

JAN 08 2013 NP/CAS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, October 30, 2012
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Vice Mayor Jennifer Thompson; Commissioners S. Scott Boyd,
Fred Brummer, John Martinez, Ted Edwards; Tiffany Russell joined
the meeting where indicated
Member Absent: County Mayor Teresa Jacobs
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton

- CALL TO ORDER, 9:03 a.m.
- MEMBER JOINED: Commissioner Russell
- INVOCATION - Venerable Chueh Fan, Guang Ming Temple
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating November 10, 2012 as Orange County Recycles Day
- PUBLIC COMMENT

The following person addressed the Board for public comment: Barbara Anderson.

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Martinez/Boyd
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Board

- Deleted County Sheriff Item 1
- Deferred Administrative Services Department Items 8, 9

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

County Comptroller

1. Approval of the minutes of the August 28, 2012 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. Periods are as follows:

- October 12, 2012, to October 18, 2012; total of \$29,846,169.83
- October 19, 2012, to October 25, 2012; total of \$27,274,144.60.

(Finance/Accounting)

3. Disposition of Intangible and Tangible Personal Property as follows:
(Property/Accounting)
 - a. Dispose of assets
 - b. Dispose of software that is no longer used
 - c. Donate assets valued at \$70 to the Specialized Treatment Education and Prevention Services, Inc. (STEPS, Inc.)

County Sheriff

1. Approval of the Florida Department of Law Enforcement FY12 Edward Byrne Memorial Justice Assistance Grant in the amount of \$225,782 for the period of October 1, 2012 through September 30, 2013.

(This item was deleted.)

County Administrator

1. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official Board record. (Agenda Development Office)
2. Approval of Resolution 2012-M-44 of the Orange County Board of County Commissioners regarding DaVita Rx Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
3. Approval of a) Orange County, Florida and Economic Development Commission of Mid-Florida, Inc. Master Agreement for Fiscal Year 2012-2013 and authorization to disburse \$602,617 as provided in the FY 2012-2013 adopted budget; and b) Orange County, Florida and Economic Development Commission of Mid-Florida, Inc. Agreement Related to an Industrial Development Authority Fiscal Year 2012-2013. (Office of Economic, Trade and Tourism Development)
4. Approval to disburse CRA (Community Redevelopment Agency) funds totaling \$20,662,484 to Orange County's 15 Community Redevelopment Agencies. (Office of Management and Budget)

5. Approval of Certificate Regarding Matching Funds as required by the Florida Department of State/Division of Elections for the receipt and use of the Help America Vote Act funds in the amount of \$166,374.73, and approval to make a one-time payment of \$24,956.21 to the Orange County Supervisor of Elections as matching funds. (Office of Management and Budget)
6. Approval of budget transfers #12-1643, #13C-0008, and #13C-0019. (Office of Management and Budget)
7. Approval of CIP (Capital Improvements Program) amendments #13C-0008 and #13C-0019. (Office of Management and Budget)

County Attorney

1. Approval of proposed revision to Administrative Regulation 2.20, titled "Specific Project Expenditure Report."

Administrative Services Department

1. Approval of the Modification to SubGrant Agreement between the Division of Emergency Management and Orange County, Agreement Number: 09HM-06-06-58-01-005, Project Number: 1539-165-R, to wind retrofit eight community services facilities by extending the completion date to July 23, 2013, and increasing the federal share including administrative costs to \$612,350. (Capital Projects Division)
2. Approval to award Invitation for Bids Y12-1109-LC, Secondary Canal Weed Control, to the lowest responsive and responsible bidder, EarthBalance Corporation, in the estimated contract award amount of \$105,600 for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to exercise the Option Years 1 and 2 based on satisfactory performance and concurrence of the Roads and Drainage Division. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y13-102-DG, Soap and Paper Products for Orange County Convention Center, to the low responsive and responsible bidder, Dade Paper Company, in the estimated contract award amount of \$529,620 for a 1-year term contract, renewable by the Purchasing and Contracts Division for an additional two years. ([Convention Center] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-7016-PH, Sand Lake Road – Shingle Creek Forcemain Replacement, to the low responsive and responsible bidder, Prime Construction Group, Inc., for a total estimated contract award amount of \$698,725. ([Utilities Department Engineering Division] Purchasing and Contracts Division)

5. Approval of Amendment 5, Contract Y10-1034-GC, (Heating, Ventilating, and Air Conditioning) HVAC Preventative Maintenance and Repair Downtown Buildings, 33rd Street and Convention Center with Trane US, Inc. for an estimated amount of \$56,773.75 for a revised total estimated contract amount of \$728,017.50. ([Administrative Services Department] Purchasing and Contracts Division)
6. Approval of Contract Y12-1082-ZM, Occupational Medical Services Provider, with Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital Centra Care in the estimated contract award amount of \$4,222,314.30 for a 3-year period. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year periods. ([Office of Accountability Risk Management Division] Purchasing and Contracts Division)
7. Approval and execution of Hold Harmless/Maintenance Agreement and approval of Right of Entry between Donna Christie and Belynda Christie and Orange County, approval and execution of Hold Harmless/Maintenance Agreement and approval of Right of Entry between Frederick David Brown and Frances Maria Brown and Orange County for Lake O'Dell Sandbar/Sediment Removal Project. District 1. (Real Estate Management Division)
8. Approval and execution of Easement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County, Encroachment Agreement from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County, Subordination of Encumbrance to Property Rights to Orange County from Bellsouth Telecommunications, LLC and authorization to disburse funds to pay recording fees and record instruments for Sunland Center Site. District 6. (Real Estate Management Division)

(This item was deferred.)
9. Approval and execution of Subordination of Utility Interests from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County and authorization to disburse funds to pay recording fees and record instruments for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

(This item was deferred.)
10. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Vanessa Watts, approval and execution of County Deed from Orange County to Vanessa Watts and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 7622 Canfield Ct., Orlando, FL 32818 NCST (National Community Stabilization Trust). District 2. (Real Estate Management Division)

11. Approval of Utility Easements between BV-CFP Two, LLC and Orange County with Joinders and Consents of Mortgagee to Utility Easements from Branch Banking and Trust Company, Joinders and Consents of Association to Utility Easements from International Center Property Owners' Association, Joinders and Consents from Bonefish Grill, LLC and authorization to record instruments for ILH Interchange Center (Planned Development) PD (Bonefish Grill). District 1. (Real Estate Management Division)
12. Approval of Sidewalk Easement between BV-CFP Two, LLC and Orange County with Joinder and Consent of Mortgagee to Sidewalk Easement from Branch Banking and Trust Company, Joinder and Consent of Association to Sidewalk Easement from International Center Property Owners' Association, Joinder and Consent from Bonefish Grill, LLC and authorization to record instrument for ILH Interchange Center (Planned Development) PD (Bonefish Grill). District 1. (Real Estate Management Division)
13. Approval of Utility Easement between Racetrac Petroleum, Inc. and Orange County and authorization to record instrument for Racetrac #741–Utility File #42266. District 1. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 12-0738	LC 12-0739	LC 12-0740	LC 12-0741	LC 12-0742
LC 12-0743	LC 12-0744	LC 12-0745	LC 12-0747	LC 12-0828
LC 12-1010	LC 12-0822	LC 12-1027	LC 12-1079	LC 12-1098
LC 12-1102	LC 12-1123	LC 12-1125	LC 12-1185	LC 12-1273
LC 12-0731	LC 12-0875	LC 12-0876	LC 12-0986	LC 12-1020
LC 12-1086	LC 12-0808	LC 12-0916	LC 12-1017	LC 12-1090
LC 12-0976	LC 12-1016	LC 12-1093	LC 12-0695	LC 12-0794
LC 12-0924	LC 12-0999	LC 12-1000	LC 12-1030	LC 12-1064
2. Approval of Orange County, Florida and Oakland Nature Preserve, Inc., FY 2013 Grant Agreement between Orange County and Oakland Nature Preserve, Inc. in the amount of \$45,000 of donated funds for specified activities, programs, and services sponsored by this organization and set forth in this Agreement. District 1. (Environmental Protection Division)

3. Approval of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the after-the-fact request for waiver from Orange County Code, Chapter 15, Article IX, Section 15-342 (b) terminal platform size; with the condition that the Applicant pay \$794.14 to the Conservation Trust Fund, for Dock Construction Permit No. 10-086 for Bob Russell. District 1. (Environmental Protection Division)
4. Approval of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the after-the-fact request for waiver from Orange County Code, Chapter 15, Article IX, Section 15-344 (a) side setback distance, for Semi-Private Dock Construction Permit No. 10-056 for Skycrest Civic Association, Inc. District 4. (Environmental Protection Division)
5. Approval to process payment in the amount of \$191,487 to the East Central Florida Regional Planning Council for the Fiscal Year 2013 Annual Assessment. All Districts. (Planning Division)

Family Services Department

1. Approval of Fiscal Year 2012-2013 Safe Neighborhood Program Funding Distribution not to exceed the adopted or amended budget throughout the fiscal year. (All Districts) (Neighborhood Preservation and Revitalization Division)
2. Approval of the Municipality Grant Agreements between Orange County, Florida and the City of Belle Isle, Florida, the Town of Windermere, Florida, and Town of Eatonville, Florida for Municipality Partnership Grants to be funded from the 2012-13 Neighborhood Pride Grant program not to exceed \$20,765. (Districts 1, 2, and 4). (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval of Agreement between Orange County EMS Office of the Medical Director and Lake Emergency Medical Services, Inc. related to Distribution of Equipment. (EMS Office of the Medical Director)
2. Approval of US Department of Health and Human Services Substance Abuse and Mental Health Services Administration (Sober Truth On Preventing) STOP Act Grant Number: 1H79SP019355-01 in the amount of \$48,258 per year for four years, ending September 29, 2016 and authorization to accept future notices of awards during this four-year grant cycle. (Office for a Drug Free Community)

3. Approval of US Department of Health and Human Services Substance Abuse and Mental Health Services Administration SAMHSA Drug Courts Grant Number: 1H79TIO24188-01 for the Orange County Ninth Judicial Circuit Drug Court Program in the amount of \$250,000 per year for three years, ending September 29, 2015 and authorization to accept future notices of awards during this three-year grant cycle. (Office for a Drug Free Community)
 4. Approval of the renewal Alternative Transportation Service License for Access Lynx to provide wheelchair service. The term of this License is from October 1, 2012 through October 1, 2014. There is no cost to the County. (EMS Office of the Medical Director)
 5. Approval of Contract between Orange County, Florida and State of Florida Department of Health for Operation of the Orange County Health Department Contract Year 2012-2013. Orange County's cash contribution is a total of \$1,419,449 to be submitted to the Health Department in quarterly installments of \$354,862. (Health Services Department)
- 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. Greater Orlando Aviation Authority budget for fiscal year 2012-2013.
 - b. Minutes of the May 21, 2012 East Park Community Development District meeting.
 - c. Orange County Public Schools Analysis of Impact Fee Trust Fund for the Year Ended June 30, 2012.
 - d. Central Florida Sports Commission Audited Financial Statements for the Years ended December 31, 2011 and 2010.

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

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

- ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 8 DEFERRED

Approval and execution of Easement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County, Encroachment Agreement from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County, Subordination of Encumbrance to Property Rights to Orange County

from Bellsouth Telecommunications, LLC and authorization to disburse funds to pay recording fees and record instruments for Sunland Center Site. District 6. (Real Estate Management Division)

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 Progress Energy Florida, Inc.; is a client of Foley & Lardner LLP, my employer, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I. CONSENT AGENDA

E. ADMINISTRATIVE SERVICES DEPARTMENT

8. Approval and execution of Easement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County, Encroachment Agreement from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County, Subordination of Encumbrance to Property Rights to Orange County from Bellsouth Telecommunications, LLC and authorization to disburse funds to pay recording fees and record instruments for Sunland Center Site. District 6. (Real Estate Management Division)

Page 285-286"

and

• ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 9 DEFERRED

Approval and execution of Subordination of Utility Interests from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County and authorization to disburse funds to pay recording fees and record instruments for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

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 Progress Energy Florida, Inc.; is a client of Foley & Lardner LLP, my employer, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I. CONSENT AGENDA

E. ADMINISTRATIVE SERVICES DEPARTMENT

9. Approval and execution of Subordination of Utility Interests from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County and authorization to disburse funds to pay recording fees and record instruments for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail).
District 3.

(Real Estate Management Division)

Page 287-288"

Motion/Second: Commissioners Russell/Martinez

Absent: County Mayor Jacobs

Abstain: Commissioner Edwards

AYE (voice vote): Vice Mayor Thompson; Commissioners Boyd, Brummer, Martinez, Russell

Action: The Board approved execution of Easement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County, Encroachment Agreement from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County, Subordination of Encumbrance to Property Rights to Orange County from Bellsouth Telecommunications, LLC and authorized to disburse funds to pay recording fees and record instruments for Sunland Center Site; and further, approved execution of Subordination of Utility Interests from Florida Power Corporation d/b/a Progress Energy Florida, Inc. to Orange County and authorized to disburse funds to pay recording fees and record instruments for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail).

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of one firm and two ranked alternates under Request for Proposals Y12-1095-PD, to provide Graphic Design Services for Orange County Convention Center from the following five firms listed alphabetically:

- Corporate Design Associates
- The Cunningham Group, Inc.
- EVOK Advertising and Design
- Patterson/Bach Communications, Inc.
- Progressive Communications

Further request the Board authorize execution of the 3-year term contract renewable for two additional 1-year periods by the Purchasing and Contracts Division provided the

negotiated amount does not exceed the \$360,000. ([Convention Center] Purchasing and Contracts Division)

Motion/Second: Commissioners Brummer/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, EVOK Advertising and Design, and two ranked alternates, #1 Patterson/Bach Communications, Inc., and #2 Corporate Design Associates, to provide Graphic Design Services for Orange County Convention Center; and further, authorized execution of the 3-year term contract renewable for two additional 1-year periods by the Purchasing and Contracts Division provided the negotiated amount does not exceed the \$360,000, Request for Proposals Y12-1095-PD.

• UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1

Reclaimed Water Rates for Citrus Growers and Other Agricultural Uses. All Districts. (Administration)

The following person addressed the Board: David McIntyre.

• OFFICIAL RECOGNIZED: Former City of Orlando Mayor Bill Frederick

The following persons addressed the Board:

- Derek Bruce
- Former City of Orlando Mayor Bill Frederick
- Former City of Orlando Commissioner Tom Dorman
- Jerry Chicone
- County Comptroller Haynie

Commissioner Boyd 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 my relative. The measure before my agency and the nature of my conflicting interest in the measure is as follows: The discussion of free water for Conserv II and citrus growers came before the BCC. My family business has been a user of Conserv II Reclaim Water since the 1980's. While I do not have financial interests in the business the decision could impact a gain or loss to my family business."

Motion/Second: Commissioners Russell/Brummer

Absent: County Mayor Jacobs

Abstain: Commissioner Boyd

AYE (voice vote): Commissioners Brummer, Martinez, Russell

NO (voice vote): Vice Mayor Thompson; Commissioner Edwards

Action: The Board directed staff to work with the City of Orlando to eliminate the rate for Conserv II Reclamation Water for the citrus industry for those who currently have a

contract, or those who previously had a contract, as long as their property continues to remain in commercial agriculture.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Development Potential and Highest Best Use Land Study. (Convention Center)

The following persons addressed the Board:

- Bill Moss
- Brian Finnell

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 Rosen Plaza Hotel, is a client, I provide legal work and own a limited partnership interest in a limited partnership of the owner of Rosen Plaza Hotel, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

III. DISCUSSION AGENDA

C. COUNTY ADMINISTRATOR

1. Development Potential and Highest Best Use Land Study. (Convention Center)

Page 541"

Motion/Second: Commissioners Brummer/Russell

Absent: County Mayor Jacobs

Abstain: Commissioner Edwards

AYE (voice vote): Vice Mayor Thompson; Commissioners Boyd, Brummer, Martinez, Russell

Action: The Board directed Orange County staff to meet with representatives of the Rosen Hotel Chain. That they work out a plan for construction of a pedestrian bridge that would be practical to eventually connect to the Pointe Orlando property, the location of which would be within the guidelines set forth in CBRE report; and further, that Orange County staff, with the hotel representatives, develop a list of deal points and a Memorandum of Understanding for construction and financing of the first phase of such a pedestrian bridge and bring that proposal back to the Commission for the December 11, 2012 meeting.

- MEETING RECESSED, 12:01 p.m.

- MEETING RECONVENED, 2:05 p.m.

Members Present: Vice Mayor Jennifer Thompson; Commissioners S. Scott Boyd, Fred Brummer, John Martinez, Ted Edwards, Tiffany Russell

Member Absent: County Mayor Teresa Jacobs

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, OCTOBER 4, 2012

Motion/Second: Commissioners Martinez/Russell

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of October 4, 2012; subject to the usual right of appeal by any aggrieved party.

- PETITION TO VACATE PUBLIC HEARING

Applicant: Gary T. Randall

Consideration: Resolution granting Petition to Vacate 10-12, vacating a portion of a 100 ft wide unopened road right of way known as Moss Park Road

Location: District 4; One site address is 11001 Moss Park Road, the other site is unaddressed; Parcel IDs 09-24-31-0000-00-003 and 09-24-31-0000-00-021; S09/T24/R31; Orange County, Florida (legal property description on file)

The following person addressed the Board: Robert Gebaide.

Motion/Second: Vice Mayor Thompson/Commissioner Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate 10-12 vacating a portion of a 100 ft wide unopened road right of way known as Moss Park Road, on the described property.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Northeast Resort Parcel (aka NERP PD) Planned Development - Phase 2 Preliminary Subdivision Plan submitted in accordance with Orange County Code Article II, Section 34-27; This plan proposes to construct 75 single-family dwelling units on 66.69 acres.

Location: District 1; property generally located South of Winter Garden Vineland Road / West of Bonnet Creek Parkway; Parcel IDs 17-24-28-0000-00-002, 17-24-28-0000-00-026, 18-24-28-0000-00-002, 18-24-28-3102-20-000; Orange County, Florida (legal property description on file in Development Engineering Division)

Clerk's Note: After the Notice of Public Hearing published in the newspaper and landowners' notifications were distributed, the request was modified by County staff as follows:

Consideration: Northeast Resort Parcel (aka NERP PD) Planned Development - Phase 2 Preliminary Subdivision Plan submitted in accordance with Orange County Code Article II, Section 34-27; This plan proposes to construct 75 single-family dwelling units, with a minimum living area of 1,200 square feet, on 66.69 acres.

The following person addressed the Board: Kathy Hattaway Bengochea.

Motion/Second: Commissioners Boyd/Martinez

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Northeast Resort Parcel (aka NERP PD) Planned Development - Phase 2 Preliminary Subdivision Plan (PSP) on the described property, subject to the following conditions:

1. Development shall conform to the Northeast Resort Parcel (aka NERP) Planned Development; Orange County Board of County Commissioners (BCC) approvals; Phase 2 Preliminary Subdivision Plan dated "Received September 18, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received September 18, 2012," 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. This development is proposed to have private streets and is a continuation of an existing gated community previously approved by the BCC. However, because the ownership and maintenance of the infrastructure is atypical, some portions of the requirements of Sections 34-280, 34-290 and 34-291 of the Gated Community Ordinance are not applicable and are therefore waived. A Developers' Agreement addressing all pertinent gated communities' requirements applicable to this development, including but not limited to, platting requirements, access requirements, capital account requirements, notification requirements, and inspection requirements, was executed by the developer and approved by the Board of County Commissioners on June 24, 2008.
4. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.
5. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
6. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
8. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approved Master Utility Plan for this PD.
9. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Thomas R. Sullivan, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Chick-A-Ford Neighborhood Center Planned Development (PD) Land Use Plan (LUP), (Case #CDR-11-12-281)

Consideration: Substantial change request to change 12,000 square feet of P-O uses to 20,000 square feet of C-1 Commercial uses with certain prohibited uses for a total of 31,246 square feet of C-1 Commercial uses; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 3; property generally located south of Curry Ford Road, west of S. Chickasaw Trail; Parcel IDs 12-23-30-0000-00-004; (034); and (055); S/T/R: 12/23/30; Orange County, Florida (legal property description on file)

The following person addressed the Board: Tom Sullivan.

Motion/Second: Commissioners Martinez/Edwards

Absent: County Mayor Jacobs

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 Thomas R. Sullivan, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Chick-A-Ford Neighborhood Center Planned Development (PD) Land Use Plan (LUP), to change 12,000 square feet of P-O uses to 20,000 square feet of C-1 Commercial uses with certain prohibited uses for a total of 31,246 square feet of C-1 Commercial uses; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Chick-A-Ford Neighborhood Center PD Land Use Plan dated "Received September 5, 2012," 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 "Received September 5, 2012," 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. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
4. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

5. The Developer shall obtain water and wastewater service from Orange County Utilities.
6. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
7. Outdoor sales, storage and display shall be prohibited.
8. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
9. The following uses are prohibited: Pawn shops, tattoo parlors, escort services, cocktail lounges/pubs/bars, liquor stores, warehousing, community residential, escort services, short term rental/resort residential/resort villa, boarding/lodging/rooming houses, single-family unit in conjunction with a commercial use, fire stations, housing authorities, jails/correctional institutions, and religious institutions.
10. No Development shall occur on parcel # 12-23-30-0000-00-055.
11. No Development shall occur on Lot 2 until lot 1 is brought into compliance with the current Orange County Landscaping requirements.
12. The following BCC Conditions of Approval dated June 29, 1982, shall apply
 - a. Development shall be in accordance with the following transportation requirements:
 - 1) Access points on Curry Ford Road and Chickasaw Trail shall be limited to one each.
 - 2) Turn lanes and intersection improvements will be constructed by the developer and must meet the approval of the County Engineer.
 - 3) Developer will participate in the cost of signalization of Chickasaw Trail and Curry Ford Road intersection, with the developers cost not to exceed 25 percent of the cost of the improvement.
 - b. Stormwater Management:

- 1) One (1) master stormwater retention area shall be provided.
- 2) Stormwater Management plan shall comply with Orange County Subdivision Regulations and shall be subject to the approval of the County Engineer and the Director of Pollution Control.
- 3) Retention/detention facilities shall be designed for storage of the difference between pre/post developed condition runoff from a 25 year, 24 hour - 8.6" storm, with peak rate of discharge limited to pre-developed conditions.
- 4) A soils report will be required from a certified soils laboratory for the retention area. Permeability tests are required. Borings shall indicate (American Association of State Highway and Transportation Officials) AASHTO soils classification, gradation, determination of water table elevation (24 hour test), and anticipated wet/dry season fluctuation.
- 5) Compensating storage will be required for all fill material placed below the 100 Year Flood Elevation 85.0.
- 6) Minimum building pad elevation is established at elevation 86.5 ((National Geodetic Vertical Datum) NGDV 1929).

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY PARKS AND RECREATION IMPACT FEE ORDINANCE CODIFIED AT ARTICLE VI, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 23-175 ("SHORT TITLE, AUTHORITY AND APPLICABILITY"); AMENDING SECTION 23-176 ("DEFINITIONS"); AMENDING SECTION 23-178 ("FINDINGS AND DECLARATIONS"); AMENDING SECTION 23-180 ("IMPACT FEES; COMPARABLE USES, ADJUSTMENTS; PERIODIC ADJUSTMENTS; TIME OF PAYMENT"); AMENDING SECTION 23-181 ("PRESUMPTIONS, LIMITATIONS, AGREEMENTS AND SECURITY FOR REVIEW REQUIREMENTS"); AMENDING SECTION 23-182 ("CREDITS"); AMENDING SECTION 23-183 ("EXEMPTIONS AND DISCOUNTS"); AMENDING SECTION 23-185 ("PARKS AND RECREATION FACILITY FIVE-YEAR CAPITAL IMPROVEMENT PLAN"); DELETING SECTION 23-188 ("PILOT PROGRAM FOR DEFERRAL OF IMPACT FEES FOR WORKFORCE HOUSING"); AND PROVIDING AN EFFECTIVE DATE.

The following person addressed the Board: Steve Tindale.

Motion/Second: Commissioners Russell/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of sufficiency with Sec. 30.2 of the Orange County Code relating to Economic Impact; further, made a finding of consistency with the Comprehensive Plan; further, approved the Parks and Recreation Impact Fee Study Update; and further, adopted Ordinance 2012-17, amending Orange County Code, Chapter 23, pertaining to Parks and Recreation Impact Fees with an effective date of November 5, 2012.

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY FIRE RESCUE IMPACT FEE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

The following person addressed the Board: Clancy Mullen.

Motion/Second: Commissioner Martinez/Vice Mayor Thompson

Absent: County Mayor Jacobs; Commissioner Russell

AYE (voice vote): All present members

Action: The Board made a finding of sufficiency with Sec. 30.2 of the Orange County Code relating to Economic Impact; further, made a finding of consistency with the Comprehensive Plan; further, approved the Fire Rescue Impact Fee Study Update; and further, adopted Ordinance 2012-18, amending Orange County Code, Chapter 23, pertaining to Fire Rescue Impact Fees with an effective date of February 4, 2013.

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY LAW ENFORCEMENT IMPACT FEE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Motion/Second: Commissioners Edwards/Martinez

Absent: County Mayor Jacobs; Commissioner Russell

AYE (voice vote): All present members

Action: The Board continued the public hearing until December 18, 2012, at 2 p.m.

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY IMPACT FEE ORDINANCES CODIFIED AT CHAPTER 23, ORANGE COUNTY CODE (EXCLUDING THE SCHOOL IMPACT FEE ORDINANCE), BY EXTENDING THE PERIOD FOR THE TWENTY-FIVE PERCENT REDUCTION FOR EACH IMPACT FEE UNTIL THE EFFECTIVE

DATE OF A REVISED IMPACT FEE SCHEDULE FOR EACH
ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

The following person addressed the Board: R.P. Mohnacky.

Motion/Second: Commissioners Brummer/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, adopted Ordinance 2012-19, amending Orange County Code, Chapter 23, pertaining to Twenty-Five Percent Reduction Impact Fees with an effective date of November 5, 2012; with deletion to: Line 399 (page 12), through Line 530 (page 15).

• SHORELINE ALTERATION/DREDGE FILL PUBLIC HEARING

Applicant: Taylor Morrison of Florida, Inc.

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to dredge the lake bottom of Lake Hancock immediately adjacent to the referenced parcels, pursuant to Orange County Code, Chapter 15, Article VI

Location: District 1; on property located adjacent to Lake Hancock, located at 7104, 7110, 7116, 7122, 7128, and 7134 Tickelgrass Street and 14931, 14937 and 14943 Gaulberry Run within the Independence Subdivision; Parcel IDs 28-23-27-8129-06-700, 28-23-27-8129-06-720, 28-23-27-8129-06-750, 28-23-27-8129-06-760, 28-23-27-8129-06-770, 28-23-27-8129-06-780, 28-23-27-8129-06-690, 28-23-27-8129-06-730, 28-23-27-8129-06-740, 28-23-27-8129-06-710; Section 28, Township 23, Range 27 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

The County Mayor noted the applicant present and in agreement with staff.

Motion/Second: Commissioner Boyd/Vice Mayor Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by Taylor Morrison of Florida, Inc. for a Shoreline Alteration/Dredge and Fill Permit to dredge the lake bottom of Lake Hancock immediately adjacent to the referenced parcels, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day period following the date the filing of the determination of the Board of County Commissioners' decision with the clerk, unless a petition of rehearing or other legal challenge has been filed within this timeframe. Any timely filed petition

or other legal challenge shall stay the effective date of this permit until any the rehearing or other legal challenge is resolved in favor of the Board's decision.

2. Construction activities shall be completed in accordance with Sheet 1 and 2 of the "Dredging Site Plan" dated as received on August 28, 2012, 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 six months or completed within a year this permit is void.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda, if there are no changes.
4. All dredged debris material shall be removed to an upland location and stabilized appropriately.
5. The organic detritus material that lies on top of the natural mineral substrate shall be removed to a depth of three (3) feet or until natural mineral substrate, whichever is less.
6. Future docks built on lots 669-678 of the Independence Subdivision will require a permit pursuant to Chapter 15, Article IX, and shall constructed within the proposed dredge area in a manner that will not impede navigation or the ability of an adjacent lot owner to construct a dock, as determined by EPD. This restriction shall be recorded as part of the covenants and restrictions, and shall be part of the documents provided to the purchasers of said lots.
7. The permittee shall conduct a baseline water quality monitoring event (at least 48 hours prior to the commencement of the permitted activity) and post activity water quality monitoring that includes the following parameters: pH, temperature, dissolved oxygen, turbidity, and nutrients (total nitrogen and total phosphorus). The depth of the collection shall be at 0.5 meters. Laboratory analyses shall be completed by a (National Environmental Laboratory Accreditation) NELAC certified lab; field measured conditions calibration error allowances shall be that as listed in (Florida Department of Environmental Protection) FDEP (Standard Operating Procedure) SOP (Feet) FT 10000.
8. The permittee shall complete the water quality monitoring pursuant to the Water Quality Monitoring Program dated received August 28, 2012, by EPD.
9. The permittee is required to maintain the turbidity and erosion control measures until EPD has approved, in writing, that the post activity water quality monitoring results indicate the project area meets the baseline monitoring results.
10. Disturbed portions of the adjacent buffer and conservation area shall be replanted within thirty days of completion of the approved activity. The planting must be

implemented in accordance with the planting plan submitted by Bio-Tech Consulting, Inc. dated received August 28, 2012, by EPD.

11. The Permittee shall submit a time zero monitoring report to EPD within thirty days of completion of the replanting.
12. Successful establishment of the replanted area will have occurred when:
 - a. At least eighty-five (85) percent cover by appropriate wetland herbaceous species has been obtained, and
 - b. The replanted area comprises less than ten (10) percent nuisance vegetation and less than five (5) percent exotic vegetation, and
 - c. The above criterion has been met at the end of a two (2) year monitoring period to EPD's satisfaction.
13. The Permittee shall submit annual monitoring reports on the EPD Qualitative Monitoring Form or a monitoring report that contains the following information (site location, (Global Positioning System) GPS location of fixed transect, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, results and discussion). If at the end of the two (2) year monitoring period, the replanted area is not meeting the success criteria stated in Condition 12, the Permittee is required to provide a restoration plan to EPD for review and approval, and may be required to continue monitoring until success has been demonstrated.
14. No filling is approved with this permit.

General Conditions:

15. 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 (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

23. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.

• OFFICIAL RECOGNIZED: City of Ocoee Commissioner Rusty Johnson

• SOLID WASTE MANAGEMENT FACILITY PERMIT PUBLIC HEARING

Applicant: Raynor Shine Recycling Solutions, LLC.
Consideration: Request for Solid Waste Management Facility Permit for a Yard Trash Recycling Facility, pursuant to Orange County Code, Chapter 32, Article V, Solid Waste Management Ordinance, Section 32-214(j)
Location: District 1; located at 850 Ocoee-Apopka Road, Ocoee, Florida; Parcel ID 07-22-28-0000-00-021; Orange County, Florida (legal property description on file in the Environmental Protection Division)

The following persons addressed the Board:

- Jim Golden
- City of Ocoee Commissioner Rusty Johnson

- Scott West

Motion/Second: Commissioners Boyd/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): Vice Mayor Thompson; Commissioners Boyd, Martinez, Edwards, Russell

NO (voice vote): Commissioner Brummer

Action: The Board approved the request by Raynor Shine Recycling Solutions, LLC, for a Solid Waste Management Facility Permit for a Yard Trash Recycling Facility, on the described property, subject to the following conditions:

General:

1. In the case of any conflict among these conditions, or between these conditions and applicable laws, the more extensive and restrictive requirements shall apply.
2. All plans, reports and other supporting documents submitted with the permit application, as approved, are incorporated as part of this permit, and operation shall proceed in accordance with these documents and the permit conditions. This permit includes, at a minimum, the following documents:
 - a. Permit Application dated May 16, 2011
 - b. Specific Project Expenditure Report dated May 2011
 - b. EPD (Environmental Protection Division) Completeness Review 1 (CR1) dated August 11, 2011
 - c. Response to CR1 dated October 10, 2011
 - d. EPD Request for Additional Information (email) dated February 2, 2012
 - e. Response to EPD questions dated February 7, 2012
 - f. Preliminary/Final Site Plan (draft) dated April 2012 submitted to EPD
 - g. Preliminary/Final Site Plan dated April 2012 (as approved by the City of Ocoee by action of the City Commission on October 2, 2012)
3. Facility construction and operations based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
4. Facility construction and operations 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 his or her authorized agent) to the BCC at the public hearing where this permit was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the permit, could have reasonably been expected to have been relied upon by the BCC in approving the permit, or could have reasonably induced or otherwise influenced the BCC to

approve the permit. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the permit was considered or approved.

5. Any modifications to or deviations from this permit must be submitted to the EPD for review. The EPD shall determine if the modification or deviation is minor, or is major or substantial. The EPD may approve or deny minor modifications or deviations. Only the BCC may approve substantial deviations from, or major modifications to, this permit.
6. It shall be the responsibility of the applicant to obtain any and all applicable zoning and land use approvals from the municipality. Issuance of a county permit pursuant to this article does not relieve the permittee from complying with all other applicable federal, state, and local rules and regulations, including, but not limited to, any applicable municipal zoning or land use regulations.

Waste Quality Control:

7. Each shipment of incoming waste must be inspected by a spotter, or interim spotter, trained and performing duties in accordance with (Florida Administrative Code) FAC 62-701. Spotters shall perform their duties from a location where they can thoroughly inspect each shipment of waste for prohibited materials. The spotter(s) shall have the authority and responsibility to reject unauthorized loads. If unauthorized waste is identified during or after unloading, the spotter(s) shall have the authority and responsibility to reload the customer's vehicle for removal from the site. Finally, if reloading is not feasible, the spotter(s) shall have the authority and responsibility to assess appropriate surcharges and have the unauthorized material removed by on-site personnel. In all instances, the transporter and generator of the unauthorized solid waste must be notified to prevent future occurrences, and a log of all such unauthorized waste shipments shall be maintained at the site.

Community Issues:

8. The permitted routes for vehicular access to and from the site are those approved by the BCC. Those are:
 - a. On Ocoee-Apopka Road ((County Road) CR 437) south of the site to/from Franklin Street ((State Road) SR 438).
 - b. On Ocoee-Apopka Road ((County Road) CR 437) south of the site, and Maguire Road, to/from Colonial Drive ((State Road) SR 50).
 - c. On Ocoee-Apopka Road ((County Road) CR 437) north of the site to/from Fullers Cross Road.

9. The permittee shall be responsible for cleanup of all litter generated from the permittee's operation per Section 32-216(a) (13), OCC. In addition, on an as needed basis, but not less than once per week, the permittee shall be responsible for cleanup of customer-generated litter from Ocoee-Apopka Road, between W Silver Star Road and Fuller's Cross Road. Cleanup shall take place along publicly accessible rights-of-way and with all necessary safety precautions.
10. The applicant may be required to construct improvements (such as the addition of turning lanes) to public roads used for site access if the City of Ocoee determines that the facility will significantly impede the flow of traffic on the public roads used for site access.

Reporting and Record Keeping:

11. The following items shall be maintained and available for review at the facility:
 - a. A copy of the complete permit including plans, reports, and other supporting documents.
12. The following items shall be maintained and available for review at the facility for a period of at least 3 years:
 - a. Unauthorized waste receipt logs maintained in an unauthorized waste receipt logbook.
 - b. Manifests for any hazardous waste, universal waste, or regulated nonhazardous waste, shipped offsite.

Fires, Emergency Preparedness, and Continuity of Operations:

13. The operator shall inform the EPD immediately of any fires that persist longer than 1 hour.

Waivers:

14. A waiver from Section 32-216 (a)(11), to allow a reduction of setback from the required 150 feet, in accordance with the City of Ocoee approved site plan.
15. A waiver from Section 32-216 (a) (11) and (b) (3), to allow reduced landscaped buffering in accordance with the City of Ocoee approved site plan.
16. A waiver from Section 32-216 (b) (6), to allow a stormwater management system in accordance with the City of Ocoee approved site plan.
17. A waiver from Section 32-216 (a)(13)a., to not require a 6-foot chain link fence around the entire facility, but allow site access to be controlled by the use of a

combination of fencing and other physical barriers as approved by EPD and in accordance with the City of Ocoee approved site plan.

18. A waiver from Section 32-215 (a)(21), to not require a signed fire fighting agreement, but allow fire fighting services provided by Ocoee Fire/Recue to be in accordance with the City of Ocoee approved site plan.

AND

Motion/Second: Commissioners Boyd/Russell

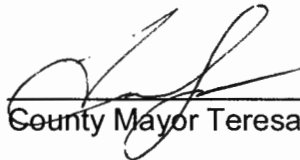
Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by Raynor Shine Recycling Solutions, LLC to grant a waiver to reduce the application fee from \$6,592.00 to \$3,765.00.

• ADJOURNMENT, 3:03 p.m.

ATTEST:



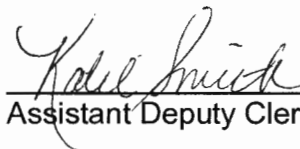
County Mayor Teresa Jacobs

Date: **JAN 08 2013**

ATTEST SIGNATURE:

Martha O. Haynie

County Comptroller as Clerk



Assistant Deputy Clerk

