

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 10, 2014  
Location: Commission Chambers, Orange County Administration Center,  
First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Teresa Jacobs; Commissioners Fred Brummer, Pete  
Clarke, Jennifer Thompson; Commissioner Tiffany Moore Russell  
joined the meeting where indicated.  
Members Absent: Commissioners S. Scott Boyd and Ted Edwards  
Others Present: Chief Deputy Comptroller Margaret A. McGarrity as Clerk, County  
Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton,  
Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 9:07 a.m.
- INVOCATION - Pastor Jim Page, Apopka Calvary Church Of The Nazarene
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Clint Graumann
- Elizabeth Pinkston
- MEMBER JOINED: Commissioner Moore Russell
- PUBLIC COMMENT CONTINUED:

The following persons addressed the Board for public comment:

- Pete Dunkelberg
- Wayne Hulme
- Jay Small
- Mary Wilson
- Jonathan Claber
- Erro Jacobs
- Ben Shoemaker
- Benjamin Purdum
- Chuck Hankins
- Jeannie Tiedeman
- Marge Holt
- Amy Stiling
- Dwayne Thompson

- Stacy Guenin
- Natalie Young

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Clarke/Thompson

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Mayor deferred action on County Administrator Item 4 for consideration with public hearing pertaining to Local Option Gas Tax; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. 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: May 30, 2014, to June 5, 2014; total of \$43,256,946.39. (Finance/Accounting)

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments. (Agenda Development Office)
  - A. Disability Advisory Board: Appointment of Clinton Jackson to succeed Severo Santamaria in the at large representative category with a term expiring June 30, 2016.
  - B. Environmental Protection Commission: Appointment of Jonathan Huels to succeed Joel A. Thomson in the environmental specialist representative category with a term expiring December 31, 2015.
  - C. Health Facilities Authority: Appointment of Leonard H. Habas to succeed John J. Coffey in the at large representative category with a term ending December 31, 2017.
  - D. Tourist Development Council: Appointment of Samuel W. Lau to succeed Randy Garfield in the owner/operator subject to the tax representative category with a term expiring April 30, 2017.
  - E. Underground Utility Pipeline Contractors Board of Examiners: Appointment of David V. Hayes in the underground utilities, general, plumbing, or pipeline contractor representative category with a term expiring December 31, 2015.
2. Confirmation of Mayor Jacobs' appointment of Ramon E. Morales to the Orange County Citizen Corps Council with a term expiring December 31, 2014. (Agenda Development Office)

3. Approval of 2014-2015 Fiscal Year Funding Agreement by and between Orange County and the International Drive Master Transit and Improvement District. (Convention Center)
4. Approval of Orange County/Orlando Interlocal Agreement regarding distribution of Six Cent Local Option Gas Tax revenues. (Office of Management and Budget)  
  
(This item was deferred.)
5. Approval for the Orange County Sheriff's Office to spend \$1,500 from the Law Enforcement Trust Fund to provide eligible contributions to the Florida Missing Children's Day Foundation, Inc. (\$500) and Young Fathers of Central Florida (\$1,000). (Office of Management and Budget)
6. Approval of budget amendment #14-35. (Office of Management and Budget)
7. Approval of budget transfer #14C-0129. (Office of Management and Budget)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y14-1006-J2, Installation, Maintenance and Monitoring for Landfill Gas Collection for Orange County Landfill Cells 9 and 10, to the low responsive and responsible bidder, SCS Field Services, in the estimated annual contract award amount of \$1,133,422.57. Further, authorized the Procurement Division to exercise contract option years one and two. ([Utilities Department Solid Waste Division] Procurement Division)
2. Approval to award Invitation for Bids Y14-764-MM, Orange County Convention Center West Building Phase I Hall D Catwalk Power, to the low responsive and responsible bidder, Comelco, Inc., for the total contract award amount of \$992,153. ([Convention Center Capital Planning Division] Procurement Division)
3. Approval to award Invitation for Bids Y14-772-MM, Orange County Convention Center Exhibit Drive Pavement Rehabilitation, to the low responsive and responsible bidder, Valencia Construction Group, for the total contract award amount of \$424,420. ([Convention Center Capital Planning Division] Procurement Division)
4. Approval to award Invitation for Bids Y14-776-J2, Little Lake Fairview and Lake Fair Drainage Wells Replacement and Abandonment, to the low responsive and responsible bidder, Henderson Wilder, Contractor, in the estimated contract award amount of \$427,017. ([Public Works Department Stormwater Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y14-783-MM, Orange County Convention Center West Building Dock 7 Server Room AHU Addition, to the low responsive and responsible bidder, Air Mechanical & Service Corp, for the total contract award

amount of \$150,670. ([Convention Center Capital Planning Division] Procurement Division)

6. Approval of Purchase Order M68352 for the Renewal of Support and Annual Maintenance for Oracle Databases with Oracle USA, Inc. in the amount of \$703,381.43, for the period of June 1, 2014 through May 31, 2015. ([Office of Accountability Information Systems and Services Division] Procurement Division)
7. Approval of Purchase Order M68354, Renewal of Annual Maintenance for the E911 Positron Viper System, with AT&T in the amount of \$888,915. ([Office of Accountability Information Systems and Services Division] Procurement Division)
8. Approval and execution of Permission to Enter Property (Entry Agreement) between Orange County and The Bok Tower Gardens Foundation, Inc., d/b/a Bok Tower Gardens and delegation of authority to the Real Estate Management Division to exercise renewal option, if needed for Water Conserv II – Bok Tower ROE. District 1. (Real Estate Management Division)
9. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Cathleen Senior, approval and execution of County Deed from Orange County to Cathleen Senior and authorization to perform all actions necessary and incidental to closing for NSP Resale – 1105 Hackberry Dr., Orlando, FL 32825 (NCST). District 4. (Real Estate Management Division)
10. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Stefany Dos Santos, approval and execution of County Deed from Orange County to Stefany Dos Santos and authorization to perform all actions necessary and incidental to closing for NSP Resale – 5416 Higgins Way, Orlando, FL 32808. District 2. (Real Estate Management Division)
11. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase and Addendum to Contract between Orange County and Glenroy Harrison, approval and execution of County Deed from Orange County to Glenroy Harrison and authorization to perform all actions necessary and incidental to closing for NSP Resale – 6433 Undine Way, Orlando, FL 32818. District 2. (Real Estate Management Division)
12. Approval of Donation Agreement, Drainage Easement and Right of Entry between LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (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. Districts 2, 3, and 6. (Code Enforcement Division)

LC 14-0565	LC 14-0088	LC 14-0491	LC 14-0530	LC 14-0581
LC 14-0607	LC 14-0391	LC 14-0502	LC 14-0536	LC 14-0582
LC 14-0648	LC 14-0414	LC 14-0505	LC 14-0537	LC 14-0583
LC 14-0665	LC 14-0422	LC 14-0513	LC 14-0551	LC 14-0596
LC 14-0466	LC 14-0424	LC 14-0519	LC 14-0556	LC 14-0597
LC 14-0576	LC 14-0442	LC 14-0520	LC 14-0571	LC 14-0603
LC 14-0015	LC 14-0443	LC 14-0523	LC 14-0574	LC 14-0605
LC 14-0085	LC 14-0474	LC 14-0525	LC 14-0580	LC 14-0606

2. Approval of Conservation Area Impact Permit Modification CAI-14-05-012 Designating a Mitigation Plan Modification for Bridgewater Development/Stillwater Crossing (aka Summerport). District 1. (Environmental Protection Division)
3. Approval of DEP Agreement No. S0701 State of Florida Grant Agreement Pursuant to Line Item 1735 of the 2014-2015 General Appropriations Act between the State of Florida Department of Environmental Protection and Orange County Board of County Commissioners, in the amount of \$90,008.12, relating to the regulation of major air permitting sources and authorization for the Community, Environmental and Development Services Department Deputy Director to make non-substantial amendments or amendments to the contract for additional service periods, subject to availability of funds from the Florida Department of Environmental Protection. All Districts. (Environmental Protection Division)
4. Approval of Proportionate Share Agreement for Town Park Multi-Family Woodbury Road: From Lake Underhill Road to Waterford Lakes Parkway and from Waterford Lakes Parkway to Colonial Drive by and between UCFP Owner, LLC and Orange County for a proportionate share payment in the amount of \$46,231. District 5. (Roadway Agreement Committee)
5. Approval of 1) Amended and Restated 2006 Innovation Way/Beachline Interchange Agreement by and among Suburban Land Reserve, Inc., Orange County, and Orlando-Orange County Expressway Authority; and 2) Memorandum of Amended and Restated 2006 Innovation Way/Beachline Interchange Agreement between Suburban Land Reserve Inc., Orange County, Florida, and Orlando-Orange County Expressway Authority. District 4. (Roadway Agreement Committee)

## Family Services Department

1. Approval of June 2014 Neighborhood Pride Entranceway Grant as recommended by the Neighborhood Grants Advisory Board for Clarcona Cove Subdivision (\$5,000). District 2. (Neighborhood Preservation and Revitalization Division)
2. Approval of Heart of Florida United Way for June 2014 Neighborhood Pride Nonprofit Housing Repair Grant as recommended by the Neighborhood Grants Advisory Board in an amount not to exceed the budgeted amount of \$15,100. District 5. (Neighborhood Preservation and Revitalization Division)

### • INFORMATIONAL ITEMS

#### County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Palazzo del Lago Community Development District Proposed Fiscal Year 2015 Operations Budget.
  - b. Jurisdictional Boundary Map Update in reference to Ordinance No. 2014-9, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the city certain land generally located at the northwest corner of the intersection of Narcoossee Rd and McCoy Rd and comprised of 25.21 acres, more or less; providing legislative findings and for the revision of the City's boundaries; providing for severability, correction of scrivener's errors and an effective date.
  - c. Minutes of the January 27, 2014, East Park Community Development District meeting.

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

### • COUNTY WORK SESSION AGENDA

#### Office of Regional Mobility

1. Osceola Parkway Extension. District 4.

### • RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Clarke.

Clif Tate, Kimley-Horn and Associates, Inc., gave a presentation regarding the extension of the Osceola Parkway in Orange and Osceola Counties. The presentation included a review of the project development and environmental study.

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Clarke.

Action: None

- COUNTY DISCUSSION AGENDA

Corrections Department

1. Corrections Strategic Update.

County staff presented an overview and update on the implementation of the assessment recommendations regarding home confinement and the Community Corrections Division.

The following person addressed the Board: Gary Christensen.

Action: None

County Administrator

1. Appointment of Commissioner Clarke to serve on the MetroPlan Orlando Board of Directors and appointment of Commissioner Brummer to serve as the County's permanent alternate with terms expiring December 1, 2014. (Agenda Development Office)

Motion/Second: Commissioners Brummer/Moore Russell

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board appointed Commissioner Clarke to serve on the MetroPlan Orlando Board of Directors; and further, appointed Commissioner Brummer to serve as the County's permanent alternate with terms expiring December 1, 2014.

Administrative Services Department

1. Selection of one firm and one alternate to provide Continuing Professional Water and Wastewater Facilities Program Management, Request for Proposals Y14-905-PH, from the following two firms listed alphabetically.

- Carollo Engineers, Inc.

- Hazen and Sawyer, PC

Further recommend the Board authorize execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The contract will be for three years with two 1-year renewals.

([Utilities Department Engineering Division] Procurement Division)

Motion/Second: Commissioners Thompson/Moore Russell

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board selected one firm, Carollo Engineers, Inc., and one alternate, Hazen and Sawyer, PC, to provide Continuing Professional Water and Wastewater Facilities Program Management; and further, authorized execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The contract will be for three years with two 1-year renewals, Request for Proposals Y14-905-PH.

Office of Regional Mobility

1. MetroPlan Orlando Board Meeting Briefing.

County staff provided an overview of the Agenda for the upcoming MetroPlan Orlando Board meeting.

Action: None

Utilities Department

1. Approval to establish the haulers compensation rates as listed and set the MSBU at \$235 for Program Year 2015 and authorization to include the Tentative Mandatory Refuse Collection Rate of \$235 on the 2014 Notice of Proposed Taxes. All Districts. (Solid Waste Division)

01:59:04

Motion/Second: Commissioners Clarke/Thompson

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board approved the tentative Mandatory Refuse and Recycling Program MSBU for 2015 at \$235.00; and further, set the annual rate of compensation to the haulers as follows:

Tentative MSBU:	Hauler Compensation:	
\$235.00 per household per year	<u>Zone</u>	<u>2015</u>
	1	\$189.22
	2	\$182.23
	3	\$189.22
	4	\$181.17
	5	\$186.71

• MEETING RECESSED, 11:06 p.m.



• MEETING RECONVENED, 1:47 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners Fred Brummer, Pete Clarke, Jennifer Thompson, Tiffany Moore Russell

Members Absent: Commissioners S. Scott Boyd and Ted Edwards

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

• PRESENTATION

Employee Service Awards to: Harriett Patricia Davis (20), Housing and Community Development, Community, Environmental, and Development Services; Jerome Fowler (25), Vincent Lance Page (25), Edwin Nazario (20), Security Operations, Gregory A. Waters (30), Inmate Administration, Ada N. Perez-Rivera (25), Community Corrections; Flor Tellado (30), Solid Waste, Christopher Zimzores (30), Field Services, Utilities

• PRESENTATION

Florida Network Award of Excellence to the Orange County Youth Shelter and Family Counseling as Florida Network Agency of the Year

• COUNTY DISCUSSION AGENDA

Community, Environmental and Development Services Department

1. Tymber Skan Condominiums. District 6. (Code Enforcement Division)

County staff provided an update regarding metering options and costs for the provision of water services for residents residing in the Tymber Skan condominiums. The presentation included a proposed plan for water services in Sections 1 and 3 only as follows:

- County/OUC will negotiate settlement on debt
- Forego immediate infrastructure improvements
- Establish flat rate for water and wastewater services:
  - Based on size of dwelling
  - To include master meter costs and infrastructure maintenance
- All services on OUC bill
- Contingent on pre-pay option:
  - Non-payment will result in disconnection of electricity

Action: None

• COUNTY WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Convention Plaza District Update.

County staff presented an update regarding the International Drive Convention Plaza District including its history, development standards, and potential expansion. County staff also discussed key land use considerations including urban infill challenges, parking strategies, and branding opportunities, and how these issues can be addressed in a comprehensive visioning process that engages International Drive area stakeholders.

Action: None

• PUBLIC HEARINGS

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

Ordinance

1. Amending Orange County Code, Article V of Chapter 25 and Repealing Orange County Code, Division 7 of Article II of Chapter 17, pertaining to Local Option Gas Tax

Consideration: AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING ARTICLE V OF CHAPTER 25 OF THE ORANGE COUNTY CODE TO EXTEND AND REIMPOSE THE LEVY OF THE SIX CENT LOCAL OPTION GAS TAX IMPOSED PURSUANT TO SECTIONS 206.41(1)(e), 206.87(1)(c) AND 336.025(1)(a) FLORIDA STATUTES; PROVIDING FINDINGS; PROVIDING FOR DIVISION AND DISTRIBUTION OF TAX PROCEEDS; PROVIDING FOR USE OF TAX PROCEEDS; REPEALING DIVISION 7 OF ARTICLE II OF CHAPTER 17 OF THE ORANGE COUNTY CODE IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE.

Motion/Second: County Mayor Jacobs/Commissioner Moore Russell

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board adopted Ordinance 2014-15, pertaining to taxation in Orange County, Florida; amending Article V of Chapter 25 of the Orange County Code to extend and reimpose the levy of the Six Cent Local Option Gas Tax and repealing Division 7 of Article II of Chapter 17 of the Orange County Code in its entirety.

and

• COUNTY CONSENT AGENDA ITEM (CONTINUED)

County Administrator (Deferred)

4. Approval of Orange County/Orlando Interlocal Agreement regarding distribution of Six Cent Local Option Gas Tax revenues. (Office of Management and Budget)

Motion/Second: Commissioners Moore Russell/Clarke

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board approved the interlocal agreement with the City of Orlando for the distribution of the Six Cent Local Option Gas Tax (LOGT) revenue.

Substantial Change

2. Lauralee Westine, Law Office of Lauralee G. Westine PA, Rybolt Property West Planned Development (PD) Land Use Plan (LUP) Case # CDR-13-11-269; amend plan; District 5

Applicant: Lauralee Westine, Law Office of Lauralee G. Westine PA, Rybolt Property West Planned Development / Land Use Plan (PD / LUP), Case # CDR-13-11-269

Consideration: Substantial change request to amend the Rybolt Property West Planned Development / Land Use Plan to allow one (1) camouflaged unipole telecommunications tower with a maximum height of one hundred eighty-feet (180'); pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 5; property located at 4999 N. Tanner Road; generally located on the south side of Mcculloch Road east of N. Tanner Road; Orange County, Florida (legal property description on file)

Court Reporter: Emily W. Anderson, Orange Legal

Motion/Second: Commissioners Moore Russell/Clarke

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board continued the public hearing until June 24, 2014, at 2 p.m.

Shoreline Alteration/Dredge and Fill

3. Steve Hamel, Lake Conway, permit; District 3

Applicant: Steve Hamel

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to reconstruct an existing seawall, pursuant to Orange County Code, Chapter 33, Article II. Conway Navigation Control District; Section 33-37(d)

Location: District 3; on property located adjacent to Lake Conway, located at 413 Harbour Oaks Pointe Drive, Orlando, Florida 32809; Section 13, Township 23 South, Range 29 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-14-02-000).

The County Mayor noted the applicant is in agreement with staff's recommendation and waived time to address the Board.

The following persons addressed the Board:

- W. Robert Olsen
- Chad Rochford (phonetic)
- Mark Griezich (phonetic)

Motion/Second: Commissioners Clarke/Brummer

Absent: Commissioner Boyd, Edwards

AYE (voice vote): All present members

Action: The Board approved the request by Steve Hamel for a Shoreline Alteration/Dredge and Fill Permit (SADF-14-02-000) to reconstruct an existing seawall, 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 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. Construction activities shall be completed in accordance with the Construction Plans, Survey, and Erosion Control Letter submitted by S.R. Chontas Construction, Inc., dated as received on February 6, 2014, April 9, 2014, and April 16, 2014, respectively by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) 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. No filling can be performed except in the actual construction of the seawall. This permit does not authorize any dredging or filling, which may be necessary to

provide maintenance or creation of a navigable access from any boat dock or ramp to the open water.

5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (86.90msl 1929 NGVD), not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any future structures, such as a boat dock, must be located within this corridor.
6. Native vegetation, including but not limited to, pickerelweed (*Pontederia cordata*) and duck potato (*Sagittaria lancifolia*), may not be removed from the shoreline outside of the specified access corridor, specific to project.

General Conditions:

7. 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.
8. 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.
9. 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.
10. 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 (60) 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.

11. 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.
12. 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 sovereignty lands or other state-owned lands.
13. 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.
14. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
22. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

• ADJOURNMENT, 3:09 p.m.

ATTEST:




County Mayor Teresa Jacobs

Date: **AUG 19 2014**

ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

  
Deputy Clerk