

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 20, 2011 – 3:01 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 Arlene L. Smitke and Michael P. Schmidt, Deputy Clerks.

INVOCATION: Commissioner Roche.

PLEDGE OF ALLEGIANCE: Chairman Latvala.

PRESENTATIONS AND AWARDS:

1. All Children's Hospital and John Hopkins Medicine presentation by Gary Carnes.
2. Centennial Partnership Packet presentation by Gina Thiemann.

CITIZENS TO BE HEARD:

April Gayle Gausman and Alexis Bond, St. Petersburg, re Zoning - Emergency Provision.
On behalf of clients Dave and Nancy Scott, requested special dispensation with regard to nonconforming property due to health issues. Responding to query by Commissioner Morroni, Attorney Bennett indicated that the County has no mechanism to grant dispensation that will be recognized legally by a bank. Chairman Latvala referred Mses. Gausman and Bond to Zoning Manager John Cueva for further information; and Commissioner Bostock requested that the Board be apprised regarding resolution of the situation.

Greg Pound, Largo, re Pinellas Families.

Shawn Geurin, Safety Harbor, re Easement.
Expressed concerns regarding sale of County property and retention of an easement on an adjacent parcel that allows access to his business property. Attorney Bennett indicated that the County cannot grant Mr. Geurin the right to use the easement, but agreed to explore the possibility of stipulating in the sale documents that the new owner not surrender the easement. Commissioner Welch expressed concern regarding setting a precedent; and Commissioner Roche noted that the key factor is that the County is a party in the sale transaction.

Marg Baker, Palm Harbor, re PH/Fluoride.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 13 APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 5, 6, AND 8, WHICH WERE ADDRESSED UNDER ITEM NO. 14.

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

1 Approval of Minutes – None.

2 Reports received for filing:

City of Dunedin Single Audit Report for the Fiscal Year ending September 30, 2009 (previously submitted), along with two revised pages.

3 Vouchers and Bills Paid – None.

4 Miscellaneous items received for filing:

- a. City of Oldsmar Resolution No. 2011-18 adopted November 15, 2011, supporting emergency medical care first response and ambulance transport by the fire service of Oldsmar.
- b. City of Oldsmar Ordinance No. 2011-11 adopted October 18, 2011, annexing certain property.
- c. City of Pinellas Park Notices of Public Hearings held December 8, 2011 and to be held January 12, 2012, re proposed Ordinances Nos. 3788 and 3789 voluntarily annexing certain property.
- d. Florida Public Service Commission Consummating Order No. PSC-11-0536-CO-EI issued November 17, 2011 making the Progress Energy Florida, Inc. current experimental Premier Power Service Rider, Rate Schedule PPS-1, permanent (Order No. PSC-11-0481-TRF-EI has become effective and final).

5 See Item No. 14.

6 See Item No. 14.

7 Amendment No. 1 to the Cooperative Funding Agreement (No. 11C00000122) with the Southwest Florida Water Management District (SWFWMD) for stormwater improvements for flood protection in Bee Branch Channel (PID No. 922333) approved extending the expiration date of the agreement from December 31, 2012 to

December 31, 2013 and revising the project schedule to compensate for delays in permitting and associated design changes (no cost to the County); Chairman authorized to sign and the Clerk to attest.

- # 8 See Item No. 14.
- # 9 Resolution No. 11-187 adopted appropriating unanticipated fund balance in the Fiscal Year 2012 General Fund Budget for the Medical Examiner.
- #10a Resolution No. 11-188 adopted supplementing the Fiscal Year 2012 General Fund Budget to appropriate earmarked receipts for a particular purpose to the Sheriff (unanticipated Federal Equitable Sharing Law Enforcement Trust Funds).
- #10b Resolution No. 11-189 adopted supplementing the Fiscal Year 2012 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grants to the Pinellas County Sheriff’s Office).
- #10c Resolution No. 11-190 adopted supplementing the Fiscal Year 2012 General Fund Budget to appropriate earmarked receipts for a particular purpose to the Sheriff (unanticipated grants and contracts related to excess fees).
- #11 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>
Community Development	(a) 2011 Universal Cycle Local Government Verification Forms for Landings at Cross Bayou Affordable Housing Project	(a) N/A	12.2.11
	(b) Specific Performance Agreement (SPA) with Tampa Bay Community Development Corporation for Getting a Mortgage Classes	(b) \$50,000.00 State Housing Initiatives Partnership (SHIP) Funds	
	(c) SPA Community Service Foundation, Inc. for home buyer counseling for low and moderate income households	(c) \$16,000.00 SHIP Funds	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	1. SPAs the SHIP Program Local Housing Assistance Plan with:	SHIP Funds:	12.1.11
	(a) Community Service Foundation, Inc. for Housing Counseling Services	(a) \$50,000.00	
	(b) Tampa Bay Community Development Corporation for Foreclosure Prevention Program	(b) \$45,000.00	
	(c) Tampa Bay Community Development Corporation for the Homebuyers Club	(c) \$65,000.00	
	(d) St. Petersburg Neighborhood Housing Services, Inc. for Housing Counseling Services	(d) \$50,000.00	
	(e) Clearwater Neighborhood Housing Services, Inc. for Housing Counseling Services	(e) \$50,000.00	
	2. Local Government Verification Forms, 2011 Universal Cycle for the Santos Isle Senior Housing Development	2. N/A	
Convention and Visitors Bureau	(a) Acceptance of Settlement and Release Agreements with Getty Images, Inc. for Copyright Infringement	(a) \$3,240.00	12.1.11
	(b) Renewal of Cooperative Marketing Agreements with Tampa Bay Convention and Visitors Bureau for Sales Relationships in Argentina, Brazil and the Midwest Region of the United States	(b) \$105,200.00	
Convention and Visitors Bureau	Second Amendment to the Agreement with Touristikdienst Tuber and Third Amendment to the Agreement with BH&P Direct Mail, LTD for International Mail Fulfillment Renewals	\$60,000.00	11.20.11
Convention and Visitors Bureau	Grant Agreement from the Florida Sports Foundation for the 2012 Rock 'n' Roll St. Pete Half Marathon	\$20,000.00 grant revenue, no match required	11.10.11
Convention and Visitors Bureau	Elite Event Tourism Promotion Agreements with:		11.2.11
	(a) ESPN Regional Television, Inc. for the Beef "O" Brady Bowl	(a) \$100,000.00	
	(b) Tampa Bay Bowl Association, Inc. for the Outback Bowl	(b) \$150,000.00	
	(c) Copperhead Charities, Inc. for the Transitions Championship	(c) \$100,000.00	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(d) Green Savoree St. Petersburg LLC for the Honda Grand Prix of St. Petersburg and the Honda Indy Toronto	(d) \$250,000.00	
County Attorney	Assignments of Park Saver Mortgages, Security Agreements and Notes issued by Community Development, assigning to Regency Heights Co-op, Inc.	\$7,000.00	12.2.11
Department of Environment and Infrastructure	Non-Competitive Purchase for Maintenance and Operation of Hydrological Monitoring Stations	\$21,000.00	12.2.11
Department of Environment and Infrastructure	(a) Wetland Augmentation Agreement, License Agreement for Wetland Augmentation and Bill of Sale with Tampa Bay Water for Brooker Creek Preserve wetland augmentation project	(a) N/A	11.28.11
	(b) 2013 Cooperative Funding Initiative Application Forms with Southwest Florida Water Management District (SWFWMD) for Bear Creek Channel Improvements, Phases II & III	(b) \$370,000.00 requested funds; plus equal County match	
Department of Environment and Infrastructure	Pinellas County Ranking for Cooperative Funding Projects FY 2013	N/A	11.22.11
Department of Environment and Infrastructure	Florida Department of Environmental Protection (FDEP) Contractor Designation Form and Real Property Owner/Responsible Party Affidavit for Petroleum Cleanup Program	N/A	11.21.11
Department of Environment and Infrastructure	(a) Jolley Trolley Service Agreement North County Coastal Route with Pinellas Suncoast Transit Authority, Jolley Trolley Transportation of Clearwater, Inc., Clearwater Downtown Development Board, the City of Tarpon Springs, and the City of Dunedin	(a) \$15,738.00	11.18.11
	(b) Intent to Apply for a Grant with SWFWMD for:		
	(1) Allen's Creek Watershed Management Plan	(b) (1) \$200,000.00, in kind County Match	
	(2) McKay Creek Watershed Management Plan	(b) (2) \$180,000.00, in kind County Match	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Department of Environment and Infrastructure	Mosquito Control Statutory Compliance Agreement with the State of Florida Department of Agriculture and Consumer Services (DACs)	\$18,500.00 State Matching Funds	9.16.11
Economic Development	Amended Business Assistance Partnership Agreements for FY 2012 with: (a) Dunedin Chamber of Commerce, Inc. (b) Tampa Bay Beaches Chamber of Commerce, Inc. (c) Clearwater Neighborhood Housing Services, Inc. (d) Upper Tampa Bay Regional Chamber of Commerce, Inc. (e) St. Petersburg Area Chamber of Commerce, Inc.	\$18,000.00 U.S. Small Business Administration and WorkNet Pinellas Grants	11.28.11
Health and Human Services	Homeless Initiatives Agreements to Support Social Service Agencies for assisting the homeless population with: (a) Community Action Stops Abuse, Inc. (b) Religious Community Services (c) Salvation Army (d) Society of St. Vincent DePaul (e) Westcare Gulfcoast Florida, Inc. (f) Young Women's Christian Association of Tampa Bay, Inc. (g) Pinellas Coalition for the Homeless (h) Tampa Bay Information Network	(a) \$25,000.00 (b) \$35,000.00 (c) \$25,000.00 (d) \$32,000.00 (e) \$30,000.00 (f) \$32,000.00 (g) \$10,000.00 (h) \$11,000.00	12.2.11
Health and Human Services	Amendment No. 1 to the Contract with the State of Florida, Department of Health, for the Operation of the Pinellas County Health Department, FY 2010-2011	N/A	11.3.11
Health and Human Services	Amendment No. 1 to the Specialty Provider Agreement for increased funding with: (a) Spinecare Associates, LLC d/b/a/ Florida Spinecare Institute (b) Virginia A. Shekorra, d/b/a/ The Dermatology Center	(a) \$25,000.00 Increase (b) \$20,000.00 Increase	10.27.11
Health and Human Services	Specialty Provider Agreement Amendment No. 1 with Rose Radiology Centers, Inc. for increased funding	\$25,000.00 Increase	10.6.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Health and Human Services	Pinellas County Health Program Specialty Provider Agreements with:	Per Resolution 10-209 waiving purchasing ordinance to allow HHS authority to negotiate Specialty Health Care Services.	10.13.11
	Pinellas Medical Associates, P.A. Florida Center for Gastroenterology, PA Gerald Rizzo, M.D. P.A. United Surgical Assistants, Inc. Berc Sarafian M.D. Virginia A. Shekorra d/b/a The Dermatology Center Alan R. Lustig, M.D., P.A. Neurologic Care Center, P.A. Michael Siedlecki, M.D. Allergy Asthma Associates P.A. Wellspring Cancer Center PLC Pinellas Cancer Center L.L.C. Amitabh Gupta M.D. P.A. d/b/a Coastal Orthopedic & Sports Medicine Nabila Niaz M.D. Bay Area Medical Center, P.A. E. George Rosanelli Jr. M.D., P.A. Leavitt Medical Associates of Florida Inc. d/b/a Advanced Dermatology and Cosmetic Surgery West Florida Ophthalmology Inc. d/b/a The Eye Center Gateway Radiology Consultants P.A. National P.E.T Scan Pinellas, LLC Orlick, Berger, Kasper M.D.'s, P.A. Coastal Pulmonary & Critical Care P.L.C. Bardmoor Cancer Center, Limited Infectious Disease Physicians of Florida West Coast, P.L. St. Pete Cancer Treatment Center, PL Open MRI of Pinellas, Inc. d/b/a Advanced Medical Imaging of Pinellas Pinellas Surgical Associates, Inc. Bayfront Medical Center, Inc. d/b/a Bayfront Family Health Center OB/GYN Tampa Bay Surgical Group, LLP All Florida Orthopaedic Associates, P.A. Spinecare Associates, LLC d/b/a Florida Spine Institute Main Street Medical, P.A. Alexander Medical Group PLLC d/b/a Alexander Orthopaedic Associates Nautlis Health Care Group, P.A. Coastal Cardiology Consultants, P.A. d/b/a The Heart & Vascular Institute of Florida Jerry A. Margolin, M.D., P.A. West Florida Cardiovascular Center, Inc. Nasser Moukaddem, M.D., P.A. Florida Cancer Specialists P.L.	Total FY 2012 expenditure \$3,715,000.00	10.6.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Health and Human Services	Letters of Agreement with the State of Florida, Agency for Health Care Administration for the Medicaid Buy-Back program	\$6,123,382.49 (Approved at 9.27.11 BCC Meeting)	9.28.11
Justice and Consumer Services	Final Progress Report for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program for submittal to the Florida Department of Children and Families	N/A	11.15.11
Parks and Conservation Resources	Agreement with the Pinellas County Historical Society for partial funding of Museum Collection Custodian Position	\$47,290.00 expenditure for full time position, \$28,930 grant revenue	12.1.11
Parks and Conservation Resources	2011 Holiday Lights Agreement with the Florida Botanical Gardens Foundation, Inc.	N/A	11.22.11
Parks and Conservation Resources	Supplemental Award Agreement with the U.S. Environmental Protection Agency (EPA) for the Air Pollution Control Program	\$29,932.00 Grant Revenue, \$1,067,612 County Match	11.15.11
Public Safety Services	Subrecipient Agreement with the State of Florida Department of Financial Services for Hazardous Materials Response Training	\$52,974.00 Grant Revenue	9.27.11
Real Estate Management	One year lease option with Alliant Techsystems for the Remote Range Site	\$52,513.76 Revenue	12.6.11
Real Estate Management	(a) License Agreement with the East Lake Youth Sports Association, Inc. for recreational fields on the Eldridge-Wilde site in East Lake	N/A	11.22.11
	(b) Temporary Access License Agreement with Florida Power Corporation, d/b/a Progress Energy Florida, Inc. for temporary ingress-egress at Walsingham Park	N/A	
Real Estate Management	Cooperative Agreement with SWFWMD for Feather Sound Tidal Wetland Restoration	N/A	10.28.11
Real Estate Management	Interlocal Agreement with the Pinellas County School Board for use of the Seminole Vocational Education Center as an emergency shelter	N/A	6.30.11

- #12 Notice of Grant Award from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) for the Pinellas County Mobile Medical Unit approved (Health and Human Services).
- #13 Notice of new lawsuits and defense of the same by the County Attorney approved in the cases of:
 - a. William Robert Nutile versus Pinellas County, et al. – Circuit Civil Case No. 11-10659-CI-8 – Pro Se Action Alleging Unlawfully Held Property.
 - b. Brett Ward versus Pinellas County – Circuit Civil Case No. 11-10935-CI-21 – Allegations of Negligence Resulting in Personal Injuries.
- #14 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).
- #5 Award of bid to R.J.P. Enterprises, Inc. for Guardrail Services and Materials (Co-op) (Bid No. 112-0042-B) in the amount of \$513,180.00 approved on the basis of being the lowest responsive, responsible bid received meeting specifications; total contract estimated annual expenditure not to exceed \$256,590.00; Pinellas County’s estimated annual expenditure not to exceed \$251,512.50.

Contract is for 24 months with provision for three 12-month extensions; extensions provide for price adjustments in an amount not to exceed the Producer Price Index – Metals and Metal Products, Iron and Steel, not seasonally adjusted, for the 12 months prior to extension or ten percent, whichever is less; extensions shall be exercised if all terms and conditions remain the same and approval is granted by the County Administrator.

Responding to queries by Commissioners Brickfield and Bostock, Purchasing Director Joseph Lauro related that the bid was advertised nationally via the Internet; that there are not many firms in the region that repair guardrails; that the bid specifications were not unusual; and that many of the municipal public works organizations do the work themselves, but the County does not.

Motion	-	Commissioner Welch
Second	-	Commissioner Morrone
Vote	-	5 – 2 (Commissioners Bostock and Brickfield dissenting)

- #6 County Administrator's signature approval of a grant application with the Southwest Florida Water Management District for the Lake Seminole Sediment Removal Phase II project (County PID No. 922025) ratified; anticipated funding amount, \$3,024,000.00.

In response to query by Commissioner Roche, Mr. LaSala confirmed that the ratification relates to the Administrator's approval of one particular grant; and that grant applications are approved on a case-by-case basis.

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

- #8 Fiscal Year 2012 Board Budget Amendment No. 3 was filed and made a part of the record.

Commissioner Bostock noted that the amendment pertains to purchase of a copy machine for use in agenda preparation; and that there are software packages available that allow for preparation and distribution of the agenda in a digital format; whereupon, she encouraged that the County move forward to modify the method used for physical preparation of the agenda.

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

In response to query by Commissioner Roche pertaining to the feasibility of the option, Mr. LaSala indicated that a number of reports have been presented on the matter; and that he is not aware of anything that has changed in the industry or in the priorities of Business Technology Services and the other departments in terms of the anticipated return on investment.

- #15 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved Amendment No. 4, Option 3, to the Ambulance Service Agreement with Paramedics Plus, L.L.C. (Contract No. 034-283-P) with an additional savings of \$2 million in Fiscal Year 2012, for an approximate savings of \$6 million. Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Administrator LaSala recommended that the Board approve Amendment No. 4, Option 1, for ambulance services with Paramedics Plus, L.L.C., noting that it would be the most cost effective option. He stated that other negotiations the Board directed staff to make had not been successful; and that Option 3 was received late yesterday and presented to the Board shortly before the meeting; whereupon, Chairman Latvala reminded the Board that cost issues were the reason it originally became involved with operating the EMS services in 1984, and that cost remains relevant today.

In response to queries by Commissioner Welch, EMS Division Manager Craig A. Hare discussed (1) why staff cited the replacement of vehicles as one reason a three-year contract is needed, confirming that remounting the vehicles constitutes replacement; (2) the compensation schedule, specifically the stop-loss item; (3) how the County defines savings; and (4) why the Board only received Option 3 shortly before the meeting; whereupon, Commissioner Welch indicated that to get the option ten minutes before the start of the meeting is unacceptable, and expressed his concerns with the vendor.

In response to query by Commissioner Roche, E. D. Armstrong, Johnson, Pope, Bokor, Ruppel & Burns, advised that his client, Paramedics Plus, has not granted him the authority to offer a one-year extension option; that he has had a lengthy discussion with staff over the past several months; that he has been unable to discern the direction a majority of the commissioners want to take; and that Paramedics Plus is offering several options in the hope that the Commission can collectively decide what alternative it would prefer.

In response to concerns of Commissioner Welch, Mr. Armstrong explained that in a personal conversation the previous Friday with one of the commissioners, he was asked to consider a third option, which would include no pilot programs, but with some kind of financial giveback; that after consultation with his client, he received authority to make that additional option available to the Board; that he relayed that information to the County Administrator late on Friday afternoon; and that he submitted the proposed language for the additional option on Monday morning, noting that his intent throughout the negotiations was to be candid and forthright; whereupon, at the request of Commissioner Welch, he briefly described Option 3.

Mr. Armstrong indicated that Option 3 would allow no pilot programs; that Paramedics Plus would retain its exclusivity with Pinellas County; that there would be a two-year extension with an option on the part of the County for a third year; and that the only difference between Option 3 and the other proposed amendments is financial, in that

there would be \$4 million in givebacks; whereupon, he explained why Paramedics Plus cannot entertain one-year contracts.

Commissioner Welch indicated that the Board has been very specific that it is seeking a two-year contract, with a one-year option and the ability to run pilot programs; and Mark Postma, Chief Operating Officer, Sunstar/Paramedics Plus, indicated that the cost of exclusivity drove the cost valuation for the pilot projects. During discussion, Chairman Latvala cautioned that contracts should not be negotiated at the Board table; that the County Administrator has already negotiated contracts with options; and that the Board's only role is to select an option. Commissioner Brickfield disagreed, stating that the responsibility belongs to the Board; and, deploring the politics that has intruded, Commissioner Roche agreed that it is the Board that is accountable; whereupon, discussion continued regarding the contract negotiations, the urgency for the contract decision, and member support for pilot programs.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and related their viewpoints and responded to queries by the members:

Kevin Hannigan, St. Petersburg.

(Administrator LaSala clarified that the contract requires the Board to give notice as to whether it intends to extend the contract for a second three-year option by January 1, 2012; and Senior Assistant County Attorney Robert C. Swain advised that if an extension is not granted, the contract will expire on September 30, 2012.)

Joy Lewis, St. Petersburg (distributed documents).

Glenn Waters, Pinellas Park, President, Morton Plant Mease Health Care.

Will Newton, St. Petersburg, District Vice President, Florida Professional Firefighters.

(Clarified to Commissioner Roche that he is speaking on both Items 15 and 16; and that he is urging the Board not to take action on issues that would harm the employment opportunity or jobs of the people currently in the system.)

Paul Ferreri, Palm Harbor, East Lake Fire District.

Norman G. Atherton, Palm Harbor (presented documents).

Patricia Kiesylis, St. Petersburg.

Ray Neri, Lealman.

Michael Blank, St. Petersburg, President, St. Petersburg Association of Firefighters.

(Chairman Latvala confirmed that ambulance service was originally put out to bid and there was more than one bidder.)

Robert Polk, Indian Rocks Beach, Fire Chief, Pinellas Suncoast Fire Rescue District (spoke for five people; read from documents).

(In response to queries by Commissioner Roche and Chairman Latvala, indicated that he is not discussing consolidation as, functionally and operationally, the County has been consolidated for 20 years; and that the fire chiefs have not previously responded to the County's Requests For Proposals because of the way they were written. He disputed the County's data and figures and asked that "unaccounted expenses" be identified. County Administrator LaSala pointed out that the Pinellas County Fire Chiefs Association is not a taxing authority nor do the chiefs speak for their cities.)

James White, Orlando, Fire Chief, City of Winter Park, Orange County, Florida.

(In response to queries by Commissioner Roche, indicated that Winter Park does all emergency transport, but each city, municipality, or district makes its own choice; and discussed billing, noting that two cities do not transport.)

Chairman Latvala closed the public hearing and asked that staff explain whether the \$10 million is a savings or a cost reduction; whereupon, Assistant County Administrator Maureen A. Freaney, with input by Administrator LaSala, explained that there is a reduction from the base amount of the current contract; and that the forecast for the medical supplies is lower than the actual cost. Commissioner Welch indicated that the County will pay more in Fiscal Year 2014 than it is paying now; cautioned against building in the annual Consumer Price Index factor; and questioned why Option 1 does not contain the "subject to inflation" clause; whereupon, Administrator LaSala urged the members to come to a decision on whether to extend the contract and the number of years to extend.

In response to query by Chairman Latvala as to whether there is agreement with the Audit Committee proposed by the Legislative Delegation, Commissioner Brickfield expressed concerns regarding the timeline and allowing the oversight of the funds out of the hands of the BCC; whereupon, Administrator LaSala indicated that the timeline cannot be controlled as there are procedures to follow.

Commissioner Welch indicated that Option 3 would be a starting point, but would have to include pilots to have his support; and Commissioner Bostock expressed concern about locking in more time than is needed, noting that should the Board elect to move toward fire-based transport, the transition could be made in less time than the contract allows; that the ability to do pilot programs is an absolute for her support of a contract extension; and that if a pilot program supports going to fire transport, it should be maintained and extended. Chairman Latvala questioned the need for a pilot program, whether fire transport would be financially feasible, and whether the service can be delivered as well as it is delivered today, noting that it would be a County Commission/City Council decision. Commissioner Roche indicated that he has 100-percent confidence in the firefighters' ability to successfully deliver service and questioned the need for a pilot program, adding that fire transport should be kept as a bargaining chip for consolidation; and suggested that there are other options than fire transport or Paramedics Plus, including a combination of the two. Commissioner Seel agreed that the firefighters could provide transport, and supported a comparative analysis to determine the cost; whereupon, she stated that she would support Option 3 with an added \$2 million for 2012, for a total of approximately \$6 million in savings, noting that it would still be a very lucrative contract for Paramedics Plus. Commissioner Morroni offered support for Commissioner Seel's proposal for Option 3 with additional savings. He acknowledged that he is the commissioner Mr. Armstrong was referring to; that he had suggested another option, as he was not comfortable with either option offered; and that his conversation with Mr. Armstrong occurred late on Friday afternoon. Commissioner Welch confirmed with Mr. Hare that, adjusting for inflation, the base monthly rate for Option 3 would result in a \$2 million reduction.

Thereupon, Commissioner Seel moved, seconded by Commissioner Morroni, that the Board select Option 3 with an additional \$2 million savings for Fiscal Year 2012; and Mr. Armstrong asked for a brief recess in order to consult with his clients. During discussion, Commissioner Welch confirmed with Commissioner Seel that pilots were not included in her motion; and clarified that, contrary to statements made, certain fire departments are ready to transport and to conduct a transport pilot program, including St. Petersburg. Commissioner Brickfield pointed out that if the motion passes, there will not be an opportunity to determine if fire-based transport works until January 2015; and Commissioner Roche indicated that if the motion passes, it would be "kicking the issue down the road," and suggested keeping the present system and increasing the millage rate, if necessary. Upon call for the vote, the motion failed 3 to 4, with Commissioners Roche, Brickfield, Bostock, and Welch dissenting.

Following discussion, Commissioner Brickfield moved for the adoption of an Option 3a, to include the \$6 million in savings and two pilot programs, one fire-based and one matching Paramedics Plus Pilot Program, and discussion ensued as to a date certain for the completion of the pilot programs. Administrator LaSala warned the Board that a double payment would come into play during the pilot period, with both the fire department and the contractor being paid; and Commissioner Brickfield responded that he could not accept the Administrator's parameters as the revenue generated would be used to offset the cost. At the request of the Chairman, Commissioner Brickfield explained the value of the pilot programs, indicating that (1) a pilot program would disprove the idea that fire-based transport will not work; and (2) that a Sunstar medical-first response would add another option; whereupon, Commissioner Brickfield's motion died for lack of a second.

Commissioner Welch moved, seconded by Commissioner Bostock, that Option 3 be adopted with a fire-based transport pilot option; and during discussion, explained that a savings of \$2.5 million would be produced by means of the fire department doing the transports at no cost to the County; and that the extra \$2 million outlined in Commissioner Seel's motion is not included in his, and discussion ensued regarding operating certificates. Upon call for the vote, the motion failed 2 to 5, with Chairman Latvala and Commissioners Roche, Seel, Morroni, and Brickfield dissenting.

Commissioner Roche moved that an Option 3b be adopted, consisting of three one-year contracts with a savings of \$3 million over the three years, \$1 million each year, with no pilot options; and with the County to cover the cost of EKG equipment through a budget allocation. Commissioner Bostock offered a friendly amendment to not include the \$3 million in savings, and Commissioner Roche agreed; whereupon, Commissioner Bostock seconded the motion. Following discussion, Mr. Armstrong indicated that he has received clear direction from his client that a one-year contract would not be acceptable; and Administrator LaSala provided input regarding the time, effort, energy, and governmental problems involved, and encouraged the Board to step back and consider four issues before coming to a decision: (1) the Special Act, (2) the operational study, (3) the analytical and accounting study, and (3) the Legislative task force.

Commissioners Welch and Bostock pointed out that this same advice was received three years ago; and in response to their queries, Administrator LaSala, with input by Mr. Hare, indicated that three bids were received during the last bidding period; that it went out to bid in January of 2004 and the bid was awarded in June; and that one of the cities protested that the time period was too short.

Thereupon, Commissioners Roche and Bostock withdrew the motion and second.

Commissioner Seel put her motion back on the floor to approve Option 3 with an additional \$2 million in savings in Fiscal Year 2012 for a savings total of approximately \$6 million, and no pilots.

Motion	-	Commissioner Seel
Second	-	Commissioner Morrone
Vote	-	4 – 3 (Commissioners Roche, Welch, and Bostock dissenting)

Thereupon, Mr. Armstrong asked for clarification of the motion, and Commissioner Seel clarified that the additional savings would be realized in Fiscal Year 2012.

Later in the evening, at 7:59 P.M., Mr. Armstrong re-stated for the record that his understanding of the motion that passed would be for a two-year extension with an option on the part of the County for a third year; a \$2 million give-back in each of the first two years of the two-year extension, with no give-back in the third year, and a \$2 million give-back for the current fiscal year; and no pilots; whereupon, he indicated that his client had agreed to the proposal.

Thereupon, Mr. Bennett sought authorization from the Board for the Chairman to sign the final contract after the County Attorney's Office works with the provider to perfect the contract, while making no substantive changes, and no objections were noted.

- #16 Sitting as the Emergency Medical Services (EMS) Authority, the Board considered adoption of a resolution establishing EMS taxing districts pursuant to Section 200.066, Florida Statutes, and Chapter 80-585, Laws of Florida, as amended (the Special Act); and following discussion as noted below, the item died for lack of a motion.

Attorney Bennett noted that an amendment to the proposed resolution was distributed to the Board and posted to the County website on Friday, December 16; and that the modification consisted of a change to the description of District M, the Pinellas Suncoast EMS District; whereupon, he related that the proposed resolution would implement a provision in the Special Act allowing the Board the option to levy taxes to the individual districts, based on their needs, in lieu of a Countywide levy.

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In response to the Chairman's call for citizens wishing to be heard, Rene Flowers, St. Petersburg, and City of South Pasadena Mayor Kathleen Peters appeared and stated their concerns. Mayor Peters indicated that she is a member of the County's EMS Advisory Board; and that the issue of sub-districts was never presented to the Advisory Board, denying the members the opportunity to discuss the matter and make a recommendation.

Commissioner Welch indicated that he has not changed his position on the matter since the December 6 County Commission meeting and he believes it would be a terrible move for the County; that no methodology is in place for determining the variable millage rates; that it could affect lower-income communities the most; and that he concurred with an earlier speaker that the measure would be a move from a Countywide EMS system toward a separated system; whereupon, he requested confirmation that adoption of the sub-districts would allow continuation of the Countywide millage.

In response to queries by Commissioners Welch and Bostock, Attorney Bennett related that the Board would have a deadline of May 10, 2012 to dissolve the districts if it were to decide not to utilize them for the next budget year; and Chief Assistant County Attorney Dennis R. Long indicated that the Board could implement the same rate across all the districts, but the dollars raised in any given district would have to be spent in that district; and that the May 10 deadline relates to the Truth in Millage (TRIM) process and when the Property Appraiser would provide the Board with a preliminary estimate of value for either the Countywide or individual districts.

Commissioner Welch indicated that the provisions of the proposal were not made clear at the December 6 Board meeting, and Commissioners Seel, Bostock, and Morroni concurred; whereupon, Attorneys Bennett and Long stated that the May 10 deadline was included in the resolution presented at the December 6 meeting; and that the recent revision related only to the boundaries of a particular district.

Commissioner Welch moved, seconded by Commissioner Morroni, that the agenda item be denied.

Responding to queries by the members and Mr. LaSala, Attorneys Bennett and Long indicated that setting up the districts would not result in a status quo situation; that a uniform millage rate would generate differing amounts of revenue in each district, and dollars raised in one district could not be spent in another; that levying of a base Countywide rate with individual overlays would not be viable from a budgeting standpoint; that any plan to reduce the number of districts would need to be adopted by

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December 31; and that the Board could establish the districts tonight, dissolve them by May 10, and re-establish them in some form for the 2012-2013 budget year.

Commissioner Roche indicated his support of the proposed sub-districts, indicating that they could be dissolved if the Board opted not to utilize them; that if the county is going to continue to have 18 separate fire districts with separate contracts, unions, and transport operations, then it needs 18 separate funding sources; and that they should be in place to send a message that the Board is serious about establishing a more effective and efficient Countywide system.

Commissioner Bostock noted that she had supported the sub-districting concept as adding another tool to the toolbox and may support it next year; however, due to a breakdown in communication regarding its implications, she does not support it at this time.

Upon call for the vote, the motion to deny failed, 3 to 4, with Chairman Latvala and Commissioners Brickfield, Roche, and Seel casting the dissenting votes; whereupon, Commissioner Seel moved that Agenda Item No. 16 establishing EMS taxing units be approved. Commissioner Roche seconded, with the caveat that staff be given clear direction to notify the Board of the impending May 10, 2012 deadline no later than its last meeting in April.

During continued discussion, Commissioner Seel questioned whether the sub-district plan could be a helpful tool in protecting the County in the event of a lawsuit by one or more of the districts. Responding to comments and queries by the members, Attorney Bennett indicated that a Court decision requiring payment would not occur between now and the May deadline; and that the time to adopt a single district to address a Court decision would be in the subsequent year; whereupon, Attorney Long related that language in the 1989 Special Act amendment sets a 1.5 mil cap on EMS taxes and provides for a pro-rata allocation regardless of the total cost of the system.

Thereupon, Chairman Seel withdrew her motion, and Chairman Latvala announced that Item No. 16 died for lack of a motion.

Commissioner Brickfield noted that the Special Act authorizes the Board to set sub-district boundaries any way it chooses; and that the Special Act was passed by the Legislature, signed by the Governor, and ratified by the citizens of Pinellas County on at least two occasions, questioning why the Board should worry about it being overturned by the Court; whereupon, Attorney Bennett indicated that a lawsuit would likely occur if the County's funding formula was found to be inadequate, not as a result of a challenge

to the Board's authority to adopt the districts; and Attorney Long reiterated that the requirement to act prior to January 1 is part of the TRIM statute and has nothing to do with the Special Act.

* * * *

The meeting was recessed at 8:01 P.M. and reconvened at 8:23 P.M. with all members present; whereupon, Chairman Latvala announced that Item No. 19 has been withdrawn from the agenda; that Item No. 26 has been postponed until a future meeting; and that Agenda No. 22a would be addressed at this time.

* * * *

#22 Other Administrative Matters

a. Water Fluoridation and Alternative Interventions and Strategies

Gwendolyn Warren, Bureau Director, Health and Human Services, presented information pertaining to fluoridation and alternative interventions and strategies for at-risk children. She related that following the decision of the Board to discontinue fluoridation of the water provided by Pinellas County Utilities, staff had been directed to develop a strategy to minimize the impact; that staff had determined that second through seventh grade school children in at-risk areas would be the most affected; and that staff is proposing that a Mobile Dental Van program be initiated.

Ms. Warren indicated that the cost to purchase a mobile dental van is projected to be between \$275,000.00 and \$300,000.00; that the total first year cost, which includes the purchase of the dental van, staffing costs, and operating costs is projected to be approximately \$532,000.00; and that total expenses in succeeding years are projected to be approximately \$232,000.00 annually, which would provide services to approximately 5,000 students; whereupon, Ms. Warren indicated that in the interest of time, a full presentation of the report to the Board titled *Fluoridation and Alternative Interventions and Strategies for At-Risk Children*, which has been filed and made a part of the record, will not be made.

Commissioner Bostock indicated that following the decision to discontinue fluoridation of the water provided by Pinellas County Utilities, discussion took place among the members regarding how to assist those individuals who disagreed with the decision, following which, the members directed staff to provide a strategy. Acknowledging that the members had spoken with seven separate voices as opposed to one unified voice and the direction given to staff was not very clear, Commissioner Bostock related that the proposal is too broad; that it is not even close to what she was thinking; that it is an additional level of service that the County cannot afford; that it goes well beyond the scope of the decision that was made; and that offering educational materials to citizens who wish to ingest fluoride should be the only role of County Government, and Chairman Latvala provided input.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals expressed their concerns and responded to queries and comments by the members:

Attilio Corbo, Palm Harbor
Cheryl Small, Dunedin
Dr. Haychell Saraydar, St. Petersburg
Kim Herremans, Plant City
Tony Caso, Palm Harbor
Deb Kurin, Palm Harbor
Kurt Irmischer, Clearwater
Matt Bender, Palm Harbor
JoAn Totty, Palm Harbor
Dr. Michael Easley, Tallahassee

Commissioner Roche clarified that the agenda item is in response to the Board's request for a way to provide services to those who cannot afford fluoride products; and noted that the proposal goes far beyond what he had anticipated; and that the speakers appear to be addressing the fluoride issue rather than the agenda item.

Responding to queries by Chairman Latvala and Commissioner Roche, Dr. Easley explained that because a topical fluoride treatment needs to be administered by a healthcare professional, it is significantly more expensive than dispensing fluoride through the water supply; whereupon, he reported that for fluoride to be effective, individuals would need to drink approximately one quart of water each day, and Commissioner Seel provided input.

At the request of the Chairman, Commissioner Morrioni assumed the gavel and presided as Acting Chairman; whereupon, Commissioner Latvala discussed the cost-effectiveness and health benefits of fluoridated water, and moved, seconded by Commissioner Welch, that fluoride be allowed to remain in the water provided by Pinellas County Utilities.

Thereupon, the members expressed their viewpoints and concerns regarding the motion:

1. Commissioner Bostock questioned whether only a person on the prevailing side of the issue could make a motion, and pointed out that the agenda item is in regard to alternative interventions and strategies in the absence of fluoride in the water, not the issue of water fluoridation.
2. Commissioner Roche pointed out that the motion is not in regard to an item on the agenda and has not been given due public notice.
3. Commissioner Welch related that the vote against water fluoridation was fundamentally wrong; and that the proposal of staff is very expensive.

Upon call for the vote, the motion to allow fluoride to remain in the water provided by Pinellas County Utilities failed by a vote of 3 to 4, with Commissioners Brickfield, Bostock, Morrioni, and Roche casting the dissenting votes.

Following the vote, Commissioner Roche indicated that there will continue to be discussions among the Board members and Pinellas County citizens with regard to the issue of water fluoridation; and suggested that a task force be formed to collect more factual information in order to bring the fluoride discussion to a conclusion.

Thereupon, following discussion and at the suggestion of Commissioner Roche, the Board directed that the fluoridation equipment be kept in place.

b. Review of Upcoming Work Sessions

Administrator LaSala reviewed with the members potential dates and times to hold four upcoming BCC work sessions in 2012. The dates and times selected are as follows:

January 17	11:00 A.M.
January 26	9:30 A.M.
February 6	9:30 A.M.
February 14	9:30 A.M.

In response to query by Commissioner Seel, Administrator LaSala confirmed that each meeting would likely conclude at 5:00 P.M.

- #17 Change Order No. 009 to the final negotiated contract with Applications Software Technology Corporation, d/b/a AST Corporation, for implementation of the Oracle E-Business Suite (Contract No. 089-0255-P) approved delaying completion of Phase 2C related to the advanced procurement applications.

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

- #18 Change Order No. 2 to the contract with Civic Health LLC pertaining to the Health and Human Services Community Help and Electronic Data Application System (CHEDAS) Project (Contract No. 078-0417-P) approved for a fixed fee in the amount of \$169,340.00, including all travel expenses (total estimated cost of CHEDAS implementation, \$2,000,060.00); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Seel

Commissioner Seel indicated that she had met with Business Technology Services Executive Director Paul F. Alexander III, who had allayed her concerns regarding the item.

Vote - 7 – 0

- #19 Master Social Action Funding Agreement with recommendations for funding to local social service agencies and authorization for the execution of individual agency agreements pursuant to the attached funding recommendations matrix in the amount of \$360,000.00 for Fiscal Year 2011-2012 withdrawn from the agenda.

- #20 Amendment No. 2 to the Master Pinellas County Health Plan Provider Agreement between the Pinellas County Board of County Commissioners and local Pinellas County hospitals approved providing for a minor change to the formula for distribution of dollars among participating hospitals; amendment effective January 1, 2012 through September 30, 2012; total funding under the amendment not to exceed \$2,250,000.00; execution of individual amendment agreements authorized.

Motion - Commissioner Seel
Second - Commissioner Welch

Commissioner Seel noted that the Board had budgeted \$3,000,000.00 for the agreement for Fiscal Year 2012; and responding to her query, Health and Human Services Director Gwendolyn Warren related that the Board had approved Amendment No. 1 in the amount of \$750,000.00 in September 2011, extending the agreement for 90 days while staff conducted negotiations with the providers; that the process was completed during the first three months of the fiscal year; and that Amendment No. 2 provides funding for the remaining nine months.

Vote - 7 – 0

- #21 Margot Pequignot reappointed to the local Public Employees Relations Commission (PERC) for a four-year term.

Motion - Commissioner Morrone

Second - Commissioner Welch

Commissioner Brickfield related that PERC exists at the state and local levels; that the latter is unnecessary; and that he would vote against the local appointment.

Vote - 6 – 1 (Commissioner Brickfield dissenting)

- #23 Public official bond for Pinellas County Sheriff Bob Gualtieri, signed by the Chairman, ratified and approved.

Motion - Commissioner Welch

Second - Commissioner Morrone

Vote - 7 – 0

- #24 Referendum Options for Fluoridation

Attorney Bennett referred to a memorandum titled *Referendum Options for Fluoridation*, a copy of which has been filed and made a part of the record, and indicated that during the *Citizens to be Heard* portion of the November 8 BCC meeting, a request had been made for the BCC to amend the Pinellas County Charter to require optimal levels of fluoridation in the water; and that, in response, the BCC had requested a review of referendum and other options regarding the issue.

Attorney Bennett presented background information regarding the decision of the 2004 Charter Review Commission not to place the fluoridation issue on the ballot, and discussed how the BCC could gauge public interest and/or gather votes on the issue, including:

- Charter Amendment question to be submitted to the entire Pinellas County electorate.
- Ballot Proposition question to be submitted to Pinellas County water utility customers.
- Survey and bill stuffers to be directed at water utility customers to obtain their input.

During discussion and in response to comments and queries by Commissioner Morrone, Attorney Bennett indicated that utilizing a Charter amendment would require a Countywide vote and could not be directed to just the County water utility customers; whereupon, in response to query by Chairman Latvala, none of the members expressed interest in moving forward with a referendum initiative.

#25 County Attorney Miscellaneous – None.

#26 County Administrator Reports (Enterprise Geographic Information Systems Mapping) – Temporarily Deferred.

#27 County Administrator Reports (Initiatives and Projects) – None.

#28 Appointments to the Pinellas County Economic Development Council, as outlined in the agenda memorandum dated December 20, 2011, which has been filed and made a part of the record, approved.

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

#29 2012 Committee/Board Appointments by Chairman Master List, which has been filed and made a part of the record, approved.

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

#30 Individual commissioner appointments to various boards and committees for Calendar Year 2012 approved.

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

Following the vote and in response to queries by Commissioner Roche regarding the Pinellas Public Library Cooperative (PPLC) and individual commissioner appointments, Commissioner Bostock related that PPLC appointments are on a separate cycle; and that a unified system does not exist regarding appointments; whereupon, Administrator LaSala, with input by Chairman Latvala, indicated that the appointment cycle will be reviewed for better alignment; and that staff has set up a website.

#31 Appointments by the Board of County Commissioners as a whole to the Value Adjustment Board and the Pinellas Opportunity Council, Inc. Board of Directors approved.

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

#32 County Commission Miscellaneous:

The Commissioners wished everyone a happy holiday season and thanked Chairman Latvala for her leadership.

a. Chairman Latvala inquired as to the members’ desire to pursue an ordinance pertaining to internet cafés as requested by Sheriff Gualtieri, and the members indicated their support.

inquired as to the members’ desire to direct legislative staff to oppose any legislation that would remove local control from WorkNet Pinellas and other regional workforce boards, and the members indicated their support.

provided information regarding the Legislative Delegation’s committee to appoint an accountant to study the EMS issue; Commissioner Morroni, Kelly Triola, and Jay Ravins appointed to the committee; Request for Proposal will be brought back before the members and will include the scope of services.

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

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

#33 Sitting as the Emergency Medical Services (EMS) Authority, the Board adopted Ordinance No. 11-52 amending Section 54-56 of the Pinellas County Code changing the definition of Prudent Net Worth. No correspondence has been received. No citizens appeared to be heard.

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

#34 Ordinance No. 11-53 adopted creating Section 54-98 of the Pinellas County Code providing for the promulgation by resolution of processes for handling calls received by the 9-1-1 Call Center. No correspondence has been received.

Administrator LaSala indicated that the Pinellas County Charter provides that for certain Countywide governmental activities, the County shall have special powers which authorize it to provide certain services, take regulatory actions, and enact ordinances; and that those powers include the development and operation of the 9-1-1 Emergency Communications System. The Administrator indicated that the Board, by resolution, may make provision for the handling of calls and may consider: (1) the nature of the call for assistance, (2) whether the request involves an agency with Countywide jurisdiction, (3) requests by the various jurisdictions having authority, (4) the impact that such responses will have upon multiple agencies, and (5) such other considerations which are appropriate and set forth in the resolution at the time of adoption.

Administrator LaSala related that the item relates to Phase 3 of the Priority Dispatch program, noting that it is a nationally recognized protocol and has been reviewed by the Medical Control Board, Medical Director, and EMS Advisory Council; and that communication with the public and coordination with the 18 providers would take place prior to full implementation of the program; whereupon, Attorney Bennett explained that the ordinance would set up the process for adoption of Priority Dispatch by the BCC by resolution; and that it does not actually adopt Priority Dispatch.

Responding to the Chairman's call for citizens wishing to be heard, Karry Bell, Indian Rocks Beach, expressed his concerns regarding the ordinance.

Responding to queries by Commissioner Welch, EMS Division Manager Craig A. Hare provided a timeframe regarding Phase 3 implementation of the Priority Dispatch program, relating that 9-1-1 Call Center personnel have been trained; that protocols are in place; that staff would return with a resolution for approval by the members; that, if approved, Phase 3 could be implemented subsequent to the January 24, 2012 BCC meeting; and that the concerns of the Fire Chiefs have not been addressed; whereupon, at the request of Administrator LaSala, Mr. Hare explained the quality control/quality assurance training, noting that the program is on the path to becoming accredited; and related that the position of the Fire Chiefs is that a first responder unit should always be sent to a call, which is counter to the County's objective of eliminating multi-unit responses when possible.

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

Following the vote, Commissioner Seel recognized Public Safety Services Director Richard Williams, thanked him for his hard work regarding the 9-1-1 system, and wished him a happy and healthy upcoming retirement.

#35a Resolution No. 11-191 adopted approving the application of the Pinellas County Planning Director for a change of zoning from M-2, Heavy Manufacturing and Industry, to C-2, General Retail Commercial and Limited Services, re approximately 0.16 acre located on the northwest corner of Lake Avenue Southeast and Ulmerton Road, in the unincorporated area of Pinellas County; and Ordinance No. 11-54 adopted approving a change in land use designation from Industrial Limited to Commercial General, re approximately 1.5 acres located on the northwest corner of Lake Avenue Southeast and Ulmerton Road, in the unincorporated area of Pinellas County (Z/LU-1-10-11). No correspondence has been received. No citizens appeared to be heard.

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

#35b Resolution No. 11-192 adopted approving the application of ABC Liquors, Inc. and Gaetano and Grace Critelli through E. D. Armstrong, III, and Katherine E. Cole for a change of zoning from M-1, Light Manufacturing and Industry, to C-2, General Retail

Commercial and Limited Services; and Ordinance No. 11-55 adopted approving a change in land use designation from Industrial Limited to Commercial General, and a Development Agreement (Z/LU-1-11-11) (LPA 25-11-11), re a parcel of land containing approximately 1.81 acres, of which 0.24 acre is being amended, located on the northeast corner of Bay Pines Boulevard and 95th Street North, in the unincorporated area of Seminole (street address: 9501 Bay Pines Boulevard). No correspondence has been received. No citizens appeared to be heard.

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

- #36 Ordinance No. 11-56 adopted amending Chapter 138, the Zoning Provisions, of the Pinellas County Land Development Code regarding Residential Zoning Districts in which the keeping of chickens is permitted. Eleven emails and one letter in support of and one email in opposition to the proposed ordinance were received at the December 6, 2011 public hearing. Twenty-seven emails and messages and a petition with 657 e-signatures in support of and six emails in opposition to the ordinance have been received since the December 6, 2011 public hearing.

Responding to the Chairman’s call for citizens wishing to be heard, the following individuals spoke in favor of the ordinance:

JoAn Totty, Palm Harbor
Donald Polmann, Dunedin
Lisa McBride, Dunedin
Karen Turnmire, Clearwater
Bill Schultz, Largo
Jasmina K. Forcan, Clearwater
Marilyn Bartolo, St. Petersburg

Thereupon, Commissioner Roche moved that the ordinance be approved, seconded by Commissioner Welch and carried, with Commissioners Morroni and Seel casting the dissenting votes.

Motion	-	Commissioner Roche
Second	-	Commissioner Welch
Vote	-	5 – 2 (Commissioners Morroni and Seel dissenting)

* * * *

At this time, 10:53 P.M., Commissioner Roche left the meeting.

* * * *

#37 Ordinance No. 11-57 amending Chapter 134 of the Pinellas County Land Development Code adopting the Annual Concurrency Test Statement. The Local Planning Agency recommended approval of the proposed ordinance and staff concurred. No correspondence has been received.

Responding to the Chairman’s call for citizens wishing to be heard, Attilio Corbo, Palm Harbor, spoke in opposition to the ordinance.

Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 6 – 0

#38 Public hearing held regarding a proposed ordinance amending the Transportation Element of the Pinellas County Comprehensive Plan as recommended by the Local Planning Agency. Staff authorized to transmit the proposed ordinance to the Florida Department of Economic Opportunity (DEO) for review and comment. Final Board approval contingent upon comments to be received from the DEO. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 6 – 0

* * * *

At this time, 10:56 P.M., Commissioner Roche returned to the meeting.

* * * *

#39 Public hearing held regarding a proposed ordinance amending certain goals, objectives, and policies of the Pinellas County Comprehensive Plan as recommended by the Local Planning Agency. Staff authorized to transmit the proposed ordinance to the Florida Department of Economic Opportunity (DEO) for review and comment. Final Board approval contingent upon comments to be received from the DEO. No correspondence has been received. No citizens appeared to be heard.

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

#40 First public hearing held regarding a proposed ordinance adding Transferable Development Rights provisions to the Downtown Historic Palm Harbor Master Plan. Four emails in opposition to the proposed ordinance have been received.

Mr. Beardslee presented background information regarding the proposed amendment to the Downtown Historic Palm Harbor Master Plan, indicating that, at present, Downtown Palm Harbor is the only portion of the unincorporated area that does not allow the use of Transferable Development Rights (TDRs); and that since Downtown Palm Harbor is designated as a Community Redevelopment District on the Pinellas County Future Land Use Map, the Master Plan would need to be amended to allow the application of TDRs in the Downtown area, as required by the recently amended Countywide Plan Rules.

Mr. Beardslee indicated that in developing the proposal that is before the Board, the County had met with interested stakeholders and held public meetings in Downtown Palm Harbor during the summer of 2011 to discuss the use of TDRs and other related issues; whereupon, he indicated that the proposed ordinance resulting from that effort was discussed by the Local Planning Agency (LPA) at its October 13, 2011 public hearing; and that the item was continued to the December 8, 2011 LPA meeting to provide County staff an opportunity to modify the proposal at the request of the LPA members, primarily through the inclusion of a waiver provision.

During discussion and in response to queries by the members, Mr. Beardslee indicated that the proposed ordinance would allow unused development rights on a sending parcel located within the East Sub-District of the Old Palm Harbor-Downtown (OPH-D) Zoning District to be transferred to another property, a receiving parcel, within the same Zoning District; and that establishing a TDR program in Downtown Palm Harbor would introduce increased flexibility in the development regulations for Downtown and provide another tool for encouraging economic development in the area; whereupon, he presented

information relating to how TDRs have been used in the past with regard to environmental lands and historic preservation areas.

Referring to the East Sub-District of the OPH-D Zoning District, Mr. Beardslee clarified that sending and receiving parcels would both need to be within that district; that the Special Area Plan would only apply to that district; that the district would not increase in size; that a Master Plan exists which provides for some guidance and development in the area; and that the focus had been on redevelopment activities in Palm Harbor; whereupon, with input by Chairman Latvala, he indicated that the historic area is a small mixed-use area consisting of retail, restaurant, office, and residential uses surrounded by residential properties; and that in Downtown, the transfer of development rights between residential parcels and commercial parcels would be allowed.

Mr. Beardslee indicated that two different procedures would be used when considering whether to approve a TDR application in Downtown Palm Harbor; and that the first component would be if an individual wanted to transfer development which would increase the intensity on the receiving parcel by 25 percent or less than the maximum zoning allowance. He indicated that such an application would need to be accompanied by a Site Plan; that a Certificate of Appropriateness would be required showing that the property meets the design criteria for the historic district; and that the application would be administratively reviewed and only require approval by the County Administrator. Mr. Beardslee indicated that the administrative process would include an opportunity for citizens to review and provide input regarding a TDR application prior to any decision being made on that application by the Planning Review Committee (PRC); and that owners of properties located within 200 feet of the affected parcel would be notified by mail of the PRC public meeting.

Referring to the second component, Mr. Beardslee indicated that in response to an LPA recommendation, staff placed a waiver provision in the ordinance which would allow an applicant to submit a TDR application and request a waiver from the 25 percent cap; and that the process for requesting a waiver would include public hearings before the LPA and the BCC; that conditions may be attached to a project based on standards and criteria contained in the Zoning Code and those listed in the proposed ordinance; and that in no case would the maximum density/intensity on the receiving parcel exceed 75 percent of the maximum ordinarily allowed on the parcel.

Responding to queries by Commissioner Bostock, Mr. Beardslee presented information regarding TDRs, the Special Area Plan, and the Master Plan, indicating that in order to utilize TDRs in Downtown Palm Harbor, the Master Plan would need to be amended; whereupon, he discussed the parameters for this proposal, indicating that those parameters would be more lenient than those in the rest of the county, including allowing approval by the County Administrator. In response to Commissioner Bostock's recommendation that there be a consistent policy across the entire county regarding TDRs, Administrator LaSala indicated that the County is trying to achieve a certain end result in an area that is small and unique and contains a central business district, and discussion ensued.

In response to queries by Commissioner Bostock, Mr. Beardslee provided information regarding transit-oriented development, and explained how such development could be situated in areas of the county containing higher densities; whereupon, he related that TDRs do not necessarily increase development in an area, but allow for it to be moved around. Following further discussion, Commissioner Bostock related that it seems as if the process is more complicated than it needs to be, and questioned why the County does not simply allow more density if that is what is desired, and Commissioner Roche agreed, relating that the TDR process is complicated; that it is a level of bureaucracy that is unnecessary; and that the County ought to employ zoning changes in order to accomplish such objectives.

Responding to the concerns and queries by Commissioners Bostock and Roche, Mr. Beardslee indicated that TDRs are required to be recorded in the official records with the Clerk of the Circuit Court for all parcels of land involved in the transfer; that the proposed ordinance would establish a process for rescinding an approved TDR application; and that any rescission would require action by the County Administrator, or his/her designee, or by the BCC depending upon who had initially approved the transfer. Commissioner Bostock indicated that the process for rescinding an approved TDR should be countywide; whereupon, Attorney Bennett advised that TDRs are specifically designed to try to accomplish certain goals and alleviate potential problems; and that the transfer is put into the official record so that subsequent purchasers are aware of any limitations attached to a property.

In response to queries by Commissioner Bostock, Mr. Beardslee indicated that the subject parcel in Downtown Palm Harbor would not be able to accommodate all of the required parking for the project being considered; that additional parking would have to be provided offsite; that as long as the parking is within 500 feet of the property, it could be

counted toward meeting the parking requirements of the project; and that the Site Plan would need to demonstrate how the parking issue would be handled.

In response to queries and comments by Commissioner Roche regarding whether the changes are being made for the purposes of one business and whether the County is being reimbursed for the extra community meetings being held and staff work involved, Mr. Beardslee indicated that a certain business wants to expand in Downtown Palm Harbor and would most likely be the first to submit a TDR application; whereupon, Chairman Latvala indicated that business owners are not required to reimburse the County for staff expenses relating to applications.

Following discussion, Mr. Beardslee indicated that the recommendation of staff is to authorize the transmittal of the item to the Pinellas Planning Council and then back to the Countywide Planning Authority and the BCC for consideration under the Countywide process; whereupon, Administrator LaSala indicated that TDRs are used to fine tune existing area plans; that the County has identified a business that is compatible with Downtown Palm Harbor; and that the business offers job creation and job preservation, which is an important element and vital to the economic development of the area, and Chairman Latvala discussed the unique characteristics and revitalization of Downtown Old Palm Harbor.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals stated their viewpoints and responded to queries and comments by the members:

Philip W. Tropea, Palm Harbor (opposed)
David Ballard Geddis Jr., Palm Harbor (opposed)
Deb Kurin, Palm Harbor (opposed)
Tony Caso, Palm Harbor (opposed)
JoAn Totty, Palm Harbor (opposed)
Attilio Corbo, Palm Harbor (opposed)
Kenneth W. Vogel, Palm Harbor (opposed)
Arthur Annas, Palm Harbor (opposed)
Norman Atherton, Palm Harbor (opposed)
Tim Himes, Palm Harbor (in favor)
Neil Valk, Palm Harbor (opposed) (provided petition with 536 signatures in opposition)
David Brandon, Palm Harbor (in favor)
Matt Bender, Palm Harbor (opposed)
Marg Baker, Palm Harbor (opposed)

In response to queries by Commissioners Bostock and Roche, Mr. Beardslee indicated that at the October 13, 2011 LPA meeting, the original proposal was modified in order to allow greater opportunities to use the TDR provisions; that the restriction requiring the sending and receiving properties to be owned by the same individual was removed; and that the rest of the county does not have that restriction; whereupon, he provided information regarding the transfer of density from sending parcels to receiving parcels, and indicated that the rights from more than one sending parcel could be sent to a receiving parcel.

In response to queries by Commissioners Brickfield and Roche, Mr. Beardslee indicated that if all of the development rights are removed from a sending parcel and transferred to a receiving parcel, the sending parcel could then only be used as open space or for public parking, and discussion ensued.

Thereupon, during discussion and in response to the concerns of Commissioner Welch as to the nature of the conflict of interest when he heard the case as a member of the Local Planning Agency, Mr. Brandon indicated that he is the general contractor for Geographic Solutions; that he sat on the LPA Board at its December 8, 2011 hearing and had submitted a Memorandum of Voting Conflict to the Clerk of the Circuit Court regarding the TDR item; that he abstained from voting on the item but participated in the discussion; and that he followed the instructions of the County Attorney's Office regarding the matter. Commissioner Welch recommended that Pinellas County develop a policy that if a Board member has a conflict of interest regarding an item, the member should abstain from discussion in addition to abstaining from the vote, and following discussion among the members, Attorney Bennett indicated that he would review the issue.

Chairman Latvala closed the public hearing; whereupon, Commissioner Roche moved that Agenda Items Nos. 40 and 41 be continued to an undetermined date. In response to queries by Chairman Latvala, Commissioner Roche expressed his concerns and provided the basis for his motion, indicating that Mr. Brandon is his appointee to the Local Planning Agency; that he was not aware of his affiliation with Geographic Solutions; that even though the conflict may only be in perception, he has unanswered questions; that he cannot in good conscience vote on this item until some of the questionable issues are resolved; that staff acted with undue haste in bringing Mr. Brandon to the LPA meeting in order to have a quorum; and that more than one conflict of interest exists.

Commissioner Bostock indicated that one of her frustrations with the process relates to how decisions by the Board can be segmented; and that the Board sits as various bodies during an approval process. She indicated that she has heard differing information presented regarding topics relating to setbacks and parking issues; that she does not know what is true or appropriate; and that not enough factual information is in front of the members for review. She indicated that while she could support Agenda Item No. 40 because she is not necessarily against increased density, she would be amenable to supporting Commissioner Roche's motion for a continuance until all of the necessary information is brought before the members so that a more informed decision could be made; whereupon, Commissioner Roche indicated that Agenda Items Nos. 40 and 41 are intertwined; and that although he is not necessarily opposed to the items, he wants both items brought back at a later time for the reasons stated above, and discussion ensued.

Responding to queries by Commissioner Bostock, Mr. Beardslee indicated that what is being presented to the members is the development of a process for receiving TDR applications; and that subsequent to further review and approval, a process would be put into place where an applicant could come in and submit an application to utilize TDRs; whereupon, Commissioner Roche stated that an applicant is already in the pipeline; that the applicant should be referred to by name; that the applicant is Geographic Solutions; that the County should be upfront with all the information; and reiterated that there are too many connections to too many people.

Discussion continued regarding the December 8, 2011 LPA meeting and the appropriateness of a Board member engaging in discussion when he has such close ties to the applicant. Commissioner Latvala stated that three members had left the Board at the same time; and that there needs to be a quorum when conducting a meeting; whereupon, Commissioner Roche reiterated that, in his opinion, the member should have abstained from discussion; and that individuals should not be quickly seated on a Board just for the sake of a quorum.

Following further discussion and in response to queries by Chairman Latvala, Commissioner Roche restated his request that Agenda Items Nos. 40 and 41 be continued to a date uncertain; and related that he wants to become more comfortable with the issues; that he was unsure if that means he would research the matter privately or if he desires to have staff provide information at a Board meeting; and that he would abstain from the vote if the members decide to move forward on the two agenda items.

Commissioner Bostock indicated that while she would be comfortable passing the 25 percent TDR since that would be consistent with the rest of the county, she was unsure with regard to a 75 percent TDR; whereupon, she requested a summary of how the application process would proceed, which would be dependent on passage of the proposed TDR ordinance.

Mr. Beardslee indicated that the applicant, Geographic Solutions, would request a waiver to exceed the 25 percent TDR; that the item would then go before the LPA, which would conduct a public hearing; that the LPA would then make a recommendation to the BCC; and that, at that time, the members would review the decision of the Local Planning Agency, hold a public hearing, and make a decision on whether to approve the item as a conditional use.

Mr. Beardslee indicated that the BCC would be reviewing issues regarding setback variances and parking concerns; that the applicant would have to address those issues through the submittal of a Site Plan application; and that even though the members would not be approving the Site Plan, they would retain the option of placing conditions on it; whereupon, he presented additional information relating to setbacks and parking, indicating that he is only aware of one setback variance; and that under the current proposal, the applicant would need to provide additional parking.

Thereupon, Commissioner Morrone indicated that he has not heard a second to the motion of Commissioner Roche; that numerous public meetings have taken place; that many citizens have provided input on the issue; and that a vote should be taken on the item. Commissioner Morrone called the question, and requested that a vote be taken on Agenda Item No. 40; whereupon, Chairman Latvala indicated that there is nothing to vote on since the motion of Commissioner Roche died for lack of a second; and that no one has made an alternate motion regarding the item.

* * * *

At this time, 1:06 A.M., Commissioner Roche left the meeting.

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Chairman Latvala related that a vocal minority of citizens are in opposition to the plan; that other local residents are in favor of the project; and that the issue is straightforward and concerns economic development; whereupon, Commissioner Morroni reiterated that the item should be voted on to determine whether it should be forwarded to the Pinellas Planning Council, and discussion ensued.

Commissioner Seel discussed the Main Street initiative, indicating that the County has been working with local businesses in an attempt to create economic vitality; that the County has invested considerable dollars in the revitalization of Main Street; and that Geographic Solutions continues to hire employees at high wages during these challenging economic times. She expressed her concerns regarding potential parking issues and the loss of the third floor apartments in the new building, and indicated that she agrees with Commissioner Bostock that more information is needed; whereupon, Mr. Beardslee provided further information relating to the original Site Plan of Geographic Solutions, relating that it originally included apartments on the third floor; that the company decided that the third floor would be needed for office space; and that while the change from apartments to office space increases the density and the parking requirements, it would not change the setbacks or vary the footprint of the building.

Chairman Latvala provided information regarding the parking issue in Downtown Old Palm Harbor, indicating that staff has shown that there is more than adequate parking in the area; and that more information regarding that issue needs to be presented to the members prior to a vote on the item; whereupon, she asked the members if they wanted the item to be scheduled for a workshop, and discussion ensued.

Commissioner Bostock reiterated that she is not necessarily opposed to TDRs; that the economic development element is appealing to her; and that if a vote were taken on Agenda Item No. 40, she would vote favorably because it is only in regard to TDRs, but emphasized that she would not necessarily support the application regarding Geographic Solutions when it comes before the Board; whereupon, discussion ensued among the members and additional input was provided by Mr. Valk.

In response to queries by Commissioner Latvala, Administrator LaSala offered guidance pertaining to next steps, indicating that, in his opinion, the item ought to be forwarded to the PPC so that the members would have the benefit of the Council's input.

Thereupon, Commissioner Brickfield moved, seconded by Commissioner Morroni and carried, that Agenda Items Nos. 40 and 41 be scheduled for a workshop to include discussion on the proposed transfer of development rights and parking issues; and requested that the original Site Plan of Geographic Solutions be provided for review. Upon call for the vote, the motion carried unanimously.

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

#41 Proposed Ordinance to amend Chapter 138, the Zoning Provisions, of the Pinellas County Land Development Code regarding the Old Palm Harbor Downtown Zoning District deferred. One letter, one email, and a petition with 260 signatures in favor of reducing the parking requirements of restaurants in Downtown Palm Harbor to one space per 400 square feet have been received. Item to be scheduled for a work session as indicated in Agenda Item No. 40.

#42 Meeting adjourned at 1:22 A.M., Wednesday, December 21, 2011.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk