special Warranty Deed between James B. Bryan, III, as Trustee of the Kelly Bryan Ball Revocable Trust dated April 17, 2001 and Orange County, Florida and authorization to disburse funds to pay closing costs and perform all actions necessary and incidental to closing for 5505 East Colonial Drive. District 3. (Real Estate Management Division)

(This item was deleted.)

21. Approval of Conservation Easement, Non-Exclusive Perpetual Access Easement and Non-Exclusive Temporary Access Easement between JTD Land at Country Walk, LLC and Orange County and authorization to record instruments for Country Walk (aka Dean Road Condos) CAI (Conservation Area Impact) Permit #10-026. District 4. (Real Estate Management Division)

#### Community and Environmental Services Department

1. Approval of one-year extension of Shoreline Alteration/Dredge and Fill Permit #08-052 on Lake Hancock for Redus FL Properties LLC and R&K Investments LLC. District 1. (Environmental Protection Division)
2. Approval of Lake Holden Stormwater Alum Treatment Interlocal Agreement between the City of Orlando and Orange County. District 4. (Environmental Protection Division)
3. Approval of Assistance Agreement Award No. DE-EE0003582 between Orange County and the U.S. Department of Energy in the amount of \$300,000, relating to the installation of two photovoltaic electric vehicle charging stations at the Orange County Convention Center and expansion of educational programming at the Climate Change Education Center; and approval for the Environmental Protection Division Manager to sign any funding adjustments to the agreement that do not contain substantive agreement changes or require additional County funding. District 6. (Environmental Protection Division)
4. 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. (Code Enforcement Division)

## Resolutions

|            |            |            |            |            |            |
|------------|------------|------------|------------|------------|------------|
| LC 11-0671 | LC 11-0702 | LC 11-0746 | LC 11-0756 | LC 11-0785 | LC 11-0830 |
| LC 11-0887 | LC 11-0761 | LC 11-0762 | LC 11-0764 | LC 11-0766 | LC 11-0767 |
| LC 11-0783 | LC 11-0786 | LC 11-0862 | LC 11-0872 | LC 11-0896 | LC 11-0897 |
| LC 11-0694 | LC 11-0804 | LC 11-0832 | LC 11-0860 | LC 11-0771 | LC 11-0774 |
| LC 11-0836 | LC 11-0884 | LC 11-0772 | LC 11-0813 | LC 11-0858 | LC 11-0700 |
| LC 11-0726 | LC 11-0734 | LC 11-0777 | LC 11-0779 | LC 11-0820 | LC 11-0841 |
| LC 11-0867 | LC 11-0870 | LC 11-0879 | LC 11-0892 |            |            |

## Fire Rescue Department

1. Approval of Contract Number: 12-CP-03-06-58-01-207, CSFA (Catalog of State Financial Assistance) Number: 52.023, State-Funded Subgrant Agreement between the State of Florida Division of Emergency Management and Orange County in the amount of \$24,604. (Office of Emergency Management)

## Growth Management Department

1. Approval of Amendment to Developer's Agreement (Orange County) for Road and Bridge Improvements to Boggy Creek Road between AMB Orlando Airport Park, LLC, Crockett Development Property, LLC and Orange County to provide for the dedication of right-of-way and the design of future road and bridge improvements on Boggy Creek Road. District 4. (Roadway Agreement Committee)
2. Approval of Resolution 2011-M-38 of the Orange County Board of County Commissioners regarding Boggy Creek Area Elementary School Construction within Runway Clear Zone. District 4. (Planning Division)
3. Approval of Hold Harmless and Indemnification Agreement Parcel ID: 14-23-29-3980-06-010 between Roopnarine Ramjeawan and Chandra Ramjeawan and Orange County to allow a playhouse, gazebo and decking, located at 402 Bywater Drive. District 4. (Zoning Division)

## Health Services Department

1. Approval of temporary Alternative Transportation Service License for Transportation America, Inc. to provide wheelchair/stretchers service for the LYNX Transportation Disadvantage Program. The term of this license is from September 20, 2011 through November 20, 2011. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval of Contractual Services Agreement #017243 between the State of Florida, Department of Agriculture and Consumer Services, and Orange County for an amount not to exceed \$18,500 for an integrated mosquito control program, and approval for the County Mayor, or her designee, to sign future amendments to this Agreement. No county match is required. (Mosquito Control Division)

## Public Works Department

1. Approval of Mitigation Purchase Agreement by and between Greenway Park DRI (Development of Regional Impact), LLC and Orange County. District 4. (Public Works Engineering Division)
2. Approval of Hold Harmless Agreement between Wal-Mart Stores East, LP and Orange County that provides for the permitting necessary to construct the intersection improvements at Wakulla Way and Orange Blossom Trail. District 6. (Public Works Department)
3. Approval of Modification to Subgrant Agreement between the Division of Emergency Management and Orange County, Agreement Number: 09HM-12-06-58-01-008, Project Number: 1545-181-R, to extend the expiration date of the agreement from August 30, 2009, to April 29, 2011, for the Hazard Mitigation Grant Program (HMGP) funds for Phase I (design) of the Rocket Boulevard Drainage Improvement Project. District 4. (Stormwater Management Division)

## Utilities Department

1. Approval of South Florida Water Management District Amendment No. 02 to Agreement No. 4600001826 between the South Florida Water Management District and Orange County Utilities. All Districts. (Water Division)
- INFORMATIONAL ITEMS FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE\*

## County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Florida Public Service Commission Notice Of Proposed Agency Action Order Granting Petition For Exemption re: Petition for exemption under Rule 25-22.082(18), F.A.C., from issuing request for proposals (RFPs) for modernization of the Port Everglades Plant, by Florida Power & Light Company.
  - b. Florida Public Service Commission Notice of Proposed Agency Action Order Approving Rule Variance re: Nuclear cost recovery clause.

\*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1
- OFFICIAL RECOGNIZED: Orange County Supervisor Of Elections Bill Cowles

Approval of Resolution of the Orange County Board of County Commissioners regarding calling a Referendum on an Economic Development Ad Valorem Tax Exemption to be placed on the 2012 Presidential Preference Primary Election Ballot.

The following person addressed the Board: Orange County Supervisor of Elections Bill Cowles.

Motion/Second: County Mayor Jacobs/Commissioner Boyd

Absent: Commissioner Brummer

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Damiani, Thompson, Edwards

NO (voice vote): Commissioner Russell

Action: The Board approved Resolution 2011-M-39 of the Orange County Board of County Commissioners regarding Calling a Referendum on an Economic Development Ad Valorem Tax Exemption to be Placed on the 2012 Presidential Preference Primary Election Ballot.

Motion/Second: Commissioner Russell/None

Action: The motion died for lack of a second to amend the main motion for the Board to present the referendum during the August Primary.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 2

Horizon West Global Road Agreement Update. (Office of Regional Mobility)

The following person addressed the Board: Miranda Fitzgerald.

Commissioner Edwards announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of Ficquette Family, client of Foley & Lardner, LLP, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows: Discussion Agenda – Horizon West Road Agreement client owns property in Village F which may be benefited by approval of Term Sheet."

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Brummer

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Damiani, Thompson, Russell

Abstain: Commissioner Edwards

Action: The Board approved the Horizon West Global Road Term Sheet as presented by staff.

- UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1

Landfill Gas to Energy. (Solid Waste Division)

The following person addressed the Board: David Deans.

Action: None

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, SEPTEMBER 1, 2011

Motion/Second: Commissioners Thompson/Boyd

Absent: Commissioner Brummer

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of September 1, 2011; subject to the usual right of appeal by any aggrieved party.

- SUBSTANTIAL CHANGE PUBLIC HEARING CONTINUED FROM SEPTEMBER 13, 2011

Applicant: Gregory Lee, Baker & Hostetler, LLP, Lake Reams Planned Development (PD) Land Use Plan (LUP), (Case #CDR-11-06-155)

Consideration: Substantial change request to modify Condition of Approval #8 from the March 15, 2005, Board of County Commissioners' public hearing relating to Reams Road; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located Southwesterly of Winter-Vineland Road, west of Reams Road; Parcel ID 36-23-27-0000-00-003; -002; -012; -021 & -022; S/T/R: 36/23/27; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Gregory Lee
- JoAnne Quarles
- Tom Valley
- Doug Justice

The following exhibits were received by the Clerk prior to the close of the public hearing:

- Exhibit 1, from Tom Valley
- Exhibit 2, from Gregory Lee
- Exhibit 3, from Gregory Lee

Motion/Second: Commissioner Boyd/County Mayor Jacobs  
Absent: Commissioner Brummer  
AYE (voice vote): All present members  
Action: The Board continued the public hearing until October 4, 2011, at 2 p.m.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Michael Grindstaff for Project ABC PD  
Consideration: Substantial change request to the Project ABC Planned Development (PD) Land Use Plan (LUP) to increase the entitlements of Parcel 2B to 144,000 square feet of Commercial/Office, or 72,000 square feet of automobile dealership.  
Location: District 1; property located at the northwest corner of S. John Young Parkway and Central Florida Parkway.

The following person addressed the Board: Jennifer Tobin.

Motion/Second: Commissioners Boyd/Thompson  
Absent: Commissioners Brummer, Russell  
AYE (voice vote): All present members  
Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Michael Grindstaff for Project ABC Planned Development (PD) Land Use Plan (LUP) to increase the entitlements of Parcel 2B to 144,000 square feet of Commercial/Office, or 72,000 square feet of automobile dealership; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Project ABC PD Land Use Plan dated "~~Received July 29, 2010~~ August 17, 2011," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "~~July 29, 2010~~ August 17, 2011," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or

authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Approval for commercial/office for Parcel 2B shall be restricted to 144,000 square feet. At issuance of the first permit for any of the commercial/office use square footage, then the automobile dealership use is eliminated. If an automobile dealership is developed on Tract 2B in lieu of the commercial/office, it shall be restricted to 72,000 square feet.
4. Approval of trips in excess of 50,685 (Average Daily Traffic) ADT's will require compliance with CMS Concurrency Management System.
5. All previous applicable BCC Conditions of Approval, including those dated, September 14, 2010, and April 19, 1995, shall apply:

- a. ~~Traffic shall not exceed what is currently approved.~~

THIS CONDITION HAS BEEN REPLACED BY COA #4

- b. Outdoor storage and display shall be prohibited on Lot 2B.
- c. Billboard and pole signs shall be prohibited.
- d. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- e. Master water, wastewater, and reclaimed water plans, including preliminary calculations, shall be required to be submitted for review and approval prior to submission of construction plans
- f. The following performance standards shall apply for Lot 2B (if utilized for a car dealership):

MODIFIED AS PART OF THIS REQUEST

- The building shall be 40 feet from the right-of-way of John Young Parkway and Central Florida Parkway. The porte-cochere on the southeast corner of the building shall extend into the 40-foot setback. Except for under the porte-cochere, no vehicles shall be allowed in front of the building setback line (40 feet). The porte-cochere shall be limited to no more than 25 percent of each of

the building facades.

- Cars shall be permitted under the porte-cochere only; no parking or display shall occur beyond clearly distinguished porte-cochere stage surface.
- Lighting shall comply with Article XVI of Chapter 9 of the Orange County Code.
- There shall be no outdoor loud speakers or sound system.
- Temporary signs, banners, and balloons shall be prohibited.
- Only 2 ground signs shall be permitted. Facia signs shall comply with Chapter 31.5 of the Orange County Code.
- A detailed landscape and lighting plan, and complete architectural elevations and final building footprint shall be submitted.
- There shall be only 1 structure on site.
- All parking and display areas (except under the porte-cochere) shall be set back at least 40 feet from all rights-of-way.
- A knee wall, minimum 36 inches high, shall be provided along the length of John Young Parkway and Central Florida Parkway except in front of the porte-cochere. Said wall shall include closely-spaced plaster/columns with cap feature.
- The finished grade of the parking/display areas shall be at or below the finished grade of the knee wall.

• AFTER-THE-FACT CONSERVATION AREA IMPACT PUBLIC HEARING

Applicant: Cantero Holdings, LLC.  
Consideration: Request for a Conservation Area Impact Permit for a Class I Wetlands  
Location: District 1; property generally located at 12601 Avalon Road, Orlando FL; Parcel ID's 19-24-27-0000-00-009 and 20-24-27-0000-00-005; Section 20, Township 24, Range 27, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: Anna Long.

Motion/Second: Commissioners Boyd/Damiani  
Absent: Commissioner Brummer  
AYE (voice vote): All present members  
Action: The Board approved the request by Cantero Holdings, LLC for an after-the-fact Conservation Area Impact Permit for a Class I Wetlands, on the described property; subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the fifteen (15) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The wetland impacts have been done in accordance with Exhibit 4 of the plans prepared by VHB MillerSellen, as dated as received by the Environmental Protection Division (EPD) on June 3, 2011. Requests for permit extension must be submitted to the EPD prior to the expiration date.
3. Within thirty day of issuance of this permit, the conservation areas shall be clearly marked with signage that identifies the wetland. These signs shall be installed every 50 feet. The signage language shall be provided to EPD for review and written approval prior to installation and the signs shall be a minimum of 12" x 12" and 24" above grade.
4. Within thirty day of permit issuance EPD shall receive a Certificate of Credit purchase from Reedy Creek Mitigation Bank stating that the transaction regarding the transfer of 0.62 mitigation credit has been completed.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.62 credit from the Reedy Creek Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
6. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
7. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.

General Conditions:

8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities,

including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
11. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
12. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
13. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
14. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the

Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.

15. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
18. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
21. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

• SHORELINE ALTERATION/DREDGE AND FILL PUBLIC HEARING

Applicant: Gary Turchin

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to install rip-rap in front of an existing seawall, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d) and Chapter 15, Article VI.

Location: District 1; on property located at 9908 Lone Tree Lane, on Lake Sheen; Parcel ID 32-23-28-1874-00-160; Section 32, Township 23 South, Range 28 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

Motion/Second: Commissioners Boyd/Damiani

Absent: Commissioner Brummer

AYE (voice vote): All present members

Action: The Board approved the request by Gary Turchin for a Shoreline Alteration/Dredge and Fill Permit to install rip-rap in front of an existing seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. Construction activities shall be completed in accordance with the "Site Plan" submitted by Gary Turchin, dated as received on August 19, 2011 by the Environmental Protection Division (EPD). The permitted work must be commenced within six months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within 6 months or completed within a year this permit is void.
2. This permit also authorizes the construction of an existing 70-foot retaining wall and riprap as depicted on the "Site Plan" dated as received by EPD on August 19, 2011.
3. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. The existing boat dock must be located within this corridor.
4. Native vegetation, including but not limited to, pickerelweed, duck potato and water lilies, may not be removed from the shoreline outside of the specified access corridor, specific to project.
5. The material used as fill shall be clean material and shall not be contaminated with vegetation, hazardous, toxic waste or other materials that are not suitable within waters of the State.
6. A copy of this permit, along with EPD stamped, approved drawings should be taken to the Zoning Division for approval in order to obtain a building permit.
7. A certified site plan will be required to obtain a building permit. For further information, please contact the Zoning Division at (407) 836-5525 or the Division of Building Safety at (407) 836-5550.
8. Prior to any filling within the 100-year flood zone a Flood Plain Permit must be obtained from the Orange County Stormwater Management authorizing the fill.

9. Any future requests for permit time extensions may be approved by way of the Consent Agenda, if there are no changes.
10. Effective Date. If no objections have been filed with the Environmental Protection Officer, this permit shall be final and effective as of the date of issuance. If a written objection has been received, this permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.

General Conditions:

11. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit.
12. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
13. At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
14. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
15. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
16. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove

the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.

17. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
18. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
19. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. The permittee shall immediately notify EPD, in writing, of any previously submitted information that is later discovered to be inaccurate.
21. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
22. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
23. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
24. No failure or successive failures, on the part of EPD to enforce any portion of this permit shall impair the right of EPD to enforce the same in the event of subsequent breach.
25. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee. The Environmental Protection Officer shall make this determination.
26. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
27. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative

Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

28. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
29. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact to the satisfaction of EPD.

• SECOND LIBRARY DISTRICT BUDGET PUBLIC HEARING

By consensus the Board of County Commissioners adjourned and convened as the Orange County Library District Governing Board.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Lui Damiani, Jennifer Thompson, Ted Edwards, Tiffany Russell, City of Orlando Deputy Chief Administrative Officer Deborah Girard  
Member Absent: Commissioner Fred Brummer  
Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk Kathleen Johnson

The County Administrator stated that the purpose of the public hearing is to consider and adopt the final library millage and budget for fiscal year beginning October 1, 2011, and ending September 30, 2012.

Consideration: A RESOLUTION ADOPTING THE FINAL MILLAGE RATE FOR ORANGE COUNTY LIBRARY DISTRICT; STATING THE PERCENTAGE BY WHICH THE FINAL MILLAGE RATE AS ADOPTED HEREIN IS BELOW THE ROLLED-BACK MILLAGE RATE; STATING THE PERCENTAGE DECREASE OF PROPERTY TAXES FOR ORANGE COUNTY LIBRARY DISTRICT; PROVIDING AN EFFECTIVE DATE.

Robert Tessier, Comptroller, Orange County Library System, announced the final millage rates for fiscal year 2011-2012.

Motion/Second: Commissioners Russell/Damiani  
Absent: Commissioner Brummer  
AYE (voice vote): All present members  
Action: The Board approved Library District Governing Board adopted Final Millage Resolution 2011-M-40 for the Orange County Library District for fiscal year 2011-2012.

and

Consideration: A RESOLUTION ADOPTING FINAL BUDGETS FOR ORANGE COUNTY LIBRARY DISTRICT; STATING THE AMOUNT ADOPTED FOR EACH FUND; PROVIDING AN EFFECTIVE DATE.

Robert Tessier, Comptroller, Orange County Library System, announced the final budget rates for fiscal year 2011-2012.

Motion/Second: Commissioners Boyd/Russell

Absent: Commissioner Brummer


AYE (voice vote): All present members

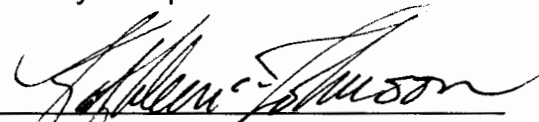
Action: The Board approved Library District Governing Board adopted Final Budget Millage Resolution 2011-M-41 for the Orange County Library District for fiscal year 2011-2012.

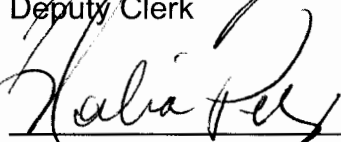
• ADJOURNMENT, 5:11 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

  
County Mayor

  
Deputy Clerk

  
Minutes Coordinator

