

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, AUGUST 23, 2011 – 3:00 P.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: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Tammy L. Burgess and Arlene L. Smitke, Deputy Clerks.

INVOCATION: Pastor Jeff Parish, First Baptist Church of Indian Rocks, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS:

1. Jolley Trolley update by Pinellas Suncoast Transit Authority Transportation Director Denise Skinner.

CITIZENS TO BE HEARD

Jack Olsen, St. Petersburg, re Social Action Funding.
Lenore Faulkner, Madeira Beach, re Pinellas County Schools.
Hamilton Hanson, Weeki Wachee, re A. Citizens.
Attilio Corbo, Palm Harbor, re Budget.
Glenn Pav, Largo, re Budget.
Dan Hester, Seminole, re Animal Welfare Comm.
Nancy Davis, Seminole, re Penny for Pinellas.
Greg Pound, Largo, re Families.
Debra Shade, Clearwater, re Meals – Social Action.
David McKalip, St. Petersburg, re Budget – General.
Antoinette (Toni) Barnes, Palm Harbor, re Faith and Action for Strength Together (FAST).
Rob Roberts, Largo, re Affordable Land.
Tony Caso, Palm Harbor, re Budget.
Arthur Worth, Palm Harbor, re Budget.
Linda Skempris, St. Petersburg, re Budget.
Deb Kurin, Palm Harbor, re Budget.
Joe Paige, Clearwater, re Friendship Trail and Budget.

Marg Baker, Palm Harbor, re Tax – FAST.
Bill Thomas, Clearwater, re Affording Housing.
Mark Klutho, Largo, re Stupidity, Waste.
Kathy Haddon, Largo, re Land Assembly Fund.
Kim Cameron, Oldsmar, re Affordable Housing.
Narda Enander, Clearwater, re Tax Increase for EMS Services.
Philip Tropea, Palm Harbor, re Budget.
Kris Gionet, Gulfport, re Land Assembly Fund.

BCC DISCUSSION – FISCAL YEAR (FY) 2012 PROPOSED BUDGET:

In response to the Chairman’s call for citizens wishing to be heard, the following individuals appeared and expressed their concerns:

Barbara Haselden, St. Petersburg (submitted document)
David McKalip, St. Petersburg (submitted documents)
Hamilton Hanson, Weeki Wachee

Following brief comments by Chairman Latvala and in response to comments and queries by Commissioner Bostock, Commissioner Roche requested that Item No. 1 be removed from today’s budget discussion, moved to a future agenda, and advertised as a separate item to allow all citizens to be heard on the issue before the Board makes a decision, pointing out that the item was a request made subsequent to, not as part of, the County Administrator’s presentation of the Fiscal Year 2012 budget proposal to the Board; and that the movement of such a large sum of money should be advertised and heard as a separate future agenda item.

Discussion ensued wherein Commissioner Bostock noted that if the item is not approved at today’s meeting, the issue will be moot; and that if the item passes, it will become part of the budget process and will be advertised at every point along the way until the final budget adoption in September; whereupon, following input by the members, Chairman Latvala indicated that the majority of the Board does not support Commissioner Roche’s request.

Chairman Latvala referenced a document titled *BCC Discussion Items*, a copy of which has been filed and made a part of the record, and indicated that the items on the list were brought forward by the Commissioners, with one item having been added by the County Administrator; and that the items need to be decided upon before the Board can finalize the budget in September.

Item 1: Options for accelerating the \$15 million Penny allocation for affordable housing from Fiscal Years 2017-2019 to Fiscal Years 2012-2014.

Commissioner Welch related that there have been numerous misstatements of fact regarding this item; and refuted the allegations that the County is giving Faith and Action for Strength Together (FAST) \$15 million; that the County is putting \$15 million toward a foreclosure prevention program recommended by FAST in April 2011; or that he advocated raiding the County's Service Level Stabilization Fund to fund affordable housing. He stated that affordable housing has been part of the Penny for Pinellas extension from the beginning, has been talked about since 2007, has been approved by the voters, and is in the County's long-term capital plan; and that the affordable housing land trust is depicted on the County's website under *Planned Penny Projects*; whereupon, Commissioner Welch provided input regarding the homeless population and the need for affordable housing.

Commissioner Welch moved, seconded by Commissioner Morroni, that \$5 million be accelerated from Fiscal Year 2017 to 2012 through an intrafund loan within the County for land acquisition for affordable housing, and discussion ensued wherein Commissioner Seel displayed and referenced various documents evidencing the advertisement of the affordable housing land assembly trust fund at \$30 million as part of the Penny for Pinellas extension; and reassured the citizens that the County continues to work on the basic infrastructure capital improvement projects, indicating that she will provide an update on the capital improvement program projects to anyone who asks.

Commissioner Roche agreed that affordable housing was a problem in the County in 2007, but disagreed that it is currently a problem, stating that while a promise was made by the Commission at that time, priority takes precedence over promise; whereupon, he suggested that the motion be amended to include allocating the remaining \$10 million directly to stormwater and flooding problems, and Commissioner Welch declined the amendment. Commissioner Seel pointed out that the type of housing needed is different; that more people are moving to apartments and rental housing due to the housing crisis; and that the affordable housing trust fund would address the majority of those types of projects.

Thereupon, upon call for the vote and following a show of hands, Chairman Latvala stated that the motion failed.

Motion	-	Commissioner Welch
Second	-	Commissioner Morroni
Vote	-	3 – 4 (Commissioners Brickfield, Bostock, Roche, and Latvala dissenting)

Item 2: Consider funding East Lake Library's request for \$50,000.00 for two years to serve as a bridge until the new Interlocal agreement with the Pinellas County Library Cooperative is updated.

Chairman Latvala noted that lengthy discussion on the item occurred during the budget presentations; and clarified that the annual funding amount necessary is actually \$42,000.00.

Discussion ensued regarding the assumption that East Lake is interested in updating and re-entering into an Interlocal Agreement with the Cooperative. Chairman Latvala indicated that the Library Cooperative would not likely survive if East Lake withdraws, unless the member governments vote to increase the millage; and pointed out that the cost to administer the program is almost equivalent to the East Lake community contribution; whereupon, Commissioner Brickfield indicated that the East Lake community pays in about \$1.5 million, but gets substantially less back.

In response to comments and queries by Commissioner Roche, Chairman Latvala related that East Lake is currently part of the Library Cooperative, but is treated as a subdivision of the Palm Harbor Library and is not funded as equally as the other libraries; that there is a committee currently working on the Interlocal Agreement renewal; and that the Library has taken creative steps to reduce its operating budget; whereupon, Commissioner Seel pointed out that the East Lake Library has significantly decreased its budget from \$316,500.00 to \$200,090.00.

Commissioner Seel moved, seconded by Commissioner Roche, that \$42,000.00 a year for the next two years be allocated to the East Lake Library; and in response to query by Commissioner Brickfield, Commissioner Seel confirmed that the funds would come from the Municipal Services Taxing Unit reserves; whereupon, upon call for the vote, the motion carried unanimously.

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

Item 3: Consider reducing the budget for the Department of Juvenile Justice mandate by \$300,000.00.

Commissioner Roche indicated that Items Nos. 3 and 4 are identical situations wherein he directly asked the department director whether the proposed reduction would negatively impact the current level of service and was told that it would not; whereupon, he moved, seconded by Commissioner Brickfield, that the budget for the Department of Juvenile Justice mandate be reduced by \$300,000.00.

Motion - Commissioner Roche
Second - Commissioner Brickfield

Discussion ensued wherein Commissioners Bostock, Latvala, and Welch expressed concern regarding the County's state-mandated costs. Assistant County Administrator Carl S. Harness indicated that the State recently reduced its budget and the budget for the Department of Juvenile Justice, which should result in savings to all of the counties; that the projected state-mandated costs as of September 30, 2011, are about \$6 million, but that it is believed the costs will be closer to \$5 million, noting that staff continues to monitor the situation and is working closely with the State to resolve the billing issue related to Department of Juvenile Justice services; and that hopefully the lawsuit regarding the \$918,000.00 reimbursement will soon be resolved and the County will be awarded a credit; whereupon, he stated that staff is comfortable making the \$300,000.00 reduction requested; and cautioned the members that should the budget situation go the other way, the costs to the County could be hefty.

In response to comments and queries by Commissioner Seel regarding the Board's direction to Administrator LaSala for the allocation of the \$300,000.00, Commissioner Roche indicated that it was his intent that the department director would reduce the department budget by \$300,000.00; and that Administrator LaSala would cut the amount from the budget. In response to Commissioner Bostock's suggestion that the funds be held in a separate savings account due to the uncertainty of the State budget, Chairman Latvala pointed out that the funds are essentially held in reserves until the bill from the State is received; and that while she agrees that having a placeholder for the amount of funds estimated by staff as a reasonable amount makes sense, the County does not have the authority to reduce the services and must pay whatever amount the State dictates; whereupon, following further discussion, Administrator LaSala pointed out that the allocated funds carry over to the end of the year if they are not used; and that staff is careful to properly utilize the funds for the allocated purposes only.

Thereupon, upon call for the vote, Chairman Latvala stated that the motion passed.

Vote - 5 – 2 (Commissioners Latvala and Welch
dissenting)

Item 4: What impact would a \$500,000.00 reduction have on the Pinellas County Health Plan?

Commissioner Roche stated that the request does not accurately reflect his question, reiterating that Items Nos. 3 and 4 are identical situations; and that his question was whether a \$500,000.00 reduction to the Health and Human Services Department's budget request would negatively impact the current level of service, to which he was told that there would be no impact; whereupon, Chairman Latvala related that the data shows that a \$500,000.00 reduction would

result in a \$750,000.00 impact because of the loss of leveraged funds; and that 500 fewer people would be served annually.

Discussion ensued regarding whether the budget request includes increasing the eligibility standards to 110 percent of the poverty level and the reality of the decrease in the number of people served annually. Mr. Harness pointed out that the department director recanted her response during the last budget workshop; and Chairman Latvala indicated that the department director stated that she would make further cuts and adjustments within the department; whereupon, she stated that she cannot support the request.

Administrator LaSala cautioned the members regarding changing the budget given the uncertainty of the growing Medicaid burden and the County's obligation to pay the amount billed. Pointing out that there are state-mandated and discretionary costs, Commissioner Bostock expressed concerns with how the available funds are being spent, noting that last year the budget book indicated that there was excess capacity in the discretionary portion of the program, and this year the income levels are being increased so more people would qualify for the program.

Administrator LaSala clarified that the excess capacity was a result of the startup and acceleration of the program and the ability to get the program fully operational; and Chairman Latvala indicated that there is always more demand than there is money; that funding has been increased over the past few years, but that the demand of the growing disadvantaged population is still not being met; and that expanding the program reduces emergency room costs, which impact the citizens and the government; whereupon, Commissioner Bostock questioned when to save the taxpayers' money and when more people should be served. Commissioner Welch expressed concern regarding losing leveraged dollars; and stated that the expansion is a result of the need; and that he cannot support the request.

Commissioner Roche moved, seconded by Commissioner Bostock, that the Health and Human Services Fiscal Year 2012 budget request be reduced by \$500,000.00. Upon call for the vote, Chairman Latvala stated that the motion failed.

Motion	-	Commissioner Roche
Second	-	Commissioner Bostock
Vote	-	2 – 5 (Commissioners Latvala, Morrioni, Welch, Brickfield, and Seel dissenting)

Item 5: Identify option for funding Homeless Services request for \$10,000.00 from Pinellas County Coalition for the Homeless (PCCH).

Commissioner Welch indicated that the request would fund an additional administrative position; that the request supports the Pinellas County Coalition for the Homeless, the Homeless Leadership Network, and the new entity being created; and that the funds are available from the Clearwater Homeless Intervention Project; whereupon, he moved, seconded by Commissioner Morroni and carried, that the Pinellas County Coalition for the Homeless request for \$10,000.00 for homeless services be approved.

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

Item 6: Develop a plan and more streamlined process for Social Action Funding in FY12.

Chairman Latvala indicated that staff has prepared a plan and streamlined the process for Social Action Funding in Fiscal Year 2012, which was discussed at length during a previous budget workshop; and that the categories for funding have been defined. Commissioner Seel related that she supports some level of Social Action Funding, but that she believes health services should be funded from the health budget; and that the required increase to Gulfcoast Legal Services should allow enough funding to provide legal services to the homeless; whereupon, she stated that she would support a funding level of \$200,000.00 for food and nutrition services.

In response to comments and queries by Commissioner Morroni, Mr. Harness explained the initial recommendation, and indicated that the Board's direction was for a one-year award; whereupon, Commissioner Morroni suggested that the three week timeframe for agencies to apply for the grant be extended to one month. Discussion ensued wherein Commissioner Bostock stated that the item presupposes that the Social Action Funding budget is being increased; and suggested that whether or not funding should be restored should be considered first, and then, if funding is restored, how it should be allocated.

Commissioner Roche moved to postpone the item, noting that the action presupposes that a formal vote has been taken to eliminate the Social Action Funding Board, which has not occurred; and that he is uncomfortable voting on an action to replace an existing entity without having formally voted on the elimination of the Social Action Funding Board; whereupon, Attorney Bennett stated that the public hearing on dismantling the Social Action Funding Board is scheduled for September 27, 2011; and in response to comments and queries by Commissioners Brickfield and Bostock, Chairman Latvala confirmed that the Board first needs

to decide whether or not to fund Social Action Funding, and then how the program will be funded.

Thereupon, the motion on the floor died for lack of a second.

Commissioner Welch moved that the Board restore funding to Social Action Funding at last year's level of \$360,000.00; and in response to query by Commissioner Brickfield, indicated that \$200,000.00 could come from the excess from the County Administrator's budget; and that the remaining \$160,000.00 could come from the non-recurring funds this year or from the \$28 million Service Level Stabilization Fund. In response to query by Commissioner Roche regarding the intentional separation of the \$200,000.00 and the \$160,000.00, Administrator LaSala discussed recurring and non-recurring funds, noting that staff originally proposed cutting the budget from the previous year; and that the Board allocated \$160,000.00 in non-recurring funds to Social Action Funding.

Thereupon, the motion on the floor died for lack of a second.

Commissioner Seel moved, seconded by Commissioner Welch, that Social Action Funding be funded in the amount of \$200,000.00 for the categories of food and nutrition and for the Tampa Bay Information Network technology for community agencies; whereupon, following brief discussion and upon call for the vote, Chairman Latvala stated that the motion passed.

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

Commissioner Morroni moved, seconded by Commissioner Welch, that the timeframe for agencies to submit applications for the grant be extended from three weeks to one month; and in response to query by Administrator LaSala, Commissioner Morroni confirmed acceptance of staff's recommendations, as outlined during the previous budget workshop, with the aforementioned modifications; whereupon, upon call for the vote, the motion carried.

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

Item 7: Consider the elimination of adding fluoride to our water.

Commissioner Roche indicated that he put the item forward as a cost-saving measure, pointing out that there is no mandate or vote of the citizens requiring the County to put fluoride in the water; and that numerous citizens have requested that it be taken out. Chairman Latvala stated

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that there was lengthy discussion regarding the issue some time ago; that it is a health issue, not a budget issue; and that she does not support removing the fluoride from the water.

Commissioner Morrone stated that while he would like to revisit the issue, he does not believe today is the appropriate time to make a decision, pointing out that Commissioner Roche had requested to postpone an item earlier in the meeting in order to allow all sides to attend and be heard; and that he believes this issue is important enough that it should be brought up to the public again, new information since the last meeting on the issue should be brought forward, and the public should be able to provide input, and Commissioner Brickfield concurred; whereupon, Commissioner Seel requested that only new and relevant information, since the Board's last vote on the issue, be provided due to the controversial nature of the issue.

Commissioner Roche moved that the County, as a cost-saving measure, eliminate adding fluoride to the water, and discussion ensued. In response to Commissioner Bostock's request that the issue be revisited in the near future to allow for any changes to be made in time for the current budget cycle, Administrator LaSala stated that he is not confident that he can accommodate the request due to other priorities; whereupon, Chairman Latvala suggested that staff determine how much new information is available since the Board last voted on the issue; and Commissioner Morrone requested that staff get the Pinellas County dentists involved, and Commissioner Seel provided input.

In response to query by Chairman Latvala, Commissioner Bostock stated that she would be satisfied with the issue being brought back to the Board for a report and future action, if not for a final vote, prior to the end of the calendar year; whereupon, the motion on the floor died for lack of a second.

Item No. 8 – Consider realigning \$147,490.00 from the proposed allocation for the Intellectual Capital Improvement Program and restore the reductions in the Human Resources Department.

Administrator LaSala related that he believes the Human Resources Department has been cut too far; that like certain other appointing authorities, independent authorities, and constitutional officers, the department did not meet its targets, noting that the Board accommodated the other missed targets; and that further reductions to the department may cripple its ability to maintain training and development, the classifications systems, and the volunteer services program; whereupon, noting the importance of the functions, he suggested that the funding be taken from the Intellectual Capital Improvement Program, which is for continuous learning, if there is no other means to fund the request, but that he would prefer that the Board restore the funding from the same source used for the other budget shortfalls.

Thereupon, Administrator LaSala recommended that the Board realign \$147,490.00 from the proposed allocation for the Intellectual Capital Improvement Program, or from the source used to fund the other budget shortfalls, and restore the reductions in the Human Resources Department.

Commissioner Roche moved, seconded by Commissioner Welch, that \$147,490.00 be restored to the Human Resources Department budget; and in response to query by Commissioner Brickfield, Administrator LaSala confirmed that the Intellectual Capital Fund amount was \$500,000.00.

Motion	-	Commissioner Roche
Second	-	Commissioner Welch

In response to comments and query by Commissioner Seel, Human Resources Director Peggy Rowe explained why the number of positions in the budget and the number reported by the Office of Management and Budget vary; and confirmed that the funding would keep the same level of staffing.

Thereupon, upon call for the vote, Chairman Latvala stated that the motion passed.

Vote	-	7 – 0
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Following the vote, Commissioner Brickfield requested that the summary of reserves by fund be included in the budget next year, and no objections were noted.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 12 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 1 AND 9, WHICH WERE CONSIDERED UNDER ITEM NO. 13.

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

1 See Item No. 13(1).

2 Reports received for filing:

- a. Affidavit of Publication of Legal Notice published in the Gulf Coast Business Review regarding Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes (Circuit/County Court of the 6th Judicial Circuit – Civil Division).
- b. Affidavit of Publication of Legal Notice published in the Gulf Coast Business Review regarding Notice of Forfeiture of Unclaimed Money pursuant to Section

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116.21, Florida Statutes (Circuit/County Court of the 6th Judicial Circuit – Criminal Division).

- # 3 Vouchers and Bills Paid – Periods July 11 through July 15, 2011, July 18 through July 22, 2011, and July 25 through July 29, 2011.

Payroll Journal Expenditures

Payroll checks numbered 10799 through 10830

Imprest Fund Expenditures

Manual checks numbered 751784 through 751791

System checks numbered 1035543 through 1037262

ACH Transfers numbered 9435 through 9652

Wire Transfers numbered 11620 through 11633

- # 4 Miscellaneous items received for filing:
- a. City of Clearwater Ordinance No. 8261-11 adopted July 21, 2011, annexing certain property, and Public Hearing Notices of Annexation, Land Use Plan, Zoning Atlas, and Comprehensive Plan Amendments re proposed Ordinances Nos. 8252-11, 8253-11, and 8256-11 held August 4, 2011.
 - b. City of Oldsmar Notice of Public Hearing regarding proposed Ordinance No. 2011-09 held August 16, 2011, voluntarily annexing certain property.
 - c. City of Seminole Ordinance No. 14-2011 adopted July 12, 2011, voluntarily annexing certain property.
 - d. Florida Public Service Commission Notice of Hearing regarding the Nuclear Cost Recovery Clause to be held August 10-12, 15-19, and 24-26, 2011 in Tallahassee; and Consummating Order No. PSC-11-0329-CO-EI issued August 2, 2011.
- # 5 Award of bid to R.E. Purcell Construction Co. Inc. for Roadway and Parking Lot Improvements – Phase II (PID No. 2276; Bid No. 101-0327-CP) approved for an estimated total expenditure in the amount of \$910,769.85 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 90 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor (Airport/Purchasing).

- # 6 Award of bid to Ajax Paving Industries of Florida, LLC for 2011 Airfield Improvements (PID No. 673; Bid No. 101-0319-CP) approved for an estimated total expenditure in the amount of \$5,093,278.80 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 249 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor (Airport/Purchasing).
- # 7 Amendment to County Incentive Grant Program Agreement with the Florida Department of Transportation (FDOT) for East Bay Drive/Roosevelt Boulevard (State Road 686) Advanced Traffic Management System/Intelligent Transportation System from Ulmerton Road (State Road 688) to Alternate U.S. Highway 19 (PID No. 2023) to support a single-stage construction method (no fiscal impact) approved; Resolution No. 11-69 adopted authorizing the Chairman to execute the amendment and the Clerk to attest.
- # 8 Award of bid to DPC Enterprises, L.P. for liquid chlorine cylinders (Contract No. 101-0336-B) approved for a total estimated annual expenditure not to exceed \$336,350.00 on the basis of being the lowest responsive, responsible bid received meeting specifications.

Contract is for 24 months with one 36-month term extension at the same terms and conditions; term extension will allow for a price adjustment not to exceed the average of the Producers Price Index, Chemicals and Allied Products, Not Seasonally Adjusted, or three percent, whichever is less. Term extension shall be exercised only if all terms and conditions remain the same and approval is granted by the County Administrator; initial contract term is effective September 7, 2011 through September 6, 2013.

- # 9 See Item No. 13(9).
- #10 Resolution No. 11-70 adopted supplementing the Fiscal Year 2011 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated State Homeland Security Grant revenue to Emergency Management) (Management and Budget).
- #11 Award of bid to Air Mechanical & Service Corp. for Chiller Plant Preventative Maintenance, Repair, and Overhaul (Contract No. 101-0274-B) approved for a total estimated 12-month expenditure not to exceed \$353,864.00 on the basis of being the lowest responsive, responsible bid received meeting specifications.

Contract is for 24 months with three 12-month term extension options; term extensions will allow for price adjustments (decrease/increase) in an amount not to exceed the average of the Consumers Price Index for all Urban Consumers, Not Seasonally

Adjusted, for the prior 12-month period. Term extension shall be exercised only if all terms and conditions remain the same and approval is granted by the County Administrator (Real Estate Management/Purchasing).

#12 Sitting as the governing body of the Lealman Solid Waste Collection and Disposal District, the Board approved the Non-Ad Valorem Assessment Agreement with the Pinellas County Property Appraiser for services relating to development and maintenance of the special assessment roll for the District’s special assessment; and adopted the non-ad valorem assessment roll for the period January 1 through December 31, 2011; Chairman or her designee authorized to certify the roll to the Tax Collector prior to September 15, 2011.

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

1 Minutes of regular meetings of July 12 and July 26, 2011 approved.

Commissioner Roche distributed the even-numbered pages of the July 12, 2011 meeting minutes to the members, a copy of which has been filed and made a part of the record, pointing out that the copy provided to him included only the odd-numbered pages.

Later in the meeting, Commissioner Welch pointed out that the minutes of the July 12, 2011 meeting published on the County Commission website as part of the agenda packet were complete.

9 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Airport	Modification No. 8 to the Transportation Security Administration Cooperative Agreement for Reimbursement of Law Enforcement Officer Costs	\$47,977.38 Grant Revenue, No Required Match	6.20.11
Airport	Supplemental Joint Participation Agreement with the State of Florida Department of Transportation (FDOT) for Extension of Termination Date and Implementation of E-Verify	N/A	5.9.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Business Technology Services	Change Order 005 with Applications Software Technology Services for OPUS Project	\$11,600.00	7.18.11
Business Technology Services	Amendment to License Agreement with Pictometry transferring licensing and services from the Property Appraiser to Pinellas County	N/A	4.20.11
Convention and Visitors Bureau	Event and Tourism Promotion Agreement with Competitor Group, Inc. for promotion and marketing of the 2012 Rock 'N' Roll St. Pete Half Marathon	\$100,000.00	7.19.11
Convention and Visitors Bureau	Facility Rental Agreements with St. Petersburg Baseball Commission, Inc. for the 2011 Big East/Big Ten Baseball Challenge	\$7,000.00	2.17.11
Community Development	Amendment to Specific Performance Agreement with Pinellas Opportunity Council, Inc. to increase funding for Pinellas Opportunity Council's Chore Services	\$30,000.00 Community Development Block Grant	7.13.11
Community Development	Satisfaction of Mortgage with: (a) Victoria D. and Richard A. Bredberg (b) Elly Clair and Samten J. Nagarajan (a/k/a Jayaraman Nagarajan)	Liens are Paid in Full	6.30.11
Community Development	Satisfaction of Mortgage with: (a) Daniel Frederick and Edith Mae Ward (b) Dalma H. Tanczos	Liens are Paid in Full	6.22.11
Community Development	Satisfaction of Mortgage with Michael L. Faulkner	Lien is Paid in Full	6.9.11
Community Development	Satisfaction of Mortgage with Mary T. Dixon Sykes, n/k/a Mary T. Dixon Wilkins	Lien is Paid in Full	5.10.11
Community Development	Satisfaction of Mortgage with: (a) Buris L. Young (b) Edward F. and Gloria S. Holland	Liens are Paid in Full	4.4.11
Community Development	Satisfaction of Mortgage with Marcus Hyde	Lien is Paid in Full	3.28.11
Community Development	Satisfaction of Mortgage with: (a) Joan E. Morin (b) Deborah A. Hill and Jack T. and Charlotte A. Carver	Liens are Paid in Full	3.22.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	Satisfaction of Mortgage with Malik M. and Jeanie M. Qamar	Lien is Paid in Full	2.22.11
Community Development	Satisfaction of Mortgage with Evelyn Joyce Bintliff	Lien is Paid in Full	1.18.11
Community Development	Satisfaction of Mortgage with: (a) Dollie Linville (b) Gregory P. and Faith M. Davis (c) Sherwin L. and Beverly J. Cooper	Liens are Paid in Full	1.5.11
Community Development	Satisfaction of Mortgage with Barbara A. Cooper	Lien is Paid in Full	12.7.10
Community Development	Satisfaction of Mortgage with: (a) Lorenzo R. and Marie Helen J. Guevara (b) Geraldine A. Frantz	Liens are Paid in Full	11.17.10
Community Development	Satisfaction of Mortgage with Gulf Coast Jewish Family & Mental Health Services, Inc.	Lien is Paid in Full	10.27.10
Community Development	Satisfaction of Mortgage with: (a) Lumduan Denniston (b) Robert F. and Ida Sapienza	Liens are Paid in Full	10.12.10
Community Development	Satisfaction of Mortgage with Karla Dinardo	Lien is Paid in Full	8.27.10
Community Development	Satisfaction of Mortgage with Loraine Faust	Lien is Paid in Full	8.25.10
County Attorney	Memorandum of Authorization for a Stipulated Final Judgment with Pinellas County and First Industrial Pennsylvania, LP for Parcels P110/710 of the Bryan Dairy Road Project	\$210,000.00	7.26.11
County Attorney	Memorandum of Authorization for a Stipulated Final Judgment with Pinellas County and William LaRosa for Parcel PO48 A & B of the Keystone Road Project	\$181,000.00	7.14.11
Emergency Management	Grants Approvals to Enhance Emergency Management Programs with the State of Florida Division of Emergency Management: (a) State Funded Emergency Management Preparedness and Assistance Base Grant	 (a) \$105,806.00 Grant, 100% Match Required	7.7.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(b) Federally Funded Emergency Management Performance Grant with the State of Florida Division of Emergency Management	(b) \$195,493.00 Grant, 100% Match Required	
Health and Human Services	Standard Contract with Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP) for Emergency Home Energy Assistance Program for the Elderly	\$33,932.54 Reimbursed by AAAPP	7.19.11
Health and Human Services	First and Final Option of Renewal with St. Petersburg College for Funeral Services Program	N/A	6.30.11
Health and Human Services	Amendment No. 1 to the Specialty Provider Agreement with Bayfront Medical Center, Inc. for Specialty Medical Services	\$170,000.00	4.18.11
Justice and Consumer Services	Edward Byrne Memorial Justice Assistance Applications for Funding with the Florida Department of Law Enforcement, Office of Criminal Justice Grants, Justice Assistance Grants for:		7.22.11
	(a) Sexual Predator and Offender Tracking Unit	(a) \$125,000 Grant Revenue, No Match;	
	(b) Planning Grant	(b) \$36,905.00 Grant Revenue, No Match;	
	(c) Jail Diversion Expansion	(c) \$45,000.00 Grant Revenue, No Match;	
	(d) Community Placement Intake Service	(d) \$33,000.00 Grant Revenue, No Match;	
	(e) Residential Treatment	(e) \$30,000 Grant Revenue, No Match;	
	(f) Child Abuse Education /Prevention	(f) \$14,145.00 Grant Revenue, No Match;	
	(g) SMART Girls	(g) \$10,000.00 Grant Revenue, No Match	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	Progress Report for the Criminal Justice, Mental Health , and Substance Abuse Reinvestment Grant Program by the Public Defender’s Office to be Submitted to the Florida Department of Children and Families	N/A	7.7.11
Parks & Conservation Resources	Cooperative Agreement with the U.S. Department of Homeland Security for the Biowatch Program	\$179,198.00 Grant Revenue, No Match Required	7.19.11
Parks & Conservation Resources	Second Amendment to Public Art and Design: Wall Springs Park Public Art Project – Christopher Fennell for Time Extension	N/A	7.13.11
Parks & Conservation Resources	Intent to Apply for an Environmental Protection Agency Section 105 Grant Extension for the Air Pollution Control Program	N/A	7.7.11
Parks & Conservation Resources	Time Extension to Grant Funding Agreement with National Fish and Wildlife Foundation for McKay Creek and Chestnut Park Habitat Restoration	N/A, Time Extension Only	6.30.11
Parks & Conservation Resources	Water Use Permit Renewal Application with Southwest Florida Water Management District	N/A	6.13.11
Parks & Conservation Resources	Assistance Amendment with the U.S. Environmental Protection Agency (EPA) for the Particulate Matter Ambient Monitoring Network	\$65,388.00 Grant Revenue, No Match Required, and \$24,612.00 EPA In-Kind Services	6.1.11
Parks and Conservation Resources	Agreement with the Pinellas County School Board for Operation of the Brooker Creek Preserve Education Facility	N/A	12.30.10
Planning	Federally Funded Subgrant Agreement with the State of Florida Division of Emergency Management for Development of Post-Disaster Redevelopment Action Plan for Health and Human Services	\$30,000.00 Grant Revenue, \$10,000.00 Match from Health and Human Services Coordinating Council	6.1.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Public Works	Preliminary Engineering Agreement with CSXT for the Design of the Crossing Surface Repair/Replacement at: (a) Belleair Road (b) Wyatt Street	(a) \$15,000.00 (b) \$15,000.00	7.18.11
Public Works	Memorandum of Agreement with the Bureau of Ocean Energy Management, Regulation and Enforcement, and the U.S. Army Corps of Engineers for the Sand Key Nourishment Project	N/A	7/14/11
Public Works	Amendment No. 1 to the Jolley Trolley Service Agreement with Pinellas Suncoast Transit Authority for Reduction of Funding Requirements	\$6,050.00 Funding Reduction	7.13.11
Public Works	(a) Local Sponsor Agreement with the State of Florida, Department of Environmental Protection for Sand Key Nourishment (b) Designation of Humiston & Moore Engineers to Act as County Agent for the Joint Coastal Permit Application of Honeymoon Island Beach Project, Phase II	(a) \$190,000.00 - \$250,000.00 Per Year (b) N/A	7.7.11
Public Works	(a) Local Agency Program (LAP) Agreement with the FDOT for the Design Activities of the Dunedin Highland Middle School Sidewalk Project on Union Street (b) Notice of Intent to Comply with the Terms of the Generic Permit for Pollutant Discharges to Surface Waters of the State from the Application of Pesticides (c) LAP with the FDOT for the Design Activities of the Sandy Lane Elementary School Sidewalk Project on Sunset Point Road	(a) \$100,000.00 FDOT Funding, No County Match (b) \$500.00 (c) \$25,000.00 FDOT Funding, No County Match	6.24.11
Public Works	E-Verify Requirement to the Interlocal Agreement with the FDOT for the Design of a Water Quality Monitoring Program	N/A	6.17.11
Public Works	Amendment No. 1 Time Extension to the Interlocal Agreement with the Town of Redington Shores for Construction of New Dune Walkovers at Public Beach Access Sites	N/A, Time Extension Only	6.13.11

August 23, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	(a) Residential License Agreement with Deputy Casey Hunter for Residence at Fred Howard Park	(a) \$275.63 Monthly Lease Revenue	8.1.11
	(b) License Agreement with FDOT for Trespass Rights on County Property Located at 9695 Ulmerton Road for Highway Improvements	(b) N/A	
Real Estate Management	(a) Temporary Access License Agreement with Roadway Management, Inc. for Staging Area for Seminole Lake Country Club Neighborhood	(a) N/A	6.30.11
	(b) Real Property Leaseback Agreement with the Church of Scientology Flag Service Organization, Inc. for Properties Located at 300 South Garden Avenue and 512 South Fort Harrison Avenue, Clearwater, Florida	(b) No Rent Due, County will Maintain Buildings and Pay All Utilities	
Real Estate Management	Distribution Easement with Florida Power Corporation d/b/a Progress Energy Florida, Inc. for Alligator Lake Management Area Underground Facilities	N/A	6.28.11
Real Estate Management	Lease Agreement with 502 Design Services, Inc. for space at the Young-Rainey STAR Center	\$356.42 Monthly Lease Revenue	6.13.11
Real Estate Management	Residential License Agreement with Deputy Ryan Myer for Residence at Lake Seminole Park	\$275.63 Monthly Rental Revenue	6.9.11
Real Estate Management	Sovereignty Submerged Lands Easement with the Department of Engineering and Environmental Services for Park Boulevard Bridge	N/A	6.7.11
Real Estate Management	(a) First Amendment to Lease Agreement for the Tax Collector Office Space in South St. Petersburg	(a) \$54,000.00 Annual Lease Rate	5.26.11
	(b) Residential License Agreement with Officer James Manson for Alligator Lake Residential	(b) \$262.50 Monthly Rental Revenue	
Utilities	Time Extension with Florida Department of Environmental Protection for Bridgeway Acres Class I Landfill	N/A, Time Extension Only	7.21.11
Utilities	Release of Lien (18)	All liens are paid in full	6.21.11
Utilities	Notice of Lien (22)	N/A	6.15.11
Utilities	Notice of Lien (11)	N/A	6.7.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Utilities	Release of Lien (36)	All liens are paid in full	6.6.11
Utilities	Settlement Letter for Consent Order with the Florida Department of Environmental Protection for Solid Waste Operations	\$49,600.00	5.23.11

In response to queries by Commissioner Brickfield, Community Development Assistant Director Cheryl Reed indicated that the Community Development Block Grant (CDBG) Program has become more competitive; that Community Development recently began requiring increased private funding sources for leveraging; that the Chore Services Program has been funded with the Pinellas Opportunity Council for about 25 years, but is unable to receive a lot of private financing to leverage the state and federal funding it receives and did not qualify for CDBG funding this year; that because of the dire financial situation that not funding the program would cause, Community Development allocated \$30,000.00 in administrative funds to the program from the current budget that would not have been spent; and that the allocation extends the existing \$30,000.00 contract to a two-year contract with an additional \$30,000.00 in funding to be spent next fiscal year.

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

- #14 Interlocal Agreement with the City of Seminole for Operation and Maintenance of Lake Seminole Alum Stormwater Treatment Facilities (PID No. 829) approved for an approximate 20-year period expiring on September 30, 2031. Chairman authorized to execute the agreement and the Clerk to attest (Environment and Infrastructure).

Referring to comments made by a citizen earlier in the meeting, Commissioner Morroni pointed out that the County has spent millions of dollars on Lake Seminole.

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

- #15 Resolution No. 11-71 adopted requesting the inclusion of Pinellas County beach erosion control projects in the Florida Beach Management Program FY 2012-13 Long-Range Budget Plan (Environment and Infrastructure).

Noting miscalculations, Administrator LaSala made scrivener's error corrections, indicating that \$5,723,750.00 is the total funding request; and that the correct amount for Long Key is \$37,500.00.

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

- #16 Fiscal Year 2011-2012 Alcohol and Drug Abuse Trust Fund disbursement of funds totaling \$50,000.00 for selected agencies identified in the funding matrix, which has been filed and made a part of the record, as recommended by the Substance Abuse Advisory Board approved (Justice and Consumer Services).

Motion - Commissioner Welch
Second - Commissioner Morrone

In response to query by Commissioner Brickfield, Justice and Consumer Services Director Tim Burns indicated that the funding is for Boley Centers, not Safe Harbor.

Vote - 7 – 0

- #17 Recommendation of the Substance Abuse Advisory Board for distribution of \$369,050.00 in Edward Byrne Memorial Justice Assistance Grant funds for Fiscal Year 2011-2012 approved providing for distribution among nine applicants, as detailed in the attachment to the Board Memorandum dated August 23, 2011; County Administrator authorized to execute all subsequent agreements and documents related to the funding (Justice and Consumer Services).

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

- #18 Contract for Sale and Purchase with Ollie Mae Henry for acquisition of real property located in the Dansville Redevelopment Area approved (negotiated property value/contract amount, \$40,590.50, estimated closing costs, \$1,000.00; estimated demolition cost, \$10,000.00; Maximum Total Cost, \$51,590.50); Chairman authorized to execute the Contract for Sale and Purchase and a County Deed, and the Clerk authorized to attest (Community Development/Real Estate Management).

Mr. LaSala indicated that the County is acquiring the property at an amount above the appraised value after consultation with the County Attorney's Office; that the cost of acquisition through eminent domain would exceed the purchase price; and that a briefing

paper was provided to the Board at its August 9 meeting, a copy of which has been filed and made a part of the record.

Motion - Commissioner Welch
Second - Commissioner Brickfield

Responding to query by Commissioner Bostock regarding the delay in processing the paperwork, Mr. LaSala indicated that he had sent the item back to staff and the County Attorney's Office for re-evaluation; that he had felt the appraisal was too old to be relied upon and had requested an update; and that the new appraisal was then evaluated against the eminent domain procedures, resulting in the recommendation to proceed.

Vote - 7 - 0

- #19 Resolution No. 11-72 adopted approving an amendment to the Downtown Master Plan for the City of Safety Harbor to change the Character District classification from Service Corridor-2 (SC-2) to Service Corridor-1 (SC-1) on the eastern 0.55 acre of a parcel located on Ninth Avenue North, north of Main Street (Planning).

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

- #20 Other Administrative Matters:

Mr. LaSala indicated that he has received a letter from STARS-STRIVE of Pinellas County, Inc. requesting a loan from the County. He recalled that STARS was originally a Pinellas County program; that approximately one year ago, he had recommended that the program be spun off as a private, not-for-profit corporation; and that the Board had concurred and authorized a one-time startup grant in the amount of \$300,000.00.

Mr. LaSala stated that, unless directed to do otherwise, his intention is to write back to the organization on behalf of the Board and express the members' regrets, indicating that the County does not make loans to not-for-profit agencies, even though it is a worthy program initiated by the County.

Discussion ensued, and Commissioner Welch expressed his disappointment that the organization has run into trouble in less than a year, noting that he had thought it had secured funding to carry it through several years; and responding to his query, Mr. LaSala stated that there is a cash flow problem; and that the letter indicates that federal funding is pending and that the agency is well positioned to be considered for funding under the

United Way of Tampa Bay's donation structure; whereupon, Commissioner Welch indicated that the program has had a high level of success; and that he would support the loan request.

Following further discussion, it was the consensus of the members that staff be directed to consult with STARS-STRIVE representatives to identify potential funding sources, including WorkNet Pinellas and other workforce agencies; whereupon, responding to query by Commissioner Roche, Mr. LaSala confirmed that he will send a letter expressing the Board's regrets, as he indicated earlier in the meeting.

#21 County Attorney authorized to file an Administrative Challenge in Pinellas County versus Florida Department of Environmental Protection – Proposed Total Maximum Daily Load Requirements.

At the request of Attorney Bennett, Department of Environment and Infrastructure Watershed Section Manager Kelli Levy conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. She indicated that the National Pollutant Discharge Elimination System (NPDES) storm water permit must be renewed in five-year cycles; and that the County is currently engaged in the Cycle 3 permit renewal process; whereupon, she reviewed the requirements proposed under the draft permit issued on May 27, 2011, including 25 new permit requirements related to the following:

- › Inspection and maintenance of the storm water management system as a whole.
- › Inspection of local businesses and enforcement to eliminate illegal connections.
- › Construction program plan relating to County and private construction.
- › Public education program plan, including a method to assess its effectiveness.
- › Annual training requirements for County employees and contractors.
- › Total Maximum Daily Load (TMDL) requirements for actions to take place during months 1-6, 6-12, 12-36, and 24-48, including submission of a Bacterial Pollution Control Plan by month 30.

* * * *

Commissioner Welch left the meeting at 6:06 P.M.

* * * *

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Ms. Levy indicated that the draft permit requires the County to conduct extensive monitoring above and beyond what is currently being done; and that the County's concern, as set forth in the Administrative Challenge, is not that it must monitor, but that the State is telling the County how the monitoring is to be conducted.

Referring to a list of waters to be affected under the TMDL requirements during the upcoming permit cycle, Ms. Levy indicated that she received an e-mail today advising that the Environmental Protection Agency will likely include 14 additional impairments before the permit is issued.

Thereupon, Ms. Levy reviewed the renewal timeline, noting that the County submitted its comments pertaining to the draft permit in June and received the State's response in July; that the County submitted follow-up comments this month and is awaiting a response; that notice of intent to issue the permit is due this Friday, August 26, and that the petition for Administrative Hearing must be filed within 14 days, or by September 9.

Assistant County Attorney David McCrea provided additional information regarding the proposed Administrative Challenge, noting that the County is questioning the extent of the regulatory oversight that the State can impose by requiring certain styles of monitoring and implementing certain structural changes; that the State has previously imposed significant TMDL regulations within the County's waste water permit; and that it is now asserting its authority within the storm water permit. Attorney Bennett clarified that the focus of the challenge is an assertion that the extent of the State's authority is to require the County to do things that will make a difference, as opposed to just requiring it to do things, indicating that the County hopes to pare down the list to get the most benefit from its expenditures.

Chairman Latvala acknowledged that it is the County's responsibility to clean up its waterways, but noted that doing so has always been a matter of funding; and responding to her query, Ms. Levy concurred, indicating that it is always more difficult to clean up after the fact; and that staff will present a plan to the Board in November that hopefully will provide a sustainable, cost-effective means to achieve the goal. She noted that the budget does not include funding for the activities being proposed by the Department of Environmental Protection under the draft permit; that the County is requesting some flexibility in the requirements; and that the type of monitoring specified is extremely expensive and does not provide valuable information.

Motion - Commissioner Roche
Second - Commissioner Brickfield
Vote - 6 – 0

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Commissioner Welch returned to the meeting at 6:19 P.M.

* * * *

#22 Resolution No. 11-73 adopted directing the Property Appraiser of Pinellas County, Florida to extend the tax rolls for the 2011 real property ad valorem taxes and the 2011 tangible personal property ad valorem taxes and to deliver the extended rolls to the Tax Collector of Pinellas County, Florida, on or before October 7, 2011, upon authority of Section 197.323, Florida Statutes; and directing the Clerk to deliver a copy of the resolution to the Property Appraiser immediately upon its adoption.

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

#23 Resolution No. 11-74 adopted directing the Clerk and the Tax Collector, on behalf of the Board, to defer making application for deeds on all County-held tax certificates sold in 2009 and maturing in 2011 for an indefinite period of time on properties valued at less than \$5,000.00 on the Property Appraiser’s most recent assessment roll, pursuant to Section 197.502(3), Florida Statutes.

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

#24a Authorization granted to advertise a public hearing to be held on September 27, 2011, regarding a proposed ordinance amending Section 74-62(d)(3) of the Pinellas County Code relating to prisoner gain time.

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

#24b Authorization granted to advertise a public hearing to be held on September 27, 2011, regarding a proposed ordinance repealing Chapter 86, Division III, Section 86-71; amending Chapter 26, Article VI, Sections 26-205 and 26-207; and amending Chapter

90, Article I, Section 90-7(m) of the Pinellas County Code relating to regulation of firearms.

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

#25 County Attorney Miscellaneous – None.

#26 Change Order No. 2011-3 to the contract with Tyler Technologies, Inc. for the purchase and implementation of a Consolidated Case Management System (the “Justice CCMS” System) (Contract No. 089-0408-P) approved, increasing the contract amount by \$429,505.00 for a revised total in the amount of \$6,233,585.00; change order will access budgeted contingency funds; remaining contingency funds after this change order will total \$1,460,415.00.

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

#27 County Administrator Report:

INITIATIVES AND PROJECTS

County Administrator Robert S. LaSala referred to the various cost saving/efficiency initiatives and projects identified during the strategic planning process and indicated that staff is continuing to work with the Constitutional Officers and the Judiciary on facility consolidation; and that there is no new information to report at this time.

#28 Authorization granted to advertise public hearings to be held on September 27 and October 11, 2011 regarding a proposed ordinance implementing countywide authority to operate, maintain, develop and control certain County properties denominated as Properties of Countywide Importance.

Mr. LaSala related that the proposed ordinance was driven by a review of costs associated with the new 9-1-1 Center; that staff has determined that the building permit and inspection functions could be more efficiently accomplished using the County department and fee structure; that the Largo City Manager worked with the County to try to reduce fees, but was legally prohibited from doing so; and that adoption of the

ordinance will activate an existing provision in the County Charter which will result in a savings of \$250,000.00 on the project.

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

Attorney Bennett noted that the matter had come before the Board some years ago, and the cities had expressed concerns at the time; that many of those concerns have been addressed in the proposed ordinance; and that there will be a public hearing before the Local Planning Agency and two public hearings before the Board prior to its vote to adopt the ordinance.

#29 Authorization granted to advertise a public hearing to be held on September 27, 2011 regarding redistricting of County Commission district boundaries.

Mr. LaSala expressed his appreciation to Managing Assistant County Attorney Jewel White and Planning Director Brian K. Smith and his staff, noting that completing the redistricting procedure in-house has resulted in a significant savings for the County; and that the proposed adjustments are reasonable and meet all criteria set forth by state and federal law.

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

* * * *

At this time, 6:26 P.M., the meeting was recessed and reconvened at 6:50 P.M. with all members present, with the exception of Commissioner Roche.

* * * *

#30 Ordinance No. 11-32 adopted providing for the establishment of a procedure, pursuant to Section 6-30 of the Pinellas County Code, for granting a special event permit to sell or dispense alcoholic beverages prior to 11:00 A.M. and as early as 8:00 A.M. on Sundays. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Morrone
Vote	-	6 – 0

* * * *

Commissioner Roche entered the meeting at 6:52 P.M.

* * * *

#31 Ordinance No. 11-33 adopted regulating open burning for recreational purposes and the enforcement of such. No correspondence has been received.

Responding to the Chairman’s call for citizens wishing to be heard, Dawn Ladd, Seminole, spoke in support of the proposed ordinance; and Phillip B. Bee, Seminole, stated his concerns and submitted a petition with 15 signatures urging that the legislation be expanded to ban outside residential recreational burning, with certain exceptions, and to include setback requirements as detailed in Florida Administrative Code.

Responding to query by Commissioner Morroni, Fire Division Manager Michael M. Cooksey related that the Florida Administrative Code pertaining to setback requirements relates specifically to open burning of yard waste and debris and does not prohibit recreational open burning fires; that the majority of complaints relate to out-of-control recreational fires; and that he is unaware of anything in the Administrative Code that would prohibit the County from setting more stringent requirements; whereupon, Attorney Bennett suggested that staff conduct additional research regarding the setback issue, indicating that the Board could either defer the item or adopt the ordinance now and amend it later, if appropriate, to include setback requirements.

Following discussion with additional input by Mr. Bee and Attorney Bennett, Senior Assistant County Attorney Robert C. Swain related that the current ordinance falls under the environmental protection portion of County Code, which deals strictly with air pollution; that the proposed ordinance adds a new section dealing with police power and general nuisance fires; and that the next step is to update the environmental section, at which time the setback and permit issues will be addressed.

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

#32a Resolution No. 11-75 adopted denying the application of Maaser ELWI, LLP through Housh Ghovae and Renee Ruggiero, Northside Engineering Services, Inc., Representatives, for a change of zoning from A-E-W, Agricultural Estate Residential-Wellhead Protection, to RPD-2.5-W, Residential Planned Development, 2.5 Units Per

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Acre-Wellhead Protection, and RPD-1.0-W, Residential Planned Development, 1.0 Unit Per Acre-Wellhead Protection (Z-3-3-11), re approximately 11.23 acres located on the east side of East Lake Road at the southern terminus of Lesley Lane, Palm Harbor. Based on the recommendation of the Local Planning Agency (LPA), staff recommended denial of the request without prejudice and further recommended that, if the request is resubmitted, it be accompanied by a development agreement. Eight e-mails in opposition to the application have been received.

Planning Department Zoning Manager John F. Cueva inquired whether the applicant was present and, hearing no response, indicated that in situations where there is a recommendation for denial and the applicant does not appear to present the case, it is typical for the Board to deny the request, with or without prejudice; whereupon, he offered to proceed with his presentation, if the members so desired.

Responding to query by Chairman Latvala as to the wishes of the Board, Commissioner Brickfield noted that it would appear that the applicant is willing to accept the LPA recommendation. Discussion ensued wherein Mr. Cueva explained that denial without prejudice means that the applicant can re-apply immediately, noting that October 20 is the next filing deadline; and that a denial with prejudice requires a six-month waiting period, unless there is a modification in the requested classification.

Responding to query by Commissioner Welch regarding the LPA recommendation for a development agreement, Mr. Cueva indicated that he can pass along the Board's concerns to the applicant, should they wish to re-apply; that staff would likely support a request for RPD-1 zoning, which would limit the number of units to 12; and that staff felt a development agreement was not necessary in this case and that it would result in added expense; whereupon, Attorney Bennett clarified that the County cannot require a development agreement, but it could encourage the applicant to pursue that course of action.

Indicating that there are six months' worth of issues to be worked out, Commissioner Roche moved, seconded by Commissioner Welch, that the application be denied with prejudice.

Chairman Latvala related that she had received numerous public hearing comment cards from citizens wishing to speak and inquired whether they wished to proceed, noting that the motion on the floor is for denial of the request. In response to query from the audience as to what would be required by a development agreement, she explained that

staff would negotiate an agreement with the developer, which would then require approval by the Board through the public hearing process; whereupon, Commissioner Seel indicated that the applicant should meet with the neighbors and involve them in the process if they wish to proceed.

Vote - 7 – 0

- #32b Resolution No. 11-76 adopted approving the application of Stavros and Barbara Boutsis through Allen S. Zimmet, Esquire, Representative, for a change of zoning from P-1, General Professional Offices, to C-1, Neighborhood Commercial; and Ordinance No. 11-34 adopted approving a change in land use designation from Residential/Office-General to Commercial Neighborhood (Z/LU-1-7-11), re approximately 0.43 acre located on the east side of Hercules Avenue, 215 feet north of Allard Drive (street address: 2215 North Hercules Avenue, unincorporated Clearwater). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morrioni

Second - Commissioner Welch

Vote - 7 – 0

- #33 County Commission Miscellaneous:

a. Commissioner Welch noted that it is a good time to update hurricane plans and directed the public to www.pinellascounty.org for emergency information.

b. Commissioner Brickfield discussed Clerk's request for suggestions re annual audit candidates; Board to discuss at an upcoming workshop.

questioned approval of EMS millage rates and extension of Paramedics Plus contract prior to consideration of alternative proposals; Mr. LaSala discussed priority dispatch and fire-based transport issues, indicating that staff analysis report is pending.

c. Commissioner Seel presented update on Juvenile Welfare Board activities.

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d. Chairman Latvala

requested that a Commissioner represent the Board at Florida Communities Trust grant ranking meeting in Tallahassee on August 25, and Commissioner Roche volunteered to attend along with staff.

presented volunteer opportunity of the week.

#34 Meeting adjourned at 7:32 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk