

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING**

Date: Tuesday, October 18, 2011  
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred Brummer, Lui Damiani, Jennifer Thompson, Ted Edwards, Tiffany Russell  
Others Present: Chief Deputy Comptroller as Clerk Jim Moye, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk Kathleen Johnson

• CALL TO ORDER, 9:07 a.m.

- Invocation - Pastor Luis Ramos, Iglesia El Calvario Church
- Pledge of Allegiance

00:05:08

• PRESENTATION

Proclamation designating the week of October 30 through November 5, 2011 as Week of the Family

00:08:43

• PRESENTATION

Proclamation designating the week of October 23 through October 29, 2011 as Red Ribbon Week

• OFFICIAL RECOGNIZED: Former Orange County Commissioner Homer Hartage

00:17:12

• PRESENTATION

Proclamation designating the week of October 16 through October 22, 2011 as National Friends of the Library Week

00:21:17

• PUBLIC COMMENT

00:22:11

• COUNTY CONSENT AGENDA

00:23:42

Motion/Second: Commissioners Boyd/Brummer

Absent: Commissioner Russell

AYE (voice vote): All present members

Action: The Board

- Deferred County Administrator Item 5
- Deferred Community and Environmental Services Department Item 1
- Deferred Public Works Department Item 6
- Deferred Utilities Department Item 2

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

County Comptroller

1. Approval of the minutes of the August 30, September 8, September 13, September 20, and September 22, 2011 meetings 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:
  - September 30, 2011, to October 6, 2011; total of \$86,773,287.51
  - October 7, 2011, to October 13, 2011; total of \$17,376,426.28.(Finance/Accounting)
3. Disposition of Real and Intangible Personal Property as follows: (Property Accounting)
  - a. Scrap an asset.
  - b. Dispose of software that is no longer used.

County Sheriff

1. Approval and execution of the State Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement Certificate of Acceptance of Subgrant Award (Edward Byrne Memorial Justice Assistance Grant Program) in the amount of \$276,642 for the period from October 1, 2011 through September 30, 2012, for Digital Radio Upgrade. (Grants)

County Administrator

1. Confirmation of Mayor Jacobs' reappointment of Commissioner Edwards to the Arts and Cultural Affairs Advisory Council with a term expiring June 30, 2013. (Agenda Development Office)
2. Confirmation of Mayor Jacobs' appointment of Paul L. Wean as the Mayor's representative on the Planning and Zoning Commission with a term expiring December 31, 2012. (Agenda Development Office)

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

3. Confirmation of Mayor Jacobs' appointment of Ronald A. Armillei as the Mayor's representative on the Orange County Citizen Corps Council with a term expiring December 31, 2012. (Agenda Development Office)
4. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings. (Agenda Development Office)
5. Approval to disburse payment for the Florida Association of Counties (FAC) membership fee totaling \$107,130 as provided in the FY 2011-12 adopted budget. (Office of Management and Budget)

(This item was deferred.)

6. Approval of budget amendment #11-76. (Office of Management and Budget)

**Administrative Services Department**

1. Approval to award Invitation for Bids Y11-1098-PD, Right-of-Way Mowing Zellwood Area, to the low responsive and responsible bidder, Lawnwalker Services, Inc., for a 1-year term contract in the estimated annual contract award amount of \$265,100. Further, authorized the Purchasing and Contracts Division to exercise option years one and two with a maximum six month extension if necessary to solicit and award a new contract. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y11-1113-JS, Street Sweeping Services – Roads and Drainage Division, to the low responsive and responsible bidder, USA Services of Florida, Inc. The estimated annual contract award amount is \$614,305. Further, authorized the Purchasing and Contracts Division to exercise option years as required. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y11-1116-JS, Street Sweeping Services for (Environmental Protection Division) EPD Lake Management, to the low responsive and responsible bidder, Prosweep Central Florida, LLC. The estimated annual contract award amount is \$108,240. Further, authorized the Purchasing and Contracts Division to exercise the option years as required. ([Community and Environmental Services Department Environmental Protection Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y11-1122-JS, Portland Cement, Type I, to the low responsive and responsible bidder, Suwannee American Cement. The estimated annual contract award amount is \$105,660. Further, authorized the Purchasing and Contracts Division to exercise the option years as required. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

5. Approval to award Invitation for Bids Y12-109-CH, Construction Services for the Sidewalk Improvement Program, to the five low responsive and responsible bidders for 1-year term contracts as follows:

<u>Bidders</u>	<u>Estimated Contract Award Amount</u>
Conpilog International Company	\$989,025
Parthenon Construction Company	\$997,550
Stage Door II, Inc.	\$1,054,250
Paramount Group Construction and Development Company	\$1,027,775
All Florida Guardrail Corporation	\$1,081,500

Further, authorized the Purchasing and Contracts Division to exercise two additional one-year option periods. ([Public Works Department Engineering Division] Purchasing and Contracts Division)

6. Approval to award Invitation for Bids Y11-778-SB, Coalition for the Homeless Men's Service Center, to the low responsive and responsible bidder, APM Construction Corporation. The total contract award amount is \$5,440,300. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
7. Approval of Contract Y12-2070-LC, Grant Agreement for Victim Services with Victim Services Center of Orange County, Inc. in the estimated annual contract award amount of \$165,000. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional one-year periods. ([Health Services Department Medical Clinic Division] Purchasing and Contracts Division)
8. Approval to award Invitation for Bids Y11-763-J2, Riverside Pond Improvements, to the low responsive and responsible bidder, FECC, Inc. dba Florida Environmental Compliance Corporation. The estimated contract award amount is \$498,680. ([Public Works Department Highway Construction Division] Purchasing and Contracts Division)
9. Approval and execution by the Mayor of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for (Orange County Sheriff's Office) OCSO Sector II Office Building – Utility File #60246. District 4. (Real Estate Management Division)
10. Approval of Agreement and Utility Easement between John G. Noonan, as Bishop of the Diocese of Orlando and Orange County, and authorization to disburse funds to pay all recording fees and record instrument for Avalon/Mailer Boulevard Trailhead. District 4. (Real Estate Management Division)
11. Approval of Temporary Utility Easement between CG Woodland Lakes, LLC and Beazer Homes Corp. and Orange County and authorization to record instrument for Woodland Lakes Phase 3 – Utility File #20839. District 4. (Real Estate Management Division)

12. Approval of payment of Intergovernmental claims of: March 3, 2011, March 17, 2011, March 24, 2011, April 7, 2011, April 14, 2011, April 28, 2011, May 12, 2011, and May 19, 2011 totaling \$2,040,877.81. (Risk Management Division)

Community and Environmental Services Department

1. Adoption of Resolution of the Orange County Board of County Commissioners regarding Avalon/Mailer Boulevard Trailhead Supplemental Local Agency Program Agreement (Construction) and approval of State of Florida Department of Transportation Local Agency Program Supplemental Agreement, (Financial Project Number) FPN No. 418922-1-58-01, Contract No. APY 13 between the State of Florida Department of Transportation and Orange County. District 4. (Parks and Recreation Division)

(This item was deferred.)

2. Approval of Orange County, Florida and Orlando Diaz, Orange County Sheriff Deputy Agreement for deputy housing at Orlo Vista Park between Orange County, Florida and an Orange County Sheriff's Office Deputy. District 1. (Parks and Recreation Division)
3. Approval of Amendment to the Project Administration Agreement between Orange County, Florida and the Heart of Florida United Way, Inc. regarding the Homeless Prevention and Rapid Re-Housing Program, to extend the agreement to December 31, 2011. All Districts. (Housing and Community Development Division)
4. Approval of Project Administration Agreements between Orange County and agencies funded by Community Development Block Grant and Emergency Shelter Grant programs under Orange County's 2011-2012 Annual Action Plan. All Districts. (Housing and Community Development Division)

Project Administration Agreements regarding Community Development Block Grant Program Fiscal Year 2011-2012 are between Orange County and the following agencies:

- Boys and Girls Clubs of Central Florida, Inc.
- The Center for Independent Living in Central Florida, Inc.
- Central Florida Urban League
- Coalition for the Homeless of Central Florida, Inc.
- Community Coordinated Care for Children, Inc.
- Covenant House Florida
- Harbor House of Central Florida
- Health Care Center for the Homeless, Inc.
- Homeless Services Network of Central Florida, Inc.
- Jewish Family Services of Greater Orlando, Inc.
- Lighthouse Central Florida, Inc.

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

- Primrose Center, Inc.
- Quest, Inc.
- Seniors First, Inc. (Meals on Wheels)
- The Center for Drug Free Living, Inc.
- Seniors First (H.E.A.R.T. Program)

Project Administration Agreements regarding The Emergency Shelter Grants (ESG) Program Fiscal Year 2011-2012 are between Orange County and the following agencies:

- Catholic Charities of Central Florida
  - Coalition for the Homeless of Central Florida, Inc.
  - Covenant House of Florida
  - Family Promise of Greater Orlando
  - Harbor House of Central Florida
  - Heart of Florida United Way
  - The Salvation Army
5. Approval of Assistance Amendment (Assistance ID No.: A-95450410-2) between Orange County and the U.S. Environmental Protection Agency in the total amount of \$16,197 for support of the County's air pollution program; and authorization for the Manager of the Environmental Protection Division to sign any future amendments to the agreement that do not contain substantive changes or require additional County funding. All Districts. (Environmental Protection Division)
  6. Approval of the Renewal of the Solid Waste Management Facility (Construction and Demolition Debris Disposal Facility) Permit #04-F13-1560, with conditions, for West Orange Environmental Resources (Orange County Environmental LLC). District 1. (Environmental Protection Division)
  7. Approval of Orange County, Florida and Orlando Utilities Commission Installation and Access License Agreement (Electric Vehicle Charging Services) for the Orange County IFAS Extension Center Location, Marks Street Senior Center Location, Orange County Medical Examiner Location, Orange County Youth and Family Services Division Location, Orange County Head Start Location, Orange County Public Works Location, Turnbull Park Location, Orange County Administration Building Location, Barnett Park Location, Orange County Library System Washington Park Branch Location, and Orange County Convention Center Location, to allow installation and maintenance of 120/140-volt dual electric vehicle charging stations on County-owned property, as part of the Orlando Utilities Commission's ChargePoint America Subgrant Program and delegate the authority for Environmental Protection Division Manager in concurrence with Facilities Division Manager, to relocate any of the sites to other County-owned facilities, if needed. All Districts. (Environmental Protection Division)

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

- Approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County, pursuant to Orange County Code. Districts 1, 4, 5, and 6. (Code Enforcement Division)

<u>Dist.</u>	<u>Property</u>	<u>Resolution #</u>	<u>Property Owner</u>	<u>Amount*</u>
4	3220 Dawley Ave.	A 10-112	Marco A. Avila Jr.	\$8,775.30
5	2714 Aein Rd.	A 10-121	Swan Trust 2 and First Union	\$6,819.68
6	2305 S. Westmoreland Dr.	A 10-127NSP	Operation Unification Inc.	\$15,252.86
1	31 N. Hart Blvd.	A 10-149	Susana & Wagner Rodrigues	\$ 5,223.38

- Approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

**Resolutions**

LC 11-0755	LC 11-0790	LC 11-0791	LC 11-0792	LC 11-0793
LC 11-0797	LC 11-0799	LC 11-0851	LC 11-0853	LC 11-0854
LC 11-0873	LC 11-0893	LC 11-0919	LC 11-0929	LC 11-0642
LC 11-0725	LC 11-0807	LC 11-0809	LC 11-0818	LC 11-0842
LC 11-0856	LC 11-0857	LC 11-0904	LC 11-0909	LC 11-0921
LC 11-0812	LC 11-0861	LC 11-0839	LC 11-1033	LC 11-0814
LC 11-0821	LC 11-0823	LC 11-0825	LC 11-0827	LC 11-0840
LC 11-0868	LC 11-0875	LC 11-0881	LC 11-0888	LC 11-0889

**Corrections Department**

- Approval of US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Award Number 2011-CZ-BX-0039 for the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration Projects in the amount of \$50,000. This grant requires a \$25,000 match. (Corrections Administration Division)

**Health Services Department**

- Approval of Agreement between Orange County (Emergency Medical Services) EMS Office of the Medical Director and Health First, Inc. related to Distribution of Equipment. (EMS Office of the Medical Director)

**Public Works Department**

- Approval of Resolution 2011-M-46 of the Orange County Board of County Commissioners regarding State of Florida Department of Transportation Local Agency Program Agreement and approval of State of Florida Department of Transportation Local Agency Program Agreement, (Financial Project Number) FPN 430225-2-38-01, for the design of a 14-foot wide trail referred to as "Shingle Creek Trail," between the State of Florida Department of Transportation and Orange County. Districts 1 and 6. (Transportation Planning Division)

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

2. Approval of Homeowner's Association Agreement for Bay Hill Subdivision Traffic Control Devices by Bay Hill in favor of Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)
3. Approval to reduce the existing posted speed limit on White Road between Good Homes Road and Clarke Road from 45 miles per hour to 35 miles per hour. District 1. (Traffic Engineering Division)
4. Approval to construct speed humps on South Shine Avenue. District 4. (Traffic Engineering Division)
5. Approval of Agreement for Traffic Law Enforcement on Private Roads by and between Orange County, Florida and CG Woodlands Lakes, LLC in the gated community of Woodlands Lakes Preserve. District 4. (Public Works Department)
6. Approval of Use Agreement between Control Technologies and Orange County for installation of equipment in the County right of way for the 2011 Intelligent Transport Systems World Congress. District 6. (Public Works Department)

(This item was deferred.)

Utilities Department

1. Approval of 1) State of Florida Department of Transportation Utility Work by Highway Contractor Agreement (At Utility Expense) between Orange County and State of Florida Department of Transportation (Financial Project ID: 239535-5-56-02) in the amount of \$336,000 for utility work at State Road 50 (Colonial Drive) from West Oaks Mall to Good Homes Road Project; 2) Memorandum of Agreement between State of Florida Department of Transportation and Orange County Utilities Engineering Division; and 3) State of Florida Department of Transportation Resolution Utility Agreement. District 1. (Engineering Division)
2. Approval of Agreement for the Delivery and use of Reclaimed Water (Marriott's Grande Vista) between Orange County, Florida and Marriott Ownership Resorts, Inc., dba Marriott Vacation Club International. District 1. (Administration)

(This item was deferred.)

- INFORMATIONAL ITEMS FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE\*



County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Florida Public Service Commission Notice of Commission Service Hearings to:  
  
Aqua Utilities Florida, Inc.  
Office of Public Counsel  
Other Intervenors  
And All Other Interested Persons  
Docket No. 100330-WS  
Application for increase in Water/Wastewater Rates In Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.  
New Port Richey – Spartan Manor – Tuesday, October 11, 2011 at 10 a.m.
  - b. Minutes of the September 7, 2011, meeting in the Sunshine with Commissioners Boyd, and Thompson attending to discuss redistricting and community cohesiveness in southwest Orange County and the following non-noticed topics:
    - County-wide impact (smart watering, bike trails, Shingle Creek access, water project, utilities, landscaping)
    - gang activity
    - crime prevention
    - public safety
    - Districts 1 and 4 working with Osceola County
  - c. Florida Public Service Commission Consummating Order re: Petition for exemption under Rule 25-22.082(18), F.A.C., from issuing request for proposals (RFPs) for modernization of the Port Everglades Plant, by Florida Power & Light Company.
2. Board acknowledgement and filing of the Follow-up of the Audit of the Animal Services Trust Fund.

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

00:23:51

• UTILITIES DEPARTMENT CONSENT AGENDA ITEM 2 DEFERRED

Approval of Agreement for the Delivery and use of Reclaimed Water (Marriott's Grande Vista) between Orange County, Florida and Marriott Ownership Resorts, Inc., dba Marriott Vacation Club International. District 1. (Administration)

00:24:15

Motion/Second: Commissioners Brummer/Boyd

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

Abstain: Commissioner Edwards

Action: The Board approved the Agreement for the Delivery and use of Reclaimed Water (Marriott's Grande Vista) between Orange County, Florida and Marriott Ownership Resorts, Inc., dba Marriott Vacation Club International.

00:25:52

• PUBLIC WORKS DEPARTMENT CONSENT AGENDA ITEM 6 DEFERRED

Approval of Use Agreement between Control Technologies and Orange County for installation of equipment in the County right of way for the 2011 Intelligent Transport Systems World Congress. District 6. (Public Works Department)

00:26:27

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board approved the Use Agreement between Control Technologies and Orange County for installation of equipment in the County right of way for the 2011 Intelligent Transport Systems World Congress.

00:26:50

• COMMISSIONER'S REPORT DISCUSSION AGENDA ITEM 1

Commissioner Edwards wishes to make a motion to rescind the vote taken on September 20, 2011 regarding adopted resolution calling for a Referendum on Economic Ad Valorem Exemption being placed on the 2012 Presidential Primary Preference Ballot.

00:29:59

Motion/Second: Commissioners Edwards/Russell

AYE (voice vote): Commissioners Edwards, Russell

NO (voice vote): County Mayor Jacobs; Commissioners Boyd, Brummer, Damiani, Thompson

Action: The motion failed to rescind the Board's previous action on September 20, 2011, approving Resolution 2011-M-39 of the Orange County Board of County

Commissioners regarding Calling a Referendum on an Economic Development Ad Valorem Tax Exemption to be Placed on the 2012 Presidential Preference Primary Election Ballot (with the intent of changing that to the August or November election dates).

00:41:02

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Approval of 1) the Fiscal Year 2012 funding allocations for the Arts and Cultural Affairs Program, 2) Contract Y12-2072-LC, Disbursement of Cultural and Recreational Funds, with United Arts of Central Florida Inc., to provide management and funds distribution as recommended by the Arts and Cultural Affairs Advisory Council, in the contract award amount of \$668,554 (general fund contribution) for the fiscal year 2011-2012, and 3) Contract Y12-2073-LC, Cultural Tourism Fund and Cultural Facilities Funds, with United Arts of Central Florida, Inc., to provide management and funds distribution based on recommendations by the Arts and Cultural Affairs Advisory Council, in a not-to-exceed contract award amount of \$3,241,703 for fiscal year 2011-2012. (Arts and Cultural Affairs Office)

01:18:46

Motion/Second: County Mayor Jacobs/Commissioner Brummer

AYE (voice vote): All members

Action: The Board deferred the item until November 1, 2011.

01:20:13

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 3

Approval of a one-time subsidy in the amount of \$63,000 for the Hispanic Business Initiative Fund. (Office of Economic, Trade and Tourism Development)

01:35:26

Motion/Second: Commissioners Damiani/Thompson

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

NO (voice vote): Commissioner Brummer

Action: The Board approved a one-time subsidy in the amount of \$63,000 for the Hispanic Business Initiative Fund.

01:37:37

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 2

Approval of 2012 Legislative Priorities.

02:40:31

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board approved the Legislative Priorities for 2012 outlined by staff as follows and as amended below:

- Priority Agenda Items

- Online Hotel Room Suites
  - Oppose exemption from (Tourist Development Tax) TDT & sales tax of (Online Travel Company) OTC's wholesale/final price difference
  - Significant Orange County annual impact
  - State impact at least \$23 million annually
- Red Light Cameras
  - Oppose repeal of Mark Wandall Safety Act
  - Oppose additional burdensome requirements
- Pre-Trail Services Programs
  - Oppose jail cost increases due to restrictions on non-bail release program
- Local Transportation Funding Options
  - Support authority to enact Local Option Rental Car Surcharge
- Secondary/Scrap Metals Regulation
  - Support statewide increase minimum regulations for sales and reporting
- Mental Health/Substance Abuse
  - Support adequate funding for core services
  - Support equitable funding for State Crisis Stabilization Unit CSU bed formula
- Florida Retirement System
  - Oppose 3% (Florida Retirement System) FRS savings transfer to State
  - Estimated \$27 million annual cost to Orange County
- Casino Gambling
  - Oppose expansion of casino gambling
  - Protect local authority to ban casino gambling

- Internet Cafes

- Support statewide prohibition/regulation of Internet Cafes
  - Protect local authority to ban Internet Cafes
- Main Street Fairness -- Internet Sales Tax Loophole
    - Support local retailers via elimination of online sellers' "tax-free" advantage
  - Pill Mills/Prescription Drug Regulation
    - Oppose changes with negative effect on Orange County pill mill regulations

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

- Environmental Resource Permitting
  - Support (Environmental Resource Permit) ERP delegation to counties if:
    - Voluntary
    - Realistic time frame

02:40:48

Motion/Second: Commissioners Brummer/Edwards

AYE (voice vote): All members

Action: The Board amended the main motion to include asking the Legislature to repeal the mandates of required performances by the Regional Planning Councils.

02:41:56

Motion/Second: Commissioners Brummer/Russell

AYE (voice vote): All members

Action: The Board amended to the main motion to include requiring the Regional Planning Councils to get the approval of their budget by their funding counties (by majority) prior to the Regional Planning Councils' approval of its budget.

02:47:03

Motion/Second: Commissioners Thompson/Brummer

AYE (voice vote): All members

Action: The Board amended the main motion to include supporting legislation that penalizes distracted drivers.

02:51:41

Motion/Second: Commissioners Thompson/Damiani

AYE (voice vote): All members

Action: The Board approved Other Legislative Items for 2012 outlined by staff as follows:

- Other Agenda Items
  - Transportation Funding
    - Support adequate, sustainable options for infrastructure
    - Protect Transportation Trust Fund
    - Dedicated funding sources for transit
  - Water Quality Requirements
    - Support state efforts to alter costly federal Numeric Nutrient Criteria requirements
    - Support science-based, cost efficient standards
  - Expressway Authority Consolidation
    - Protect local taxpayers' interests
    - Oppose transfer of local funds to other areas

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

- Wekiva Parkway Construction
  - Support partnership with (Florida Department of Transportation) FDOT and (United States Department of Transportation) USDOT
  - Oppose statute changes negatively affecting construction opportunities
- SunRail & Transit
  - Oppose statutory or budget changes with negative effects on rail and transit planning and operations
- Cost Shifts & Unfunded Mandate
  - Oppose attempts to balance state budget at local taxpayers' expense
- Repeal of Septic Tank Inspection Program
  - Oppose preemption of local options
  - Support affordable options for homeowners
- Environmental Programs
  - Monitor funding and privatization issues for petroleum clean-up and compliance, air quality programs
- Growth Management
  - Support local authority over concurrency for transportation, schools and parks/recreation
  - Monitor Development of Regional Impact (DRI) proposals
- Regulatory Streamlining
  - Support sensible streamlining legislation
- Property Tax Changes
  - Monitor aggregate cap proposals
  - Monitor changes to (Tangible Personal Property) TPP
  - Monitor Constitutional Amendments (House Bill) (HB 381 "Re-do")
  - Oppose expenditure & revenue caps that hinder provision of services
- Justice Issues
  - Support adoption of fair pre-disposition billing practices by (Department of Juvenile Justice) DJJ
  - Oppose sentencing changes increasing county jail costs
- Energy Policy
  - Support policies that encourage recruitment of alternative energy businesses
  - Support development of Renewable Energy Portfolio Standard

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

- Water Policy
  - Monitor (Water Management Division) WMD changes to recycled water regulations
  - Protect Orange County citizens' interests regarding regional water supply development
  - Support policies to encourage alternative water supply development
- Community Partners
  - When not adverse to Orange County interests, support legislative priorities of community partners such as:
    - Florida Association of Counties
    - University of Central Florida, Valencia College
    - MetroPlan Orlando
    - LYNX
    - Metro Orlando Economic Development Commission
    - Orange County Health Department

• MEETING RECESSED, 12:25 p.m.

• MEETING RECONVENED, 2:13 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners Fred Brummer, Lui Damiani, Jennifer Thompson, Ted Edwards, Tiffany Russell; Commissioner S. Scott Boyd joined the meeting where indicated

Others Present: Chief Deputy Comptroller as Clerk Jim Moye, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Deputy Clerk Kathleen Johnson

00:00:13

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1 DEFERRED

Selection of one firm and two ranked alternates to provide Labor/Management Legal Counsel Services, Request for Proposals Y11-1102-LC, from the following three firms, listed alphabetically:

- Allen, Norton & Blue, P.A.
- Dean, Ringers, Morgan & Lawton, P.A.
- GrayRobinson, P.A.

([Office of Accountability Risk Management Division] Purchasing and Contracts Division)

Further request authority for the Purchasing and Contracts Division to negotiate and execute a 3-year contact with a budget of \$200,000. Further request authorization for the Purchasing and Contracts Division to renew the contract for two additional 1-year periods.

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

Motion/Second: Commissioners Brummer/Damiani

Absent: Commissioner Boyd

AYE (voice vote): All present members

Action: The Board selected one firm, GrayRobinson, P.A., and two ranked alternates, #1 Dean, Ringers, Morgan & Lawton, P.A., and #2 Allen, Norton & Blue, P.A., to provide Labor/Management Legal Counsel Services; further, authorized the Purchasing and Contracts Division to negotiate and execute a 3-year contact with a budget of \$200,000; and further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year periods, Request for Proposals Y11-1102-LC.

00:01:13

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 2 DEFERRED

Selection of two firms to provide Continuing Professional Services for Alternative Road Impact Fee and Monitoring Services Request for Proposals Y11-904-CH, from the following firms, listed alphabetically:

- GMB Engineers & Planners, Inc.
- Tindale-Oliver & Associates, Inc.

([Public Works Department Traffic Engineering Division] Purchasing and Contracts Division)

Further recommend the Board authorize negotiation and execution of the final contracts by the Purchasing and Contracts Division to establish hourly rates for future requirements. The contracts will be for one year with two 1-year renewals.

Motion/Second: Commissioners Brummer/Damiani

Absent: Commissioner Boyd

AYE (voice vote): Commissioners Brummer, Damiani, Thompson, Russell

Abstain: County Mayor Jacobs, Commissioner Edwards

Action: The Board selected two firms, Tindale-Oliver & Associates, Inc., and GMB Engineers & Planners, Inc., to provide Continuing Professional Services for Alternative Road Impact Fee and Monitoring Services; and further, authorized negotiation and execution of the final contracts by the Purchasing and Contracts Division to establish hourly rates for future requirements. The contracts will be for one year with two 1-year renewals, Request for Proposals Y11-904-CH.



00:02:51

- FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1 DEFERRED

Veterans' Services Presentation. (Youth and Family Services Division)

00:03:27

- MEMBER JOINED: Commissioner Boyd

Action: None

- COUNTY ATTORNEY DISCUSSION AGENDA ITEM 1 DEFERRED FROM OCTOBER 4, 2011, CONSENT AGENDA

Approval of Orange County's Acknowledgement of Settlement Agreement between the Orange County Comptroller and Expedia, Inc., Hotels.com, L.P., and Hotwire, Inc., and Consent to Dropping Expedia, Inc., as a Party in the case styled, *Orange County, Florida, and Martha O. Haynie, Orange County Comptroller, vs. Expedia, Inc., and Orbitz, LLC*, case number 2006-CA-2104.

00:40:17

Motion/Second: Commissioners Boyd/Damiani

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

NO (voice vote): Commissioners Brummer, Edwards

Action: The Board approved Orange County's Acknowledgement of a Comprise and Settlement Agreement between the Orange County Comptroller and Expedia, Inc., Hotels.com, L.P., and Hotwire, Inc., and Consent to Dropping Expedia, Inc., as a Party in the case styled, *Orange County, Florida, and Martha O. Haynie, Orange County Comptroller, vs. Expedia, Inc., and Orbitz, LLC*, case number 2006-CA-2104.

00:42:41

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, OCTOBER 6, 2011

00:43:06

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of October 6, 2011; subject to the usual right of appeal by any aggrieved party:

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

00:43:18

- PETITION TO VACATE PUBLIC HEARING, CONTINUED FROM SEPTEMBER 13, 2011

Applicant: Anthony B. Major  
Consideration: Resolution granting Petition to Vacate 10-09, vacating a portion of an unnamed 25' wide right of way  
Location: District 1; property generally located at multiple addresses; Multiple Parcel ID numbers; S22/T22/R28; Orange County, Florida (legal property description on file)

00:57:48

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate 10-09 vacating a portion of an unnamed 25' wide right of way, on the described property; subject to the applicants first obtaining a right-of-way utilization permit from the Public Works Department and constructing at their expense by July 31, 2012, a 6 foot high masonry wall or PVC (Polyvinyl Chloride) fence of a uniform material and color along the northern edge of the unincorporated right-of-way from the southeastern corner of Lot 5 of the Lake Florence Vista Subdivision to the southwestern corner of Lot 15 of that same subdivision. If the wall or fence has not been completed pursuant to the permit to the Public Works Department's satisfaction by the date, then this petition to vacate shall be deemed denied. The resolution granting the petition should not be recorded unless and until they build the wall or fence within the required time period.

00:58:59

- BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Estrada Gilberto and Roman Aida  
Case No.: Planning and Zoning Commission, RZ-11-08-018; August 18, 2011  
Consideration: Request to rezone from C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District-Light)  
Location: District 4; property located at 9615 S Orange Avenue; generally described as the northeast corner S Orange Avenue and 6th street; Parcel ID 01-24-29-8516-50-606; S/T/R: 01-24-29; Orange County, Florida (legal property description on file)

01:00:17

Motion/Second: Commissioners Thompson/Brummer

Absent: Commissioners Boyd, Edwards

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Estrada Gilberto and Roman Aida, to rezone from C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District-Light), on the described

property; subject to the following restriction: Billboards and pole signs shall be prohibited.

01:00:39

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Delgado Gerardo for Delgado Gerardo and Avellan Elvia  
Case No.: Planning and Zoning Commission, RZ-11-08-019; August 18, 2011  
Consideration: Request to rezone from C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District-Light)  
Location: District 4; property located at 815 Pine Street; generally described as on northwest corner of Pine Street and 2nd Avenue, south of E Landstreet Road; Parcel ID 36-23-29-8228-40-809; S/T/R: 36-23-29; Orange County, Florida (legal property description on file)

01:02:13

Motion/Second: Commissioners Thompson/Brummer  
Absent: Commissioner Boyd  
AYE (voice vote): All present members  
Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Delgado Gerardo for Delgado Gerardo and Avellan Elvia, to rezone from C-3 (Wholesale Commercial District) to I-1/I-5 (Industrial District-Light), on the described property; subject to the following restriction: Billboards and pole signs shall be prohibited.

01:02:31

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE III, BY CREATING DIVISION 5, SECTION 17-335, ENTITLED "SERVICE-DISABLED VETERAN BUSINESS PROGRAM" PROVIDING FOR A STATEMENT OF INTENT; APPLICABILITY; DEFINITIONS; REGISTRATION REQUIREMENTS; VENDOR PREFERENCE; REPORTING DUTIES OF BUSINESS DEVELOPMENT DIVISION; AND THE AUTHORITY TO ADOPT RULES, POLICIES AND PROCEDURES TO IMPLEMENT THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

01:40:14

Motion/Second: Commissioners Damiani/Brummer  
AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Brummer, Damiani, Thompson  
NO (voice vote): Commissioners Edwards, Russell  
Action: The Board adopted Ordinance 2011-11, amending Orange County Code, Chapter 17, pertaining to Service-Disabled Business Program.

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

01:48:15

Motion/Second: Commissioners Edwards/Russell

AYE (voice vote): Commissioners Edwards, Russell

NO (voice vote): County Mayor Jacobs; Commissioners Boyd, Brummer, Damiani, Thompson

Action: The amendment to the main motion failed to delete from the Ordinance the Sub-consultants portion on Page 5, Sections (b) (2) and (b) (3).

01:51:08

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Eagle Creek Planned Development - Parcel N Commercial Center Preliminary Subdivision Plan (Case # PSP-11-06-139) submitted in accordance with Orange County Code Article II, Section 34-27; this project is proposing to subdivide 23.82 acres into 3 lots and 2 tracts for retail/office uses.

Location: District 4; property generally located South of Tyson Road; East of Narcoossee Road; Parcel ID 29-24-31-0000-00-002; S/T/R: S29/T24/R31; Orange County, Florida (legal property description on file in Development Engineering Division)

01:52:19

Motion/Second: Commissioners Thompson/Brummer

Absent: Commissioner Russell

AYE (voice vote): All present members

Action: The Board approved Eagle Creek Planned Development - Parcel N Commercial Center Preliminary Subdivision Plan (PSP) (Case # PSP-11-06-139) on the described property, subject to the following conditions:

1. Development shall conform to the Eagle Creek Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel N Commercial Center Preliminary Subdivision Plan dated "Received August 12, 2011," 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 August 12, 2011," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation,

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

3. 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 Plan Development.
4. Prior to construction plan approval, documentation must be provided that this project has the legal right to tie into the master drainage system.
5. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
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. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to the earlier of site clearing, mass grading or construction plan approval, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
8. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that the reclaimed water configuration is consistent with approved Master Utility Plan for the (Planned Development) PD.
9. Prior to construction plan approval, a revised Master Utility Plan shall be approved, supporting the new wastewater pump station location and collection system configuration.

10. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
11. Outdoor sales, storage and display shall be prohibited.
12. Prior to any construction plan approval for this (Preliminary Subdivision Plan) PSP, the Master Stormwater Plan shall be revised and approved.

01:52:36

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE RELATED TO SIMULATED GAMBLING AND SIMULATED GAMBLING DEVICES IN ORANGE COUNTY, FLORIDA; CREATING ARTICLE VIII, CHAPTER 26, ORANGE COUNTY CODE, ADOPTING A GENERAL PROHIBITION OF SIMULATED GAMBLING AND SIMULATED GAMBLING DEVICES; AMENDING CHAPTER 38, ORANGE COUNTY CODE, RELATING TO ZONING OF SIMULATED GAMBLING ESTABLISHMENTS; AND PROVIDING AN EFFECTIVE DATE

02:18:07

Motion/Second: Commissioners Edwards/Brummer

AYE (voice vote): All members

Action: The Board adopted Ordinance 2011-12, amending Article VIII, Chapter 26, prohibiting Simulated Gambling and Amending Zoning Regulations, Chapter 38, Orange County Code, related to Zoning and Simulated Gambling Establishments; with revisions as follows:

- Sec. 26-155(e) - "Simulated gambling device" means any device that, upon connection with an object, is available to play or operate a simulation of any game or gambling, and which may reveal, deliver, or entitle any person playing or operating the device to a payoff, or something of value; ~~or any device that is used or adopted for use to conduct and/or reveal the results of a drawing by chance conducted by a charitable or non-profit organization, or a game promotion conducted in connection with the sale of a consumer product or service, or sweepstakes; or any device that is used or adopted for use in any game promotion that displays results by simulating a gambling style game or card game or game ordinarily played on a slot machine.~~ The following rules of construction apply to this definition of "simulated gambling device":
- Sec. 26-155(e)(3) - The term "object" means a coin, bill ticket, token, card, password, account or user number, user name, ~~or similar object~~, code, or number, or other object obtained directly or indirectly through payment of consideration or a donation, or obtained as a bonus or supplement to another transaction involving the payment of consideration or a donation.

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

- Sec. 26-155(e)(7) - The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually, from the owner or operator of the device, or any affiliate, associate, person, or entity acting in concert or connection with the owner or operator of the device, or from any person, entity, or machine at the premises or building where such device is located.

- Sec. 38-79. Conditions for permitted uses and special exceptions.

(22) Simulated gambling establishments. If the ordinance prohibiting simulated gambling devices, codified at Sections 26-150 through 26-164 of the Orange County Code, is declared invalid by a court of competent jurisdiction, and the time expires to file on appeal without one being filed or an appeal is timely filed but the appeal is ultimately unsuccessful, or is found to be preempted by state law or state statute, simulated gambling establishments may be a permitted use ~~permitted by special exception~~, subject to all the following requirements and conditions in this paragraph. No alcoholic beverages shall be served . . .

- Sec. 38-77. Use Table

- Keep "P" in Use Table

- Do not insert "S" or strike "P"

02:21:20

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE PERTAINING TO THE CHARTER FOR ORANGE COUNTY FLORIDA; AMENDING SECTION 704 OF THE ORANGE COUNTY CHARTER TO PROVIDE THAT COUNTY ORDINANCES SHALL BE EFFECTIVE WITHIN MUNICIPALITIES AND PREVAIL OVER MUNICIPAL ORDINANCES WHEN THE COUNTY SETS STRICTER MINIMUM STANDARDS FOR PROHIBITING OR REGULATING SIMULATED GAMBLING OR GAMBLING; PROVIDING FOR A REFERENDUM ON THE CHARTER AMENDMENT; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING EFFECTIVE DATES.

• OFFICIAL RECOGNIZED: City of Maitland Mayor Howard Schieferdecker

This public hearing was cancelled.

02:25:17

• SHORELINE ALTERATION/DREDGE FILL PUBLIC HEARING

Applicant: Michael Paul Floyd

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to reconstruct an existing seawall, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; located at 12422 Park Avenue, on Lake Butler; Parcel ID 12-23-27-0000-00-020; Section 12, Township 23 South, Range 27 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

02:26:53

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All present members

Action: The Board approved the request by Michael Paul Floyd for a Shoreline Alteration/Dredge and Fill Permit to reconstruct an existing seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. Construction activities shall be completed in accordance with the "Seawall Plan" submitted by O' Brian Custom Homes, dated as received on August 30, 2011 by the Environmental Protection Division (EPD). The permitted work must be commenced within six months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within 6 months or completed within a year this permit is void.
2. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. The existing boat dock must be located within this corridor.
3. Native vegetation, including but not limited to, pickerelweed, duck potato and water lilies, may not be removed from the shoreline outside of the specified access corridor, specific to project.
4. The material used as fill shall be clean material and shall not be contaminated with vegetation, hazardous, toxic waste or other materials that are not suitable within waters of the State.
5. A copy of this permit, along with EPD stamped, approved drawings should be taken to the Zoning Division for approval in order to obtain a building permit.



**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

6. A certified site plan will be required to obtain a building permit. For further information, please contact the Zoning Division at (407) 836-5525 or the Division of Building Safety at (407) 836-5550.
7. Prior to any filling within the 100-year flood zone a Flood Plan Permit must be obtained from the Orange County Stormwater Management authorizing the fill.
8. Any future requests for permit time extensions may be approved by way of the Consent Agenda, if there are no changes.
9. Effective Date. If no objections have been filed with the Environmental Protection Officer, this permit shall be final and effective as of the date of issuance. If a written objection has been received, this permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.

**General Conditions**

10. 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.
11. 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 maybe revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
12. At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
13. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

15. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
16. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
17. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. The permittee shall immediately notify EPD, in writing, of any previously submitted information that is later discovered to be inaccurate.
20. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that maybe required as a result of any permit violations until the permit is legally transferred.
21. 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.
22. 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.
23. No failure or successive failures, on the part of EPD to enforce any portion of this permit shall impair the right of EPD to enforce the same in the event of subsequent breach.

**DRAFT BOARD ACTIONS TAKEN (BAT)-SUBJECT TO CORRECTION-NOELIA PEREZ, EXT. 6-7386.**

24. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee. The Environmental Protection Officer shall make this determination.
25. 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.
26. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
28. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact to the satisfaction of EPD.

02:27:08

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, AMENDING OR REPEALING CERTAIN ORDINANCES RELATING TO FIREARMS, AMMUNITION AND COMPONENTS OF FIREARMS AS REQUIRED BY HOUSE BILL 45 (2011) AMENDING SECTION 790.33, FLORIDA STATUTES; DECLARING A STATEMENT OF COUNTY INTENT TO COMPLY WITH THE REFERENCED STATE LAW; AMENDING SECTION 2-305(b)(1)a. (ARTICLE IX) OF THE ORANGE COUNTY CODE (CODE) DEALING WITH EMERGENCY MANAGEMENT, ELIMINATING THE AUTHORITY OF THE COUNTY DIRECTOR OF EMERGENCY MANAGEMENT TO PROHIBIT OR REGULATE SALES OF FIREARMS AND AMMUNITION IN DECLARED EMERGENCIES; REPEALING SECTIONS 26-91 THROUGH 26-98 OF THE CODE DEALING WITH A THREE DAY WAITING PERIOD FOR THE PURCHASE OF A HANDGUN; REPEALING SECTION 38-1423, OF THE CODE DEALING WITH SHOOTING GALLERIES AND FIREARM SALES IN THE TOURIST DISTRICT; AMENDING SECTION 38-77 OF THE CODE ENTITLED "USE TABLE" BY DELETING REFERENCES TO SECTION 38-1423; AMENDING SECTION 38-79, OF THE CODE,

RELATING TO ZONING CONDITIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS BY DELETING REFERENCE TO SECTION 38-1423; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

02:35:52

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board adopted Ordinance 2011-13, amending Orange County Code, Chapters 2, 26 and 38, pertaining to Firearms, Ammunition and Components of Firearms; and further, approved the provision directing staff to immediately halt enforcement of the repealed and amended sections and rules and regulations in violation of amended Section 790.33.

02:36:14

- UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1 DEFERRED

Board direction on Waste Tire Program recommendations. (Solid Waste Division)

Action: None

03:08:57

- COUNTY ADMINISTRATOR CONSENT AGENDA ITEM 5 DEFERRED

Approval to disburse payment for the Florida Association of Counties (FAC) membership fee totaling \$107,130 as provided in the FY 2011-12 adopted budget. (Office of Management and Budget)

03:27:16

Motion/Second: County Mayor Jacobs/Commissioner Russell

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

NO (voice vote): Commissioner Brummer

Action: The Board approved to disburse payment for the Florida Association of Counties (FAC) membership fee totaling \$107,130 as provided in the FY 2011-12 adopted budget.

03:27:48

- COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT CONSENT AGENDA ITEM 1 DEFERRED

Adoption of Resolution of the Orange County Board of County Commissioners regarding Avalon/Mailer Boulevard Trailhead Supplemental Local Agency Program Agreement (Construction) and approval of State of Florida Department of Transportation Local Agency Program Supplemental Agreement, (Financial Project Number) FPN No. 418922-1-58-01, Contract No. APY 13 between the State of Florida

Department of Transportation and Orange County. District 4. (Parks and Recreation Division)

03:33:55

Motion/Second: Commissioners Thompson/Brummer

AYE (voice vote): All members

Action: The Board approved a Resolution 2011-M-45 of the Orange County Board of County Commissioners regarding Avalon/Mailer Boulevard Trailhead Supplemental Local Agency Program Agreement (Construction) and approval of State of Florida Department of Transportation Local Agency Program Supplemental Agreement, (Financial Project Number) FPN No. 418922-1-58-01, Contract No. APY 13 between the State of Florida Department of Transportation and Orange County.

- ADJOURNMENT, 6:10 p.m.

ATTEST:

Martha O. Haynie

\_\_\_\_\_  
County Comptroller as Clerk

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Minutes Coordinator