

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JUNE 14, 2011 – 9:32 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Susan Latvala, Chairman; John Morroni, Vice-Chairman; Kenneth T. Welch; Nancy Bostock; Neil Brickfield; Norm Roche; and Karen Williams Seel.

Others Present: Robert S. LaSala, County Administrator; Dennis R. Long, Chief Assistant County Attorney; Clarethia N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Deputy Clerk.

INVOCATION: Reverend Chaplain Bernard Smith, St. James A.M.E. Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Roche.

PRESENTATIONS AND AWARDS:

Legislative Session Report

Peter M. Dunbar and Martha J. Edenfield, Pennington Law Firm, provided an end of session review, with Mr. Dunbar indicating that fewer bills than normal were passed during the session; that a written report was provided to the members covering each bill and its current status; and that the members will continue to be updated as the bills flow to the Governor for signature.

Mr. Dunbar provided highlights regarding two bills relating to the Management and Land Use area, indicating that one creates a new department, the Department of Economic Opportunity, and one dismantles in large measure the Department of Community Affairs and transfers its remaining functions to the new department. He indicated that two affordable housing bills were passed, one extending the current program and another that will enable affordable housing development of properties that were acquired using Penny for Pinellas funds; and that another bill that passed made substantive changes in Growth Management policies, paring back state oversight, giving more authority to the counties, and granting relief to the development community.

Mr. Dunbar provided information about bills that passed relating to property taxes, stating that additional homestead benefits have been extended to veterans; that payment of a portion of the taxes imposed will be required during challenges to the assessed value of properties; and that changes were made regarding the statute of limitations for tax certificates. He discussed the pre-emption of regulation of the use of fertilizer, noting that ordinances already in place, such as the one in Pinellas County, will remain in force and will be grandfathered in. Mr. Dunbar stated that

the tax exemption for online travel companies remains in effect, but will be addressed again during the next session.

Mr. Dunbar indicated that governmental reorganization efforts will continue pertaining to the Department of Community Affairs and the Department of Environmental Protection, with the possibility of unfunded mandates to the counties; and that merger or reorganization discussions will continue between the Department of Transportation and the Department of Highway Safety and Motor Vehicles.

Mr. Dunbar related that money, or the lack thereof, continues to dominate actions in Tallahassee with no meaningful change in the dismal projections by economists, which presents the possibility of cost shifts back to the county. He indicated that the State has been raiding trust funds for a number of years and skimming off excess monies; and that the Governor is considering collapsing all trust funds; whereupon, he discussed the redistricting efforts relating to the latest census figures, noting that Pinellas County is one of two Florida counties that lost population during the last decade.

Mental Health Jail Diversion Program – Bob Dillinger, Public Defender

Mr. Dillinger provided information about a ten-unit apartment complex which will house participants in the jail diversion program as the final step before independence, and indicated that the legislature will be funding four full-time employees for that program; that the project should be operational by the end of June; that the length of stay should average about 90 days; and that nine of the apartments will be rented and one apartment will be used for therapy treatment, Alcohol Anonymous meetings, and other functions that help to put people safely and productively back into the community. Mr. Dillinger indicated that the Pinellas Housing Authority and State Senator Mike Fasano were instrumental in getting the project started; and that the County has set up a separate account for the apartment building so that funding will not be co-mingled with regular jail diversion money; whereupon, the Board thanked Mr. Dillinger for his leadership, vision, and hard work for the community.

Safe Harbor Mid-Year Budget Review – Chief Deputy Robert A. Gualtieri

Chief Deputy Gualtieri provided background and statistical information in his update on Pinellas Safe Harbor, noting that since it opened on January 6, 2011, 1,350 chronically homeless people have been processed through the Safe Harbor Jail Diversion Program. He indicated that the facility houses people from ages 18 to 80, both male and female; that it has no restrictions on race, national origin, physical or mental disabilities, or behavioral problems; and that there is an 8:00 P.M. curfew. Mr. Gualtieri indicated that Pinellas Safe Harbor has had a significant impact on the number of bookings in the jail population even without being completely operational; that

a master case management system will be implemented this month; that services provided include housing, meals, worship services, Alcoholics Anonymous meetings, health and wellness programs, classes on coping skills, and other topics; and that an outdoor courtyard that is being built will be used as an incentive to good behavior and to house those who are disruptive to the population.

Mr. Gualtieri provided information regarding grants, funding, and partnerships with other providers, the business community, and municipalities, pointing out that 15 of 24 Pinellas County cities have provided financial support to Safe Harbor. He recognized that there has been concern about Safe Harbor being a burden to the Cities of Largo and Pinellas Park, noting that a grant has been applied for to fund five community policing deputies; and acknowledged that there has been an increase in the number of calls to Emergency Medical Services, but indicated that the number of calls is going down, mostly due to the 11 hours per week of medical care provided by the Mobile Medical Units donated by Pinellas County Government. Mr. Gualtieri reported that beginning July 1, Safe Harbor will function as a portal of entry for the 2,500 people that are returned to Pinellas County each year from the Florida Department of Corrections; whereupon, he indicated that Safe Harbor is funded through Fiscal Year 2012.

In response to queries by Commissioner Morroni, Mr. Gualtieri indicated that, statistically, crime in the area has increased, but preventive steps are being taken to reduce the crime rate; whereupon, Commissioner Seel indicated that she has received complaints about and witnessed loitering and panhandling in the High Point neighborhood. In response to queries by Commissioner Roche as to whether the inmates being released to Safe Harbor by the Department of Corrections are verified Pinellas County residents, Mr. Gualtieri indicated that the inmates are not being released here based on a history in Pinellas County, but they are people that the Florida Department of Corrections would release into Pinellas County whether or not Safe Harbor receives them, noting that the Department is not funneling or redirecting the inmates. In response to queries by Commissioner Welch, Mr. Gualtieri indicated that the full funding for Fiscal Year 2012 is based on 350 residents; whereupon, Commissioner Welch provided information regarding the Homeless Leadership Network and the Homeless Coalition.

Belleair Beach Nourishment

City of Belleair Beach Councilmember Leslie Notaro indicated that following her presentation to the BCC in December 2010, the Commissioners had tasked the City to conduct a traffic study to see if parking on side streets was feasible. Referring to photographs and maps, Councilmember Notaro indicated that the City's traffic study showed that parking on side streets would violate several codes; and that Pinellas Suncoast Fire Chief Robert Polk had indicated that he had concerns with safety, access, and operation of emergency equipment.

Councilmember Notaro indicated that the County did its own traffic study; that the County's traffic study stated that any safety impact of side street parking would be negligible; that the County provided options, including parking along Gulf Boulevard, which the City did not consider viable; and that the County has not been consistent with the number of parking spaces the City would need. Councilmember Notaro suggested a plan involving the Belleair Beach Resort Motel, and indicated that the City is pursuing the plan with the Army Corps of Engineers; whereupon, she requested that if the plan does not prove viable, that the County Commission vote on a request to allow the City to file for a variance with the Department of Environmental Protection (DEP).

Referring to photographs and drawings, Director of Public Works and Transportation Peter J. Yauch related that the County initially indicated that Belleair Beach would need 20 parking spaces, but was overruled by DEP staff, who determined that the rules would require 28 spaces; and discussed the options provided by the County traffic study, noting that the options are feasible, but only the City can decide if they are acceptable; whereupon, Mr. Yauch indicated that if a variance were granted and there was not full reimbursement from the state, the cost to the County would be approximately \$228,000.00.

Discussion ensued regarding parking on Gulf Boulevard, the City changing parts of its code to allow on-street parking, what the BCC has done for other beach communities, and pedestrian crossing issues; whereupon, in response to query by Commissioner Brickfield, Councilmember Notaro stated that there is not any place in the city where the Belleair Beach governing body would be comfortable with on-street parking; and City of Belleair Beach Mayor Kathy Mortensen reiterated that the request is that the County Commission grant the City approval to file a petition with the State for a variance.

During discussion regarding parking at City Hall, Andrew P. Squires, Public Works Engineering and Environmental Services, clarified that City Hall is not close enough to the access point established for the nourishment project to meet the parking requirements; and confirmed that DEP has been clear that a variance would not help the situation; whereupon, Councilmember Notaro and Mayor Mortensen expressed concern that the State would prejudice the petition.

Chairman Latvala suggested that the City and County staff work together to resolve the problem, and Commissioner Welch, concurred, suggesting that the City be creative in solving the on-street parking issue; and Commissioner Bostock suggested that Fire Chief Polk should consult with other fire chiefs where on-street parking is established. Mr. Squires indicated that the nourishment contract would be awarded in September of this year, with operations starting in November. Commissioner Seel indicated that the County's policy has been to provide public

beach access and Commissioner Roche concurred, noting that City and County staff should work together to find a solution; whereupon, Commissioner Brickfield indicated his concern with requesting a variance that could lead to legal and financial problems.

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

COUNTYWIDE PLANNING AUTHORITY PUBLIC HEARINGS

1 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 11-18 amending the Countywide Rules concerning the administration of the Countywide Future Land Use Plan relating to changes to amendment thresholds and Special Area Plans (second public hearing). No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Welch
Second - Commissioner Morroni
Vote - 7 – 0

SCHEDULED PUBLIC HEARINGS – BCC

2 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 11-35 adopted approving issuance of not to exceed \$76,000,000.00 Pinellas County Educational Facilities Authority Revenue and Revenue Refunding Bonds, Series 2011 (Barry University Project), pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Brickfield
Second - Commissioner Morroni
Vote - 7 – 0

3a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 11-36 adopted approving issuance of not to exceed \$6,000,000.00 Pinellas County Industrial Development Authority Industrial Development Revenue Bond, Series 2011 (Nautical Structures Industries, Inc. Project), pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. No correspondence has been received. No citizens appeared to be heard (Companion to Item No. 3b).

Motion - Commissioner Roche
Second - Commissioner Bostock
Vote - 7 – 0

- # 3b Sitting as the Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, the Board adopted Resolution No. 11-37 authorizing issuance of not to exceed \$6,000,000.00 Pinellas County Industrial Development Authority Industrial Development Revenue Bond, Series 2011 (Nautical Structures Industries, Inc. Project), setting forth the terms and conditions of the financing, and approving all documents (Companion to Item No. 3a).

Motion - Commissioner Welch
Second - Commissioner Roche
Vote - 7 – 0

- # 4 Resolution No. 11-38 adopted granting the petition of iDiscover Christian Academy to vacate a portion of the east 15 feet of right-of-way in Pinellas Farms Subdivision. Authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received.

Referring to an aerial photograph and a map, Real Estate Management Director Paul S. Sacco pointed out the location of the subject property, described surrounding land uses, and provided background information relating to the application, noting that the vacation will accommodate a new driveway for planned expansion.

Responding to the Chairman’s call for persons wishing to be heard, Eric Hendra, Hendra & Associates, Inc., appeared and indicated that he is the consultant for iDiscover Christian Academy and would be available to answer questions; whereupon, Bryan Prushinski and Judy Casna, St. Petersburg, appeared, expressed their concerns, and responded to queries by the members.

In response to the concerns expressed by Mr. Prushinski and Ms. Casna, Mr. Hendra discussed issues related to loitering and landscaping, indicating that loitering should cease once the vacation takes place; and that no protected species of trees would be removed from the property; whereupon, at the request of Commissioner Welch, Mr. Hendra agreed to meet with the neighbors regarding their concerns.

During further discussion and in response to queries by Commissioners Seel and Roche, Mr. Hendra indicated that the Pinellas County School Board expressed support for the petition to vacate and would be notified of the outcome.

Motion - Commissioner Seel
Second - Commissioner Welch

Following his second to the motion, Commissioner Welch requested that the neighbors provide the Board an update regarding the outcome of their communications with Mr. Hendra.

Vote - 7 - 0

- # 5 Resolution No. 11-39 adopted granting the petition of Steven Z. Soso and Sharon L. Grimshaw to vacate a portion of a 55-foot ingress/egress and utility easement located in Lot 7, Osprey Point Subdivision. Authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommends the vacation be granted. One letter in support of and one letter in objection to the petition have been received; no additional correspondence has been received since the March 8, 2011 meeting.

Referring to an aerial photograph and a survey, Real Estate Management Director Paul S. Sacco pointed out the location of the subject property, described surrounding land uses, and provided background information relating to the application. He indicated that the vacation will accommodate the construction of an elevator on the front portion of the home; that the petition had initially been heard at the March 8, 2011 BCC meeting; that the members had tabled the item at that time; that they had requested that the Osprey Point Homeowners' Association (HOA) provide a letter stating whether it supports or opposes the easement vacation; and that the HOA has provided correspondence indicating that the majority of its members are in support of the petition; whereupon, in response to queries by Commissioner Brickfield, Mr. Sacco indicated that the Building and Development Review Services Department has indicated that the applicant does not require a setback variance.

Responding to the Chairman's call for persons wishing to be heard, Steven Z. Soso, Crystal Beach, appeared, indicated that he is the applicant, and expressed support for the application; whereupon, Carlton Ward, Esquire, Clearwater, and Louise Fischer, Palm Harbor, appeared, expressed their concerns, and responded to queries by the members.

Mr. Ward presented information regarding various aspects of the easement vacation, opining that Pinellas County was never granted the ingress/egress easement; that the County has no legal authority to vacate the easement; and that the easement was established on the face of the plat and can only be released by the party who originally received it; whereupon, referring to photographs of the subject property, Mr. Ward pointed out the proposed location of the elevator, and indicated that even though installing the elevator on the front of the home may be the preferred location, the

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architect had previously stated that it could be situated at another location on the home; and that he is requesting that the Board deny the request for vacation.

In response to the assertions made by Mr. Ward, Chief Assistant County Attorney Dennis R. Long advised that state statute allows for the authority to vacate private roads granted to counties; and that, in his opinion, the County has the authority to grant the petition to vacate if the criteria are met which relate to the ownership affecting reasonable access to the owner; whereupon, noting that the application was part of a quasi-judicial hearing, Commissioner Bostock questioned whether speakers at quasi-judicial hearings and legislative hearings are allotted differing amounts of time to present or respond to a case; and Chairman Latvala indicated that she maintains flexibility with regard to time limits.

Thereupon, Ms. Fischer indicated that she is opposed to the vacation; that she lives adjacent to the subject parcel; that she is merely trying to protect the value of her property; that the proposed construction would be approximately three feet from the curb; and that she could find no other home in the county located within three feet of a curb.

In response to the concerns expressed by Mr. Ward and Ms. Fischer, Joseph L. Oliveri, Oliveri Architects, Palm Harbor, related that the existing driveways would not be altered; that the existing stairs are presently located in the ingress/egress easement; and that the proposed addition would not affect the paved area; whereupon, in response to queries by Commissioner Welch, Mr. Oliveri referred to architectural drawings and pointed out the proposed location of the elevator, indicating that the project would be situated approximately 3 feet 5 inches from the back of the curb.

In response to queries by Commissioner Roche, Mr. Ward related that, in his opinion, the only individuals who could approve the vacation of the easement would be the eight lot owners in the Osprey Point Subdivision; whereupon, Attorney Long clarified that when discussing the vacation of easements, he was referring to the vacation of both public and private easements; and that such easements are approved on a regular basis. He indicated that under Mr. Ward's scenario, there would be no way to vacate a plat that had a private easement unless there was unanimous consent from everyone involved, which is nearly impossible.

Acknowledging that securing unanimous approval would be a very high threshold to secure, Commissioner Bostock questioned the value of a private easement purchased by a homeowner if another party could give it away; whereupon, Attorney Long discussed the difference between a "plat" and an "instrument." He indicated that when an easement is created by a plat, the County would have the authority to vacate that plat, but if the

easement is created by an instrument, it would be a private legal matter not subject to the regulatory authority of the County; whereupon, Mr. Sacco related that if the vacation were to be granted, it would not interfere with the ingress/egress of the adjacent neighbor.

Motion - Commissioner Morrioni
Second - Commissioner Welch
Vote - 6 – 1 (Commissioner Seel dissenting).

- # 6 Resolution No. 11-40 adopted allocating appropriations for a particular purpose in the Fiscal Year 2011 Utilities Budget; appropriating reserve for future years and reserve for contingencies within the Utilities Water Renewal and Replacement Fund (0534) and the Water Revenue and Operating Fund (0531); appropriating reserve for contingencies in the Sewer Renewal and Replacement Fund (0552) to the Sewer Revenue and Operating Fund (0551); and appropriating unanticipated fund balance in the Utilities Sewer Construction Fund (0555). Fiscal impact information has been outlined in the agenda memorandum dated June 14, 2011. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Welch
Second - Commissioner Morrioni
Vote - 7 – 0

- # 7 Ordinance No. 11-19 adopted amending Chapter 138, the Zoning Provisions, of the Pinellas County Land Development Code regarding restrictions on the allowance of health care facilities within the coastal storm area and the area inundated by a Category 2 hurricane (second public hearing). No correspondence has been received. No citizens appeared to be heard.

In response to queries by Commissioner Roche, Planning Director Brian K. Smith presented background information regarding the ordinance, indicating that while it would allow for mobile home parks and subdivisions to be constructed and expanded within a coastal storm area, health care and assisted living facilities would not be permitted. Commissioner Roche discussed his reasons for not supporting the application, indicating that:

- The goal of disaster planning is to protect human life; and it is inconsistent to restrict only certain housing facilities. Everyone should be protected; and if the area is unsafe, no building should be allowed.
- If construction of low-income housing were permitted in the coastal storm areas, many residents would not own a vehicle in order to evacuate.

- Some development agreements would have to be reviewed and rewritten.
- If the Board approves the ordinance, why would it seek grant monies under Agenda Item No. 35 to do studies regarding construction in those same coastal storm areas?

Administrator LaSala, with input by Mr. Smith and Chairman Latvala, discussed the difference between citizens who have special needs and those capable of taking care of themselves, and defined those with special needs as individuals receiving care from a physician or professional staff in a hospital or long-term nursing facility; whereupon, Administrator LaSala indicated that while the County has an obligation to assist those persons with special needs, general evacuation and preparedness plans are also in place for the public at large.

In response to queries by Commissioner Seel, Mr. Smith indicated that mobile homes manufactured after 1994 are subject to more rigid standards; and that if constructed or expanded within the coastal storm area, would be required to meet those stricter standards per the building code; whereupon, Commissioner Seel expressed her concerns regarding the vulnerability of mobile homes.

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At this time, 11:58 A.M., Commissioner Seel left the meeting.

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During discussion and in response to queries by Commissioner Welch, Emergency Management Director Sally A. Bishop presented information regarding the Pinellas Suncoast Transportation Authority (PSTA) and its role during an emergency situation, relating that PSTA runs nearly normal routes during an evacuation; that those citizens requiring transportation assistance can register with PSTA to be picked up; and that PSTA has provided weather alert radios to a large number of individuals who do not own vehicles and would be able to contact those individuals in the event of an emergency.

Motion - Commissioner Welch
Second - Commissioner Morrone
Vote - 5 – 1 (Commissioner Roche dissenting).

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Administrator LaSala introduced Gwendolyn Warren, the new Director of Health and Human Services.

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8 Ordinance No. 11-20 adopted amending Chapter 90 of the Pinellas County Code relating to Community Cultural Programs. No correspondence has been received.

In response to queries by Chairman Latvala, Attorney Long advised that pursuant to the Board’s direction at the May 24, 2011 County Commission meeting, the proposed ordinance language has been amended to reflect that all County or state-funded grants would be subject to BCC approval.

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At this time, 12:04 P.M., Commissioner Seel returned to the meeting.

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Responding to the Chairman’s call for persons wishing to be heard, Terry Haas, Tarpon Springs, appeared and indicated that he is the Director of Creative Pinellas; whereupon, he conducted a PowerPoint presentation titled *Creative Pinellas – Pinellas Local Arts Agency, June 14, 2011*, a copy of which has been filed and made a part of the record, and presented highlights of the following:

- Actions Since Last BCC Meeting
- Business Plan for Next Six Months
- Start-Up Capital for First Six Months

In response to queries by Commissioner Bostock, Attorney Long related that he would need to research the requirements of the Sunshine Law relating to the new entity; and advised that those requirements would be addressed in the Agreement or the Memorandum of Understanding with Creative Pinellas, Inc.

Referring to verbiage contained in the ordinance, Commissioner Bostock indicated that while it would be within the purview of the County Commission to determine the qualifications and responsibilities of selected Creative Pinellas members, it would not be the role of the Board to determine the views of the members; whereupon, she suggested a

modification to the ordinance language, and Chairman Latvala and Commissioner Seel provided input regarding the wording; whereupon, Attorney Long advised that the language contained in the ordinance comes directly from the statute which authorized creation of the arts councils, and agreed to amend the language, indicating that the word “view” would be removed; and that the sentence would read “...and no member or director shall represent the interests of any particular geographic area of the county, interest group, arts institution, community organization, or audience.”

Commissioner Bostock related that she felt strongly that in order for the Commission to streamline its processes and be more efficient, the new group should, in addition to its other duties, be responsible for providing recommendations to the BCC regarding public art, and Chairman Latvala provided input.

Thereupon, Commissioner Seel moved, seconded by Commissioner Roche and carried, that the ordinance be approved with the changes as stated by Attorney Long.

Motion	-	Commissioner Seel
Second	-	Commissioner Roche
Vote	-	7 – 0

- # 9a Resolution No. 11-41 adopted granting the application of Parviz and Dori Rouhani and Kamran Rouhani through Colin Soares, Emerald Garden, Inc., representative, for a change in zoning from R-3, Single Family Residential, to P-1A, Limited Office District; and Ordinance No. 11-21 adopted approving a change in land use designation from Residential Urban to Residential/Office Limited (Z/LU-1-1-11), re a vacant parcel of land containing approximately 0.39 acre located on the north side of Curlew Road, 460 feet west of Fisher Road, Palm Harbor. Staff recommended approval of the application based on the recommendation of the Local Planning Agency (LPA). No correspondence has been received. No citizens appeared to be heard.

In response to queries by Commissioner Welch, Planning Department Zoning Manager John F. Cueva indicated that during August 2010, the BCC heard the applicant’s initial land use/zoning request and denied it without prejudice; that the Board had expressed concerns over the potential incompatibility of an isolated non-residential use encroaching into an established residential area and the incremental application of the Residential/Office Limited future land use category along the Curlew Road corridor; and that the Board had requested that the applicants address the adjacent property owner’s concerns regarding buffering and privacy.

Mr. Cueva indicated that the applicants had resubmitted their request to amend the land use and zoning on the same parcel; and that at the March 10, 2011 public hearing, the LPA continued the case for 60 days in order to allow time for the applicant to prepare a development agreement and return with a site plan. He indicated that after meeting with the applicants, staff is of the opinion that the proposed P-1A zoning district is already fairly restrictive; that a Development Agreement would serve no additional purpose; that the application meets all criteria and is a reasonable request; that the LPA had voted unanimously to recommend the application for approval at the May 12, 2011 public hearing, even though Planning staff recommended denial; and that the adjacent neighbor did not appear for before the LPA at that time.

In response to queries by Commissioners Bostock and Roche, Mr. Cueva indicated that in addition to posting notice, all affected parties were notified of the public hearings; whereupon, he discussed County efforts to reduce the number of driveways on Curlew Road, and referring to discussions with a local church, indicated that it did not wish to share a driveway with the adjacent property owner because future plans may include purchasing additional property for expansion.

Motion	-	Commissioner Morroni
Second	-	Commissioner Welch
Vote	-	6 – 1 (Commissioner Roche dissenting).

- # 9b Resolution No. 11-42 adopted granting the application of Rhonda and Joseph Suarez for a change of zoning from R-2, Single Family Residential (0.37 acre), and A-E, Agricultural Estate Residential, to A-E, Agricultural Estate Residential, and a conditional use to allow for the expansion of the horse riding stable to occur in the area proposed for rezoning which contains 0.37 acre (Z/CU-1-5-11) (LPA 12-5-11), re a parcel of land containing approximately 2.5 acres located on the south side of 126th Avenue North, 300 feet east of 95th Street North in unincorporated Largo (street address: 9416 126th Avenue North). Staff recommended approval of the application based on the recommendation of the Local Planning Agency (LPA) with a modification to Condition No. 6 and the addition of Conditions Nos. 10 and 11 of the Conditional Use Permit as recommended by the LPA. No correspondence has been received.

Referring to an aerial photograph and the zoning and land use map, Mr. Cueva pointed out the location of the subject property, described surrounding land uses, and provided historical background information relating to the application. He indicated that the total acreage of the site is approximately 2.5 acres; that the area proposed for rezoning is approximately 0.37 acre; that the subject property contains a stable, horse riding facility,

and horse riding rings; and that the site has been used for stables and riding lessons since 1963.

Mr. Cueva indicated that upon determining the property to be a legal non-conforming use in 2005, staff had requested that the applicant bring the site into conformance through a zoning change and a conditional use, which the applicant did. He indicated that in 2005 the applicant had requested that the 0.37 acre portion of the site be zoned R-2 so that he could build two homes, but that he now desires the entire property to carry the A-E designation; and that the application is the result of a code violation that occurred when the applicant extended the riding area into the R-2 zoned portion of the property; whereupon, Mr. Cueva related that in response to concerns expressed during the May LPA hearing, the members had revised Condition No. 6 and added Conditions Nos. 10 and 11 to read:

Revised Condition No. 6 – The improvements, living unit, riding rings, stables, and accessory buildings shown on the plan submitted to the Planning Department on April 4, 2011, shall not be altered, expanded, etc., unless approved by the BCC.

New Condition No. 10 – Animal waste shall be removed daily.

New Condition No. 11 – In the event of an adjudicated violation of this approval, it is the intent of the BCC, after all proper legal procedures are followed, that the conditional use approval be rescinded.

In response to the Chairman's call for those in favor of the application, Wayne Jensen and Robert R. Prevatt, Jr., Largo, and Joseph Scott Suarez, Clearwater, appeared and expressed their support; whereupon, Mr. Suarez indicated that he is the applicant, provided historical information pertaining to the application, and responded to queries by the members.

Mr. Suarez expressed concerns regarding the wording in two of the conditions, indicating that even though Condition No. 6 does not allow the living unit to be altered or expanded, it would need to be replaced in the next few years due to its age; and that he wants the ability to replace the structure when necessary; whereupon, referring to Condition No. 11, Mr. Suarez requested that it be revised to read "...approval can be rescinded," so in the event of a code violation, he does not automatically have his conditional use request rescinded, and discussion ensued.

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Commissioner Seel remarked that since the violations are outlined as part of the conditional use, those conditions should be followed, but that the Building and Development Review Services (BDRS) Department may be able to deal with issues relating to the placement of the house. Mr. Cueva related that the LPA was clear in the wording of the recommendation; that he would not be comfortable changing the language; and that if Mr. Suarez is considering a change and is worried about receiving a Code Enforcement violation, he should contact BDRS at that time; whereupon, in response to queries by Commissioner Bostock regarding the phrase “adjudicated violation of this approval,” Mr. Cueva acknowledged that while Mr. Suarez has been given conflicting information relating to Code Enforcement issues in the past, only code violations pertaining to the conditional use would be grounds for rescinding the conditional use; and Attorney Long related that the majority of code violations do not relate to conditional use approvals; and that Condition No. 11 is focused on conditional use approvals.

Thereupon, Attorney Long related that since the LPA had revised Condition No. 6 to include the words “living unit,” the members may want to allow Mr. Suarez the ability to repair or replace the unit when necessary as long as he does not increase the footprint of the structure.

In response to the Chairman’s call for objectors to the application, Michael Chester, Largo, expressed his concerns, and responded to queries by the members. Mr. Chester related that although he is in favor of the horse farm, he is concerned with the pattern of continued expansion and after-the-fact construction which has taken place at the subject property over the years; whereupon, Chairman Latvala and Commissioner Seel assured him that in order for Mr. Suarez to remove and replace the living unit, he would be required to go through the public hearing process; and Attorney Long confirmed that “grandfathering” runs with the land.

Thereupon, Commissioner Seel moved, seconded by Commissioner Morroni, that the application be approved with the following revision:

That Condition No. 6 read “The improvements, living unit, riding rings, stables, and accessory buildings shown on the plan submitted to the Planning Department on April 4, 2011, **allowing for repairs and replacement**, shall not be altered, expanded, etc., unless approved by the BCC.

Following input by Mr. Cueva and Attorney Long, Commissioners Seel and Morrone agreed that the motion would include language requiring that any alteration would require the applicant to obtain the necessary permits; and that no increase in square footage or footprint could occur unless an application comes before the Board; whereupon, upon call for the vote, the motion carried unanimously.

Motion	-	Commissioner Seel
Second	-	Commissioner Morrone
Vote	-	7 – 0

- # 9c Public hearing was held on the application of Northwest Little League, Inc. through Ronald L. Weaver, Esquire, representative, for a change of zoning from C-2, General Retail Commercial and Limited Services, to R-3, Single Family Residential; a change in land use designation from Recreation/Open Space to Residential Urban with the Institutional Overlay – Community Center; a conditional use to allow the dispensing of alcoholic beverages in association with a fraternal/benevolent organization in a residential zone; a special exception to allow for the approval of a fraternal club in a residential zoning district; and variances to allow the property to be accessed via a private ingress/egress easement, and to allow for the dispensing of alcoholic beverages within 750 feet of a church (Z/LU/CU-2-5-11) (LPA 13-5-11), re a parcel of land containing approximately 2.37 acres located 485 feet east of 68th Street North and 608 feet north of 38th Avenue North in unincorporated St. Petersburg. Application referred back to the Local Planning Agency (LPA) with notice to be sent to the affected neighbors beyond the radius and with instructions that it come back to the BCC on July 26, 2011 at 6:30 P.M. Staff recommended approval of the application based on the recommendation of the LPA with a modification to Conditions Nos. 2 and 6 of the conditional use permit. No correspondence has been received.

Referring to an aerial photograph and the zoning and land use map, Mr. Cueva pointed out the location of the subject property, described surrounding land uses, and provided historical background information relating to the application. He indicated that the applicant, Northwest Little League, Inc., intends to sell the property; and that the prospective buyer intends to place an Elks Lodge on the site; whereupon, he provided further information regarding why the applicant requires a special exception, a conditional use, and variances in addition to the zoning and land use changes.

Mr. Cueva related that in response to concerns expressed during the May LPA hearing, the members had revised Conditions Nos. 2 and 6 to read:

Revised Condition No. 2 – A 25-foot drainage or conservation easement (from the top of the bank for Miles Creek), with no structures or development, or parking, being allowed, consistent with the requirements of Chapter 170 of the County Code in order to protect the conveyance function of Miles Creek, its planted mitigation areas, and to protect onsite development from exposure to bank erosion.

Revised Condition No. 6 – No outdoor events or festivals will be permitted on the property, except traditional member pool activities.

Mr. Cueva explained that the LPA was resolute that Condition No. 2 not be modified; and that the members had even added language regarding parking in order to maintain the integrity of Miles Creek; whereupon, referring to Condition No. 3, “The Lodge will close no later than 10:00 P.M. every evening to minimize nightly traffic,” Mr. Cueva related that the applicant would address that condition during his presentation.

Thereupon, Commissioner Morroni expressed concern regarding the Notice of Public Hearing, dated April 21, 2011 and sent out by the Planning Department, which incorrectly listed the time of the public hearing portion of the June 14 BCC meeting as 6:30 P.M. instead of 9:30 A.M.; whereupon, following brief discussion, Chairman Latvala recessed the meeting in order to allow time for staff to research the matter.

* * * *

At this time, 1:06 P.M., the meeting was recessed and reconvened at 1:37 P.M. with all members present.

* * * *

Following the recess, Mr. Cueva indicated that a second Notice of Public Hearing, dated May 25, 2011, had been sent to those same individuals who had received the first notice; and that it correctly listed the time as 9:30 A.M.

Responding to the Chairman’s call for the applicant, Ronald L. Weaver, Esquire, Tampa, appeared, and indicated that he represents the applicant, Northwest Little League, Inc., who currently owns the subject property. Mr. Weaver indicated that in anticipation of Northwest Little League selling the property to the Elks Lodge, it is requesting a change

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of zoning, a change in land use designation, a conditional use, a special exception, and two variances; whereupon, he requested that Condition No. 3 be relaxed to allow for a closing time of 2:00 A.M., explaining that 2:00 A.M. is a customary closing time for local Elks Lodges, and would allow members the ability to watch televised late evening baseball games.

During discussion and in response to queries by the members, Mr. Weaver indicated that members of Elks Lodges and their guests are well behaved and respectful of their neighbors; and that even though liquor laws allow establishments to remain open until 3:00 A.M., the Elks Lodge is only requesting a closing time of 2:00 A.M.

In response to the Chairman's call for those in favor of the application, Phillip Morrissey, Marietta, Georgia, and Hugh Grehan, St. Petersburg, appeared, and expressed their support, and responded to queries by the members.

In response to queries by Commissioner Welch, Mr. Morrissey, with input by Mr. Weaver, referred to a survey and pointed out the proposed access to 40th Avenue. He related that access to the Little League property is via an easement which crosses the property of the neighboring church; that the applicant is proposing to pave the easement; and that the church has agreed to the proposal; whereupon, he related that a recent traffic study indicates that traffic traveling down 68th Street onto 40th Avenue would be nearly the same as when the Little League was playing; that although there would be a slight increase in volume, it would be spread over the entire week; and that truck deliveries to the Lodge would be minimal, and discussion ensued.

In response to queries by Chairman Latvala, Mr. Cueva provided additional information relating to Condition No. 6. He indicated that groups such as Elks Lodges sometimes have outdoor events; that those events sometimes include bands; and that the condition was established to protect the neighbors from potential noise issues; whereupon, he explained that since the LPA was mainly concerned with noise issues emanating from loud band music, traditional member pool activities were exempted from the condition.

In response to queries by Commissioner Seel, Mr. Cueva related that at the May LPA hearing, the members had concurred with all of the conditions, but had wanted to discuss hours of operation with the Elks Lodge representative; and that since he was unavailable due to a family emergency, the LPA members had requested that the hours be negotiated at the June 14, 2011 BCC public hearing; whereupon, Mr. Cueva related that the Little League had not played at the subject location in two years.

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Responding to queries and comments by Commissioner Roche; Mr. Cueva discussed how the recommended conditions were created, relating that because staff has attended many public hearings and has experience regarding fraternal organizations, they were concerned with issues relating to noise and light in a residential area; whereupon, responding to Mr. Weaver's concerns regarding traditional Elks Lodge activities, Commissioner Bostock pointed out that it is not the role of the Board to keep the Elks Lodge functioning in a manner to which it has become accustomed, but that the Board's duty is to make certain that the Lodge will smoothly integrate into the neighborhood.

Responding to queries and comments by the members, Mr. Morrissey referred to a site plan, and pointed out a 40-foot access easement along 40th Avenue and a 25-foot exclusive easement running along Miles Creek, and discussed topics relating to landscaping, building placement, stormwater management, and pool activities; whereupon, he indicated that buffering would include an opaque screen fence; that the outdoor activities would be confined to the pool area where the tiki bar is located; and that the access easement and parking area would be paved.

During further discussion and in response to queries by Commissioner Welch regarding an email by City of St. Petersburg Planning and Economic Development Department Manager Rick MacAulay concerning issues regarding access to the property, Mr. Weaver indicated that there will be access to 68th Street via a 40-foot easement which will be paved to meet St. Petersburg's standards and, referring to the staff report, he indicated that 38th Street will remain at a Level of Service B; and that the additional average daily trips are not expected to adversely impact the operational characteristics of 38th Avenue North and/or the surrounding traffic circulation system; whereupon, he indicated that it would not be feasible to run a road across the church property; that access would be via 68th Street to 40th Avenue; and that it would carry approximately 100 trips a day.

In response to queries and concerns by Commissioner Roche regarding contour lines on the survey and the potential for flooding along the drainage easement of Miles Creek, Mr. Morrissey, with input by Director of Public Works and Transportation Peter J. Yauch, indicated that in order to stabilize the stream bank in the event of a flood, restoration was completed along Miles Creek in proximity to the subject location; and that the contour lines were not associated with erosion.

Commissioner Welch indicated that although he would be amenable to hours of operation extending past 10:00 P.M., he was not in favor of a 2:00 A.M. closing time, and Commissioner Seel concurred, indicating that, in her opinion, the neighbors would not welcome increased activity and noise at such a late hour. Chairman Latvala indicated

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that she lives in proximity to an Elks Lodge; that the members are quiet; and that most of the activities take place inside the building, but that because the current application includes a pool area, a timeframe would be needed to restrict outdoor activities; whereupon, Mr. Weaver restated the various methods that the Elks Lodge would employ to mitigate for noise, and indicated that the adjacent property owners had only expressed concern regarding two palm trees and a bench located on the subject property; and had requested that those two features be retained.

In response to queries regarding the Notice of Public Hearing, Mr. Weaver indicated that notice was provided to the residents on 68th Street within a fixed radius; that he has spoken with the church on three occasions regarding access and similar issues; and that the church has expressed its support regarding the application; whereupon, Mr. Cueva indicated that he is in receipt of a letter, dated February 11, 2011, from Cornerstone Community Church discussing the possibility of granting an ingress/egress easement to Northwest Little League, Inc.

Thereupon, Commissioner Roche, with input by Commissioners Bostock and Welch, expressed his concerns regarding the lack of public notice for persons who live just outside the radius and may wish to provide input, relating that those individuals may have concerns or questions regarding issues such as noise, access, and hours of operation; whereupon, referring to the Future Land Use Map, Mr. Cueva pointed out the homes that had received the public hearing notice.

At the request of Commissioner Bostock, Mr. Cueva restated that the application would include a change of zoning, a change in land use designation, a conditional use, a special exception, two variances, and two revised conditions. Following discussion, Chairman Latvala pointed out that the application should not be negotiated at the Board table; and requested that Mr. Cueva revise the application and bring it back at another time; whereupon, Commissioner Seel moved, seconded by Commissioner Welch and carried unanimously, that the application be denied without prejudice.

Following the vote, Mr. Weaver requested that the Board reopen the case and presented a revised closing time for the Lodge. Discussion ensued, and Chairman Latvala reiterated that the application should not be negotiated at the Board table; whereupon, Commissioner Seel, with input by Commissioners Bostock and Brickfield, indicated that the application should return to the LPA.

Thereupon, Commissioner Seel moved, seconded by Commissioner Welch and carried unanimously, that the application be reopened for consideration; whereupon, Commissioner Seel moved, seconded by Commissioner Welch and carried unanimously, that the application be referred back to the LPA with notice sent to the affected neighbors beyond the radius; and that it come back before the Board on July 26, 2011 at 6:30 P.M.

Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 7 – 0

CITIZENS TO BE HEARD

Sky Burr-Drysdale, Clearwater, re PCU – What Pinellas is doing right.
JoAn Y. Totty, Palm Harbor, re Main Street.
Greg Pound, Largo, re Pinellas Families.

CONSENT AGENDA ITEMS NOS. 10 THROUGH 29 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 18, 20, 21, AND 22, WHICH WERE CONSIDERED UNDER ITEM NO. 30.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 7 – 0

#10 Approval of Minutes – None.

#11 Reports received for filing:

- a. Audit Services and Public Integrity Unit, Division of Inspector General, Clerk of the Circuit Court, 2010 Annual Report dated May 18, 2011.
- b. Audit Services, Division of Inspector General, Clerk of the Circuit Court, Report No. 2011-07 dated May 11, 2011 – Audit of the Epicenter Interlocal Agreement.
- c. Pinellas County Quarterly Donation Listing of \$500 and Greater for the quarter ended March 31, 2011.
- d. Quarterly Investment Report for the period ended June 30, 2010.
- e. Annual Investment Report for the Fiscal Year ended September 30, 2010.
- f. City of Clearwater Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2010.
- g. City of Dunedin Comprehensive Annual Financial Report and the Single Audit Report for the Fiscal Year ending September 30, 2010 (CD).

- h. City of Treasure Island Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2010.
 - i. Housing Finance Authority of Pinellas County (A Component Unit of Pinellas County, Florida) Independent Auditor's Reports, Financial Statements, and Required Supplementary Information for the Year ended September 30, 2010.
 - j. Dock Fee Report for the Month of April 2011.
- #12 Vouchers and Bills Paid – Periods April 18 through April 22, 2011, April 25 through April 29, 2011, and May 2 through May 6, 2011.

Imprest Fund Expenditures

Replacement check numbered 751764

Manual checks numbered 751759 through 751763

System checks numbered 1028682 through 1030489

ACH Transfers numbered 8639 through 8849

Wire Transfers numbered 11560 through 11573

- #13 Miscellaneous items received for filing:

- a. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan, and Zoning Atlas amendments regarding proposed Ordinances Nos. 8252-11 and 8253-11 and Nos. 8261-11 through 8263-11; public hearings held May 19, 2011 and to be held July 21, 2011.
- b. City of Dunedin Ordinance No. 2011-05 adopted April 21, 2011, changing the dates of certain city elections and providing for the necessary changes to the Code of Ordinances and other transition matters.
- c. City of Pinellas Park Notices of Public Hearings regarding proposed Ordinances Nos. 3767 through 3769 held June 9, 2011, voluntarily annexing certain property.
- d. City of Seminole Ordinances Nos. 04-2011 through 08-2011 adopted April 26, 2011 and No. 12-2011 adopted May 10, 2011, voluntarily annexing certain property.
- e. Florida Public Service Commission Order No. PSC-11-0215-PCO-EQ issued May 5, 2011, suspending tariffs re petitions by Florida Public Utilities Company, Florida Power & Light Company, Progress Energy Florida, Inc., Tampa Electric Company, and Gulf Power Company.
- f. Public Official Bond and Oath for Pinellas Suncoast Fire & Rescue District Commissioner Franklin T. Hartzell.

- #14 Fiscal Year 2011 Board Budget Amendments Nos. 8 and 9 were filed and made a part of the record.
- #15 Resolution No. 11-43 adopted reallocating reserves for future years in the Tarpon Springs Fire District's Fiscal Year 2011 Budget to appropriate earmarked receipts for a particular purpose (\$32,090.00).
- #16 Amendment No. 1 to the Joint Project Agreement with the City of Pinellas Park for utility installation on Bryan Dairy Road from Starkey Road to 72nd Street North (PID No. 920588) for a reduction in funding due from the City approved. The City will incur all costs for the utility work, will be responsible for all cost overruns, and has submitted \$500,000.00 to the County to be held in escrow for the purpose of payments by the County to the contractor. Chairman authorized to sign and the Clerk to attest.
- #17 Supplemental Agreements Nos. 1 and 2 to the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Bryan Dairy Road Widening and Reconstruction Project from Starkey Road to 72nd Street North approved (FDOT Financial Project No. 420629 1 58 01/02/03; PID No. 920588). Supplemental Agreement No. 1 provides an additional \$59,181.00 in SAFETEA-LU/High Priority Project Program (HPP) funds, and Agreement No. 2 reduces the County Incentive Grant Program (CIGP) and local matching funds by a total of \$59,180.00 (total project funding \$14,351,600.00). Chairman authorized to sign and the Clerk to attest.
- #18 See Item No. 30.
- #19 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, E. C. Driver & Associates, Inc. for the Beckett Bridge Project Development and Environmental Study (Contract No. 101-0131-NC) approved.
- #20 See Item No. 30.
- #21 See Item No. 30.
- #22 See Item No. 30.
- #23 Declaration of miscellaneous County-owned equipment as surplus as outlined on the attached lists contained in the agenda memorandum dated June 14, 2011, approved and authorization granted for liquidation of same through public auction conducted by GovDeals.com (Real Estate Management).

- #24 Quarterly report of claim settlements for January 1 through March 31, 2011 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$141,324.89) received for filing (Risk Management/County Attorney).
- #25 Award of Bid to TLC Diversified, Inc. for the South Cross Bayou Water Chlorination System Upgrades approved in the amount of \$311,400.00 on the basis of being the lowest responsive, responsible bid received meeting specifications (Contract No. 101-0157-CP; Project No. 2052); Chairman authorized to sign and the Clerk to attest (Utilities).
- #26 Sitting as the Countywide Planning Authority, the Board received for filing the Composite Annexation Report for Pinellas County for Fiscal Years 2000/01 – 2009/10.
- #27 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the renewal of Certificates of Public Convenience and Necessity for providers of non-medical wheelchair transport, as follows, in accordance with Section 54, Pinellas County Code (Public Safety Services):
- Care Ride, L.L.C.
 - Comfort Coach Wheelchair Transportation, Inc.
 - Express Medical Transporters, Inc.
 - Lifefleet Southeast, Inc. d/b/a American Medical Response (AMR)
 - Mac-Transport
 - MedFleet Systems, Inc.
 - Wheelchair/Stretcher Limo, Inc.
 - T.L.C. Transportations, Inc.
 - Tender Touch Transport Service, LLC
 - Trinity Mobility, Inc. d/b/a A Trinity Wheelchair Transportation
 - Wheelchair Transport Service, Inc.
- #28 Ranking of firms and authorization for Buck Consultants, acting on behalf of Pinellas County, to negotiate with the highest ranked firm, United Healthcare, for employee medical benefits (Contract No. 101-0224-P) approved (Human Resources/Purchasing).
- #29 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, Randstad General Partner, LLC, for temporary staffing services (Re-bid) (Contract No. 101-0217-P) approved (Human Resources/Purchasing).

#30 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

#18 Amendment No. 2 to the Florida Department of Environmental Protection (FDEP) Grant Agreement (No. G0212) for Lake Tarpon Area 6 (PID No. 921812) approved incorporating FDEP's new minority vendor reporting (MBE/WBE Procurement Reporting Form; no fiscal impact); Chairman authorized to sign and the Clerk to attest (Public Works).

Commissioner Brickfield stated that he does not object to the item before the Board, but that he does object to the path the County is on with regard to Lake Tarpon; and in response to his query regarding the process for initiating discussions with the Southwest Florida Water Management District (SWFWMD) about returning Lake Tarpon to its natural state as a brackish lake, Administrator LaSala stated that a majority vote of the Board is necessary to direct staff to open the issue; whereupon, Commissioner Bostock recommended that additional information be provided before the Board determines the direction to be given.

During discussion, Director of Public Works and Transportation Peter J. Yauch agreed to provide a staff memorandum summarizing the Lake Tarpon issue, and Administrator LaSala pointed out that it will take some time to prepare the memorandum. Chairman Latvala indicated that the item would be brought back to the Board after Mr. Yauch has provided the memorandum; and suggested that past County employees be contacted to discuss the history.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Welch
Vote	-	7 – 0

#20 Annual WorkNet Pinellas, Inc. Fiscal Year 2011-2012 Budget approved pursuant to the Interlocal Agreement between WorkNet Pinellas, Inc. and Pinellas County.

Motion	-	Commissioner Bostock
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Commissioner Bostock pointed out that the Interlocal Agreement helps define the Board's relationship with WorkNet Pinellas, Inc. in relation to participating in the County's procurement process. In response to comments and queries by Commissioner Seel regarding the distribution of gift cards to participants upon hiring, Sue Donald, WorkNet Pinellas, indicated that prepaid incentive cards, paid for by federal grants, are distributed to participants who meet certain eligibility requirements for transportation, child care, and other incentives; and that the state

provides the majority of WorkNet Pinellas’s funding and audits the prepaid incentive cards; whereupon, Commissioner Seel and Chairman Latvala requested that the full range of the prepaid incentive cards be reviewed, including identifying where WorkNet Pinellas is authorized to distribute the cards, whether distributing the cards is appropriate, and the authorized categories of expenditure for the cards. Commissioner Roche indicated that he will bring the issue to the attention of the WorkNet Pinellas Executive Board; whereupon, Chairman Latvala requested that Ms. Donald provide a written report.

Second - Commissioner Morroni
Vote - 7 – 0

- #21 Two federally funded sub-grant agreements with the State of Florida, Division of Emergency Management (Contract No.: 11DM-4-L-08-62-01; State Projects: LPDM2009-004 and LPDM2009-003) to retrofit existing buildings and facilities for storm readiness approved (County required funding: \$333,333.34); Chairman authorized to sign and the Clerk to attest (Environmental Management).

In response to comments and queries by Commissioner Roche, Commissioner Seel related that the County changed its standards and began hurricane hardening when the new Public Works complex was built. Real Estate Management Director Paul S. Sacco explained that the Medical Examiner’s Office was part of the new complex and met the Code when it was built; that the front windows are the building’s main weakness; that retrofitting the windows will increase the wind-loading and storm rating that the building could sustain beyond the Code requirements; and that the project is an effort to establish consistency countywide, pointing out that the Medical Examiner’s Office is a critical operation post-storm; whereupon, he provided input regarding the hurricane hardening process and the buildings at the Public Works campus on U.S. Highway 19 and Drew Street.

Motion - Commissioner Roche
Second - Commissioner Welch
Vote - 7 – 0

- #22 Grant Contract with the Pinellas County Health Department for the Communities Putting Prevention to Work Grant in the amount of \$304,419.00 approved; Chairman authorized to sign and the Clerk to attest (Parks and Conservation Resources).

In response to concerns expressed by Commissioner Bostock regarding creating new positions while downsizing is occurring throughout the County, Administrator LaSala indicated that the positions are temporary grant worker positions and that go away when the funding ends.

Motion - Commissioner Bostock
Second - Commissioner Morrone
Vote - 7 – 0

- #31 Resolution No. 11-44 adopted authorizing submittal of the Pinellas County Request for Release of Funds and Certification for the Five-Year Countywide Environmental Monitoring Strategy for Federally Funded Activities to the U.S. Department of Housing and Urban Development; authorizing the Chairman or designee to sign and the Clerk to attest. No citizens appeared to be heard. No correspondence has been received. (Community Development)

Motion - Commissioner Morrone
Second - Commissioner Bostock

In response to comment and queries by Commissioner Roche, Community Development Assistant Director Cheryl Reed related that the submittal does not contain a grant amount as the environmental monitoring strategy covers the County for a five-year period and the amount of federal funding to be received over the five-year period is unknown; that it is a process of streamlining the environmental regulations the County is required to follow related to federal funding; and that a framework will be established allowing the process of conducting environmental reviews to be streamlined after the Board has approved the projects and activities and before any funds begin to be spent.

Vote - 6 – 1 (Commissioner Roche dissenting).

- #32 Authorization granted to advertise a public hearing to be held on July 12, 2011, regarding the Pinellas County Consortium’s Fiscal Year 2011-2012 Annual Action Plan for community planning and development programs funded with federal grant funds (Community Development).

Motion - Commissioner Welch
Second - Commissioner Bostock

In response to queries by Commissioner Roche, Community Development Executive Director Anthony Jones clarified that \$4,873,523.00 is the total federal funding for the items listed in the June 14, 2011 agenda memorandum, which has been filed and made a part of the record, and is reversed into a cost.

Vote - 7 – 0

- #33 Appointment of St. Pete Beach Commissioner Marvin Shavlan to the Pinellas Planning Council (PPC) as the Municipality Group A representative for the remainder of the two-year (2011-2012) term approved (Planning).
- Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 7 – 0
- #34 Public Participation Program of the Pinellas County Board of County Commissioners and Local Planning Agency regarding public participation in Pinellas County’s growth management program adopted (Planning).
- Motion - Commissioner Welch
Second - Commissioner Roche
Vote - 7 – 0
- #35 List of major focus areas to address in the 2012 Seven-Year Evaluation and Appraisal of the Pinellas County Comprehensive Plan approved as outlined in the agenda memorandum dated June 14, 2011, which has been filed and made a part of the record (Planning).
- Motion - Commissioner Morroni
Second - Commissioner Welch

During discussion and in response to comments and queries by Commissioner Brickfield, Planning Director Brian K. Smith indicated that other than the seven areas listed, no other areas were identified; and that the list relates to the recent changes in legislation and keeping the Comprehensive Plan up to date. Commissioner Seel suggested that the items identified for follow-up in Pinellas By Design may need to be revisited; and Mr. Smith related that the list is not necessarily all-inclusive; and that the Pinellas By Design follow-up items could be looked at parallel to the focus areas identified, and do not have to be part of the Evaluation and Appraisal Report process, pointing out that the items would have to be reported to the Department of Community Affairs (DCA) and followed up with amendments; and that some of the local discretion is lost in the process.

Administrator LaSala suggested that some of the Pinellas by Design follow-up items might be subjects for the future combined Pinellas Planning Council and Metropolitan Planning Organization to address, while others may be addressed during the land development review; and in response to queries by Chairman Latvala regarding impacts from the potential demise of the DCA, he indicated that the review processes were simplified and pushed to the local level, but that the core elements of comprehensive planning remain unchanged, noting that once the Legislature is called back into session,

everything is up for grabs, and Mr. Smith provided input; whereupon, Commissioner Roche discussed the items listed and opined that Item No. 6 appears to be null and void; and that efforts for the item should be redirected to Item No. 1.

Vote - 7 – 0

- #36 Authorization granted to advertise a public hearing to be held on July 12, 2011, regarding proposed amendments to the Intown Redevelopment Plan in the City of St. Petersburg and to consider the Third Amendment to the Interlocal Agreement with the City of St. Petersburg relating to tax increment revenues in the Intown Redevelopment Area (Planning).

Motion - Commissioner Brickfield
Second - Commissioner Roche
Vote - 7 – 0

- #37a Deferred Utility Relocation Expense Reimbursement (Including Interest) Agreement, Utility Work by Highway Contractor Agreement (at Utility Expense) (UWHCA), including Changes to Form Contract, and Memorandum of Agreement (MOA) between Florida Department of Transportation (FDOT) and the State of Florida, Department of Financial Services, Division of Treasury, and Resolution Utility Agreement between FDOT and Pinellas County for utility relocation for State Road 688 (Ulmerton Road) from east of Wild Acres Road to El Centro/Ranchero Boulevard (PCU Project No. 1948; FDOT PID No. 409154-1-56-01) approved (estimated Pinellas County Utilities [PCU] expenditure, \$2,123,170.00); Chairman authorized to sign the agreements and resolution and the Clerk to attest.

Motion - Commissioner Seel
Second - Commissioner Brickfield
Vote - 7 – 0

- #37b Deferred Utility Relocation Expense Reimbursement (Including Interest) Agreement, Utility Work by Highway Contractor Agreement (at Utility Expense) (UWHCA), including Changes to Form Contract, and Memorandum of Agreement (MOA) between Florida Department of Transportation (FDOT) and the State of Florida, Department of Financial Services, Division of Treasury, and Resolution Utility Agreement between FDOT and Pinellas County for utility relocation for State Road 688 (Ulmerton Road) from west of Seminole-By-Pass Canal to east of Wild Acres Road (PCU Project No. 2035; FDOT PID No. 409155-1-56-01) approved (estimated Pinellas County Utilities [PCU] expenditure, \$2,435,610.00); Chairman authorized to sign the agreements and resolution and the Clerk to attest.

Motion - Commissioner Seel
Second - Commissioner Morroni
Vote - 7 – 0

#38 Joint Project Agreement with Tampa Bay Water for the construction of the modifications of Pinellas County Utilities' (PCU) Points of Connection to Tampa Bay Water's system and update to Exhibit C, Points of Connection of the Master Water Supply Contract (Project No. 2061) approved in the amount of \$4,710,057.00; Chairman authorized to sign and the Clerk to attest after proper execution by Tampa Bay Water and written approval as to form by the Office of the County Attorney (Utilities).

Motion - Commissioner Brickfield
Second - Commissioner Welch
Vote - 7 – 0

#39 Final negotiated agreements with the 15 top-ranked firms for utilities engineering consulting services on a continuing basis (Contract No. 101-0028-CN) approved as follows:

1. HDR Engineering, Inc.
2. Cardno TBE
3. URS Corporation Southern, d/b/a URS
4. Jones Edmunds & Associates, Inc.
5. Metzger & Willard, Inc.
6. Wade Trim, Inc.
7. Greeley and Hansen
8. Atkins North America
9. King Engineering Associates, Inc.
10. Hazen and Sawyer, P.C.
11. Malcolm Pirnie
12. AECOM Technical Services, Inc.
13. McKim & Creed, PA
14. Brown and Caldwell
15. Parsons Water & Infrastructure Inc.

Agreements are for a period of 36 months with two 12-month term extensions options. Pricing is fixed for 36 months and the County reserves the right to re-negotiate rates if there is a change in market conditions. Agreements have an upset limit of \$1,260,000.00 for each firm over the initial 36-month term (total \$18,900,000.00); and the County Administrator is authorized to increase the upset limits, provided the negotiated rates

remain the same. Chairman authorized to sign the agreements and the Clerk to attest (Utilities/Purchasing).

Motion - Commissioner Welch
Second - Commissioner Roche
Vote - 6 – 1 (Chairman Latvala dissenting).

#40 Final negotiated agreements with the two top-ranked firms for waste to energy consulting services on a continuing basis (Contract No. 101-0120-CN) approved as follows:

1. Camp Dresser & McKee, Inc.
2. Malcolm Pirnie, the Water Division of Arcadis U.S., Inc.

Agreements are for a period of 48 months with a 12-month term extension option. Pricing is fixed for 48 months and the County reserves the right to re-negotiate rates if there is a change in market conditions. Agreements have upset limits over the initial 48-month term of \$2,500,000.00 for Camp Dresser & McKee, Inc. and \$1,000,000.00 for Malcolm Pirnie (total \$3,500,000.00); and the County Administrator is authorized to increase the upset limits, provided the negotiated rates remain the same. Chairman authorized to sign the agreements and the Clerk to attest after proper execution by the firms (Utilities/Purchasing).

Motion - Commissioner Seel
Second - Commissioner Roche

In response to query by Commissioner Brickfield, Purchasing Director Joseph Lauro indicated that the pricing has been rolled back and includes incidentals and local travel, which is a much better deal for the County going forward.

Vote - 7 – 0

#41 Extension of Interlocal Agreement between Pinellas County, Florida, and the Sixth Judicial Circuit Court of Florida for County-Funded Court Employees approved; agreement extension is effective through June 30, 2013, with five consecutive two-year period extension options (total agreement cost, approximately \$2,575,185.00) (Justice and Consumer Services).

Motion - Commissioner Welch
Second - Commissioner Roche

In response to query by Commissioner Roche, Administrator LaSala indicated that the funds for the extension were included in the budget previously presented to the Board.

Vote - 7 – 0

#42 Final negotiated agreements with the seven top-ranked firms for environmental support services on a continuing basis (Contract No. 101-0116-P) approved as follows:

1. King Engineering
2. Scheda Ecological Associates
3. Atkins North America, Inc.
4. Entrix, Inc., d/b/a Cardno Entrix
5. Faller, Davis & Associates, Inc.
6. HDR Engineering, Inc.
7. Ecological Services Associates, LLC

Agreements are for a period of 36 months with one additional 24-month extension to be exercised only if all prices, terms, and conditions remain the same and the County Administrator grants approval. Agreements have an upset limit of \$214,285.71 for each firm (total \$1,500,000.00); and the County Administrator is authorized to increase the upset limits, provided the negotiated rates remain the same. Chairman authorized to sign the agreements and the Clerk to attest (Public Works/Purchasing).

Motion - Commissioner Welch
Second - Commissioner Morrioni

In response to queries by Commissioner Brickfield, Purchasing Director Joseph Lauro explained that the consultant services are not governed under the Consultant Competitive Negotiation Act (CCNA); and that not all of the firms are engineering companies, although they may employ engineers; whereupon, Administrator LaSala noted that because the services are not subject to CCNA, price was able to be considered at the outset, providing an advantage to the County.

Vote - 6 – 1 (Chairman Latvala dissenting).

#43 Other Administrative Matters – None.

#44 Resolution No. 11-45 adopted supporting the Florida Department of Environmental Protection’s Petition requesting the United States Environmental Protection Agency withdraw its determination that Numeric Nutrient Criteria are needed in Florida.

Attorney Long stated that, in response to Commissioner Welch’s comment about addressing the financial impacts in the resolution, the resolution has been amended to add the first “Whereas” clause, stating that the requirements impose significant costs on counties to comply; and that it is consistent with the position previously taken by the Board regarding the requirements. Commissioner Welch indicated that he requested that

the clause be added, noting that the fiscal element is the main reason he gives when he is asked why the County is opposing the criteria.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Welch
Vote	-	7 – 0

#45 County Attorney Miscellaneous – None.

#46 County Administrator Report:

LIVE CHAT DEMONSTRATION

Administrator LaSala noted that the County recently received a significant National Association of Counties award for its ongoing Gov 2.0 efforts.

Communications Director Timothy Closterman conducted a brief demonstration of the new Live Chat feature, providing input regarding functionality and hours of operation, and indicated that the feature is part of the Gov 2.0 initiative; and that public records access has been added to the top navigation bar, which gets 44,000 hits a month; whereupon, he responded to comments and queries by the members, and Michael Roiland, Business Technology Services, provided input regarding public records requests, noting that the public records page is the portal to all of the County databases; and that public records searches are probably in the millions.

#47 County Administrator Report:

INITIATIVES AND PROJECTS

Administrator LaSala provided an update on the status of various cost saving/efficiency initiatives and projects identified during the strategic planning process, indicating that no new information is available at this time; and that work will continue on the active initiatives and projects.

#48 Appointments and reappointments to the WorkNet Pinellas Board of Directors, as outlined in the agenda memorandum dated June 14, 2011, which has been filed and made a part of the record, approved.

Motion	-	Commissioner Seel
Second	-	Commissioner Welch
Vote	-	7 – 0

#49 County Commission Miscellaneous:

- a. Joe C. Burdette appointed to serve as the alternate member on the Pinellas County Board of Adjustment.

Motion - Commissioner Brickfield
 Second - Commissioner Welch
 Vote - 7 – 0

- b. Fire Marshal Steven Strong appointed to the Pinellas County Construction Licensing Board.

Motion - Commissioner Morrone
 Second - Commissioner Welch
 Vote - 7 – 0

- c. Chairman Latvala indicated that the Pinellas County Centennial Celebration and the BCC office budgets will be discussed at a future BCC meeting.

distributed a listing of BCC departments that need assistance, a copy of which has been filed and made a part of the record; following discussion, it was the consensus of the Board that their assistants would discuss the list and delegate the responsibilities amongst themselves.

#50 Meeting adjourned at 3:46 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
 Deputy Clerk