

8. APPROVAL OF MINUTES

Regular Meetings of November 27 and December 11, 2012.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, NOVEMBER 27, 2012 – 2:01 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Chairman; Kenneth T. Welch, Vice-Chairman; Norm Roche; Karen Williams Seel; Susan Latvala; Charlie Justice; and Janet C. Long.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt and Tammy L. Burgess, Board Reporters, Deputy Clerks.

INVOCATION: Reverend Bernard Smith, St. James AME Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Justice.

PRESENTATIONS AND AWARDS:

Creative Pinellas Presentation

Hampton Dohrman conducted a PowerPoint presentation and provided an update on the status of Creative Pinellas and, in response to queries and comments by Commissioner Long, discussed the relationship between the organization and young people in the community; whereupon, Terry Haas, Treasurer, Creative Pinellas, provided a brief financial summary.

CITIZENS TO BE HEARD

JoAn Totty, Palm Harbor, re elections.

Joe Paige, Clearwater, re election analysis.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 9 – APPROVED.

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

1 Minutes of regular meeting of October 30, 2012 approved.

2 Reports received for filing – None.

November 27, 2012

3 Vouchers and Bills Paid – None.

4 Miscellaneous items received for filing – None.

5 Plats, Guaranties, Sureties, and Agreements:

Osprey Ridge of Palm Harbor – plat accepted and approved for recording; private street sign installation guarantee and sidewalk guarantee from GGR Osprey, LLP accepted for recording.

6 Change Order No. 1 to the contract with QRC, Inc. for Water and Reclaimed Water Main Installation and Repair, Fiscal Year 2011-2013 (PID No. 2068; Contract No. 101-0353-CP) approved, authorizing the adjustment of contract bid items in the original agreement (no change in total agreement amount of \$1,406,362.50; no time extension associated with change order); contract term is through October 31, 2013; Chairman authorized to sign the Change Order and the Clerk to attest.

7a 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>
Business Technology Services	Change Order No. 2012-2 with Starboard Consulting, LLC for Maximo Upgrade Consulting Services	N/A	10.2.12
Community Development	Specific Performance Agreement with Pinellas County Housing Authority for the Homeless and Homelessness Prevention Services Program	\$188,645.00 Pool of Emergency Solution Grant (ESG) Funds	11.1.12
Community Development	Specific Performance Agreement with Catholic Charities for the Homeless and Homelessness Prevention Services Program	\$188,645.00 Pool of ESG Funds	10.31.12
Community Development	Satisfaction of Mortgage (1)	Mortgage has been paid in full	10.2.12
Community Development	(a) Satisfaction of Mortgage (1)	(a) Mortgage has been paid in full	9.20.12
	(b) Release of Lien (1)	(b) N/A	

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	Satisfaction of Mortgage (1)	Mortgage has been paid in full	9.19.12
Convention and Visitors Bureau	Second Amendment to the Event and Tourism Promotion Agreement with Competitor Group, Inc. for the 2013 Rock 'N' Roll St. Pete Half Marathon	\$100,000.00	11.6.12
Convention and Visitors Bureau	Finance Park Sponsorship Agreement with the Pinellas Education Foundation, Inc. for a Branded Exhibit	\$5,000.00 Annual expense for 10 years	11.5.12
Department of Environment and Infrastructure	Release of Cash Completion Surety for PJ Callahan, Co. for the Coca-Cola Site	N/A	11.8.12
Department of Environment and Infrastructure	Amendment No. 1, Time Only, to the Interlocal Agreement with the City of Treasure Island for Construction of New Dune Walkovers at Public Beach Access Sites	N/A Time Only	10.22.12
Department of Environment and Infrastructure	Temporary Waiver for Alcoholic Beverages for the Rocktoberfest issued to Rheba Sutton White Chapel, Inc. (previously issued to Old Downtown Palm Harbor in error)	N/A	10.12.12
Department of Environment and Infrastructure	Extension Request to the National Fish and Wildlife Foundation for McKay Creek and Chestnut Park Restoration (FL)	N/A	10.17.12
Department of Environment and Infrastructure	Releases of Lien (19)	All liens are paid in full	9.20.12
Department of Environment and Infrastructure	Notices of Lien (25)	N/A	9.19.12
Department of Environment and Infrastructure	Notices of Lien (8)	N/A	9.13.12
Department of Environment and Infrastructure	Notices of Lien (9)	N/A	9.4.12

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Department of Environment and Infrastructure	Releases of Lien (10)	All liens are paid in full	8.31.12
Department of Environment and Infrastructure	Notices of Lien (11)	N/A	8.29.12
Department of Environment and Infrastructure	Notices of Lien (6)	N/A	8.24.12
Department of Environment and Infrastructure	Releases of Lien (13)	All liens are paid in full	8.22.12
Department of Environment and Infrastructure	Releases of Lien (20)	All liens are paid in full	8.20.12
Department of Environment and Infrastructure	Notices of Lien (15)	N/A	8.15.12
Department of Environment and Infrastructure	Releases of Lien (10)	All liens are paid in full	8.6.12
Department of Environment and Infrastructure	Notices of Lien (9)	N/A	8.3.12
Department of Environment and Infrastructure	Releases of Lien (11)	All liens are paid in full	7.31.12
Emergency Management	Renewal Extension of Memorandum of Agreement with United Way Suncoast, Inc. for a Volunteer Reception Center in the Event of a Disaster	N/A	11.4.12
Emergency Management	Subgrant Agreement with the State of Florida, Division of Emergency Management for Planning, Training and Exercises – Reimbursement Grant to provide Purchase of WebEOC Software	\$95,245.00 Grant Revenue, No Match Required	9.27.12

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Emergency Management	Subgrant Agreement with the State of Florida, Division of Emergency Management for Planning, Training and Exercises – Reimbursement Grant to provide remainder of WebEOC Mapper Pro Costs, Conference on Hurricane Recovery and COOP Tabletop exercise	\$26,500.00 Grant Revenue, No Match Required	9.25.12
Health and Human Services	Agreement with the Pinellas Suncoast Transit Authority for Disadvantaged Service Transportation	\$10,000.00	11.5.12
Health and Human Services	First and Final Option of Renewal for the Master Homeless Initiative Funding Program Agreements with:		
	Community Action Stops Abuse, Inc.	\$25,000.00	10.16.12
	Religious Community Services, Inc.	\$35,000.00	
	The Salvation Army	\$25,000.00	
	Westcare Gulfcoast Florida, Inc.	\$30,000.00	
	Young Womens Christian Association of Tampa Bay, Inc.	\$32,000.00	
	Pinellas County Leadership Board, Inc.	\$10,000.00	
	Tampa Bay Information Network (211 Tampa Bay Cares)	\$11,000.00	
	Society of St. Vincent de Paul	\$32,000.00	
	Amendment No. 1 to the Mobile Medical Unit Mental Health Services Agreement with Directions for Mental Health, Inc. for three-month term extension	\$25,000.00	
Health and Human Services	Community Health Centers of Pinellas, Inc. Federally Qualified Health Centers Low Income Pool Funding Agreement/Letter of Agreement with the State of Florida, Agency for Health Care Administration for Low Income Pool Program Funding	\$113,711.00	9.28.12
Health and Human Services	Community Health Centers of Pinellas, Inc. Primary Care Grant Federally Qualified Health Centers Low Income Pool Funding Agreement/ Letter of Agreement with the State of Florida, Agency for Health Care Administration for Low Income Pool Program Funding	\$167,251.00	9.25.12

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Health and Human Services	First and Final Option of Renewal and Amendment No. 1 to Radiology Provider Agreements with:	Not to exceed \$200,000.00 per fiscal year	
	Babatz, Katz and Samuelson, M.D.'s Imaging and Radiology Specialists, LLP Pinellas EKG Interpreters, Inc.		10.31.12
	A13-Advanced Imaging and Interventional Institute Radiology Associates of Clearwater, M.D., P.A.		10.1.12
Health and Human Services	First and Final Option of Renewal and Amendment No. 1 to the Pinellas County Hospitalist Provider Agreement with Westcoast Hospitalists, LLC	Not to exceed \$200,000.00 per fiscal year	10.31.12
Health and Human Services	First and Final Option of Renewal and Amendment No. 1 to the Pinellas County Laboratory Provider Agreements with:	Not to exceed \$200,000.00 per fiscal year	
	Tarpon Springs Pathology Associates, P.A. Surgical Pathology Laboratories, P.A. Pathology Associates, P.A. Laboratory Physicians, P.A. Clearwater Pathology Associates, P.A. Ameripath Florida, LLC Ameripath Hospital Services Florida, LLC Accu Path Plus, LLC		10.31.12
Health and Human Services	Pinellas County Health Program Specialty Provider Agreements First Option of Renewal and Amendment No. 1 with:	Per Resolution No. 10-209 waiving purchasing ordinance to allow HHS authority to negotiate specialty health care services. Total FY 2013 expenditure \$3,715,000.00	
	Florida Cancer Specialists, P.L. Spinecare Associates, L.L.C., d/b/a Florida Spine Institute		10.30.12
	Gulf Coast Primary Care, P.L.C.		10.18.12

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	(a) Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program Financial and Progress Reports submitted to the Florida Department of Children and Families	(a) N/A	11.6.12
	(b) Service Funding Agreements for the Edward Byrne Memorial Justice Assistance Grants FY 2012-2013 with:	(b) Edward Byrne Memorial Justice Assistance Grant Revenue:	
	Suncoast Center, Inc.	\$45,000.00	
	Family Resources, Inc.	\$33,000.00	
	More Health, Inc.	\$25,000.00	
	Alpha House of Pinellas County, Inc.	\$14,000.00	
	Boys and Girls Clubs of the Suncoast, Inc.	\$10,000.00	
Justice and Consumer Services	Grant Awards from the Florida Department of Law Enforcement, Office of Criminal Justice Grants, Justice Assistance Grant for:		10.22.12
	(a) Jail Diversion Expansion	(a) \$45,000.00 Grant Revenue, No Match Required	
	(b) Child Abuse and Prevention Grant	(b) \$14,000.00 Grant Revenue, No Match Required	
	(c) Community Placement Intake Specialist	(c) \$33,000.00 Grant Revenue, No Match Required	
Justice and Consumer Services	Service Funding Agreement with Community Action Stops Abuse, Inc. for the U.S. Department of Justice, Office on Violence Against Women, Court Training and Improvements Program	\$47,156.00 U.S. Department of Justice Grant Revenue, No Match Required	10.19.12

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	Grant Awards from the Florida Department of Law Enforcement, Office of Criminal Justice Grants, Justice Assistance Grant for:		10.16.12
	(a) Firearm Safety and Injury Protection	(a) \$25,000.00 Grant Revenue, No Match Required	
	(b) Adult Drug Court Treatment Expansion	(b) \$30,000.00 Grant Revenue, No Match Required	
Justice and Consumer Services	(c) FY 2012-13 Alcohol and Drug Abuse Trust Fund Grant Agreements with:	(c) Alcohol and Drug Abuse Trust Fund Grant Disbursements, No Match Required:	10.16.12
	Directions for Living	\$10,000.00	
	Operation PAR, Inc.	\$10,000.00	
	Westcare Gulfcoast-Florida, Inc.	\$9,500.00	
	Suncoast Center, Inc.	\$5,000.00	
	Tampa Crossroads, Inc.	\$5,000.00	
	Personal Enrichment Through Mental Health Services, Inc.	\$4,100.00	
	Gulf Coast Jewish Family and Community Services	\$3,900.00	
	Family Resources, Inc.	\$2,500.00	
	(d) Grant Award from the Florida Department of Law Enforcement, Office of Criminal Justice Grants		
	(1) Pinellas County Sheriff's Office Sexual Predator and Offender Tracking (SPOT) Unit	(d1) \$82,500.00 Grant Revenue, No Match Required	
	(2) Justice Assistance Grant – Planning Grant	(d2) \$29,352.00 Grant Revenue, No Match Required	
Justice and Consumer Services	Grant-in-Aid Agreement for Adult Post-Adjudicatory Drug Court Expansion No Cost Extension	N/A	9.9.12

November 27, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	Florida Department of Law Enforcement, Office of Criminal Justice Grants, Justice Assistance Grant Fiscal Year 2012-2013 Recommended Allocations	\$293,518.00 Grant Revenue, No Match Required	7.18.12
Parks and Conservation Resources	Time Extension for Grant Agreement with the Florida Department of Health for the Communities Putting Prevention to Work Program	\$113,767.00 Grant Revenue, No Match Required	10.30.12
Real Estate Management	License Agreement with Community Development Institute Head Start, Inc. for a Fenced Playground Located on Parks and Conservation Resources Managed Lands	N/A	11.5.12
Strategic Planning and Initiatives	Interlocal Agreement with the Town of North Redington Beach for the Provision of Planning Services to the Town	\$10,000.00 Estimated Revenue	10.30.12

- # 7b Quarterly report of claim settlements for April 1 through June 30, 2012 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$80,000.00) received for filing (Risk Management/County Attorney).
- # 8 Supplemental Second Chance Act (SCA) Grant Award from the U.S. Department of Justice, Office of Justice Programs, for the Pinellas County Re-Entry Court Program ratified and accepted (Award No. 2010-RM-BX-0006) in the amount of \$500,000.00 for Fiscal Year 2013 (Justice and Consumer Services).
- # 9 Resolution No. 12-179 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated revenues to the Pinellas County Sheriff's Office in the amount of \$160,990.00) (Management and Budget).
- #10 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller) – None.
- #11 Department of Environment and Infrastructure (DEI) authorized to implement the addition of fluoride to the Pinellas County drinking water supply (estimated annual operating costs, \$160,000.00; additional equipment replacement costs, approximately \$25,000.00; total estimated expenditure, \$185,000.00) (Environment and Infrastructure).

November 27, 2012

Administrator LaSala noted that the cost for adding fluoride to the County's drinking water supply is less than originally anticipated; and that staff has advised that the addition of fluoride could be implemented within three to five days.

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

Cheryl Small, Executive Director of the Community Dental Clinic, Dunedin
Karen Hodge, Palm Harbor
Dr. Claude Dharamraj, Pinellas County Health Department Director, St. Petersburg
Harvey Kerstein, D.D.S., Clearwater
Karen Pesce, More Health, Inc. Executive Director and Pinellas County Oral Health Coalition Chairman, Tampa
Dr. Don Polmann, Dunedin
Dr. Johnny Johnson, Jr., Tarpon Springs*
Harry Gross, Palm Harbor

*(Spoke on behalf of five or more individuals in attendance.)

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

Ralph Koenig, Clearwater
Tom Tito, St. Petersburg
Dr. Donald Monus, Largo
Pamela Hummel, Clearwater
Ron Hummel, Clearwater
Adrian Wyllie, Pinellas Libertarian Party Chairman, Palm Harbor
Vonabell Sherman, Clearwater
Richard "Pitbull" Smith, St. Petersburg
Regina Brown, Largo (submitted document)
Dorothy Bonds, Palm Harbor
Winston Kao, Clearwater
George McGee, Clearwater
Donna Warren Sinquefield, Largo
Patrick Walsh, Palm Harbor
Marg Baker, Palm Harbor (submitted document)
Jesse Sherman, Clearwater
Attilio Corbo, Palm Harbor
Hamilton Hanson, St. Petersburg
Tony Caso, Palm Harbor*
Richard Davis, Clearwater*
Joe Paige, Clearwater*
Debra Kurin Caso, Palm Harbor*
David Ballard Geddis, Jr., Palm Harbor (Undecided)

November 27, 2012

Kurt Irmischer, Clearwater*
Chris Steiner, Clearwater*
Tommy Frain, Tarpon Springs
Yvette Capetillo, Riverview
Peggy Stone, St. Petersburg
Narda Enander, Clearwater
Wayne Walter, Indian Rocks
John Filiss, Tierra Verde
Robyn Boyd, Indian Rocks
Vicki Haas, Clearwater
Thomas Buddemeier, St. Petersburg
Fran Paich, Crystal Beach
Alan Bildz, Treasure Island

* (Spoke on behalf of five or more individuals in attendance.)

In response to comments by Mr. Steiner, Commissioner Latvala stated for the record that about a year after the Commission first voted to add fluoride to the drinking water, Mr. Steiner made repeated accusations that the BCC was being influenced by Mosaic Industries in Hillsborough County; that she assured him that the accusation was incorrect and suggested that he check the Commissioners' political campaign records to see that none of the Commissioners had ever received a campaign contribution from Mosaic Industries, which she knows for a fact was not the case in Hillsborough County; and that she stated "well, in Hillsborough County, whatever big phosphate wants, big phosphate gets," which was grossly misrepresented by Mr. Steiner.

In response to query by Commissioner Seel, Robert M. Powell, Department of Environment and Infrastructure, Water and Sewer Division Director, related that the water that reaches the customers will be fluoridated at 0.7 milligrams per liter.

Commissioner Welch stated that his position on the issue has been consistent since 2004; that he and the citizens disagree on the facts; and that the citizens watching the meeting need to understand that fluoridation is safe. He recited excerpts from the Center for Disease Control and Prevention (CDC) and the United States Surgeon General websites relating to the safety of fluoridated water and its effectiveness against preventing tooth decay, pointing out that the U.S. Surgeon General, the CDC, the American Dental Association, the Florida Dental Association, the Pinellas Dental Association, the Upper Pinellas Dental Association, and the health departments have all stated that fluoridated water is safe; and that the CDC specifically says that fluorosilicic acid (FSA) is safe and, at a chemical level, is the same as natural fluoride. He indicated that the majority of the Commission believes in the science and the facts; that the issue relates to the

November 27, 2012

Commission's responsibility for public health; and that fluoridating water has been proven safe and effective and has been a practice in the United States for more than 50 years and in the City of St. Petersburg for 20 years; whereupon, he stated that he supports adding fluoride to the County's drinking water supply.

Commissioner Roche related that the issue is about the dichotomy in the science; that credible science was presented for both sides of the issue; that his position has been consistent since 2003; that the County's job is to provide safe, clean drinking water; that any additive after-the-fact must meet absolute standards and there can be absolutely no question as to whether the additive is safe and effective; that there are questions about the safety and effectiveness of fluoride and FSA; and that if there are questions, it should not be put in the County's drinking water supply; whereupon, he stated that, at the very least, the citizens should vote on the issue.

Motion	-	Commissioner Long
Second	-	Commissioner Justice
Vote	-	6 – 1 (Commissioner Roche dissenting)

Following the vote, discussion ensued wherein in response to comments and queries by the members, Mr. Powell indicated that how the public is notified and how long the notification process should take are decisions to be made by the Board; that it would take two months to notify all of the County's water customers by bill stuffers due to the bi-monthly billing cycle; that notification by printed bill stuffers is not a requirement; and that notification is usually done through television, radio, printed media, news media, electronic releases, website messages, and printed bill stuffers, which is the process that would be used to notify the public regarding this issue; whereupon, he noted that the issue will likely receive news coverage, and explained the time involved for printing and delivering the printed bill stuffers.

Chairman Morroni related that the public needs ample time and at least one full billing cycle; and that 30 to 60 days notice should be enough time, and Commissioner Latvala provided input. Mr. Powell indicated that his department will notify the Department of Health, the Department of Environmental Protection, and wholesale customers; and in response to query by Commissioner Seel, noted that DEI has a normal notification process for any major treatment change, which is the process that will be used to ensure that wholesale customers notify their customer base; and that hospitals, dental associations, pediatricians, and others that need direct notification will be notified by mail.

Mr. Powell clarified that the Board's direction to staff is to wait until two billing cycles have passed to allow all of the customers to be notified before injecting fluoride back into the system, and no objections were noted; and in response to query by Chairman Morroni, Attorney Bennett advised that following the notification process discussed would address any potential liability issues. Discussion ensued wherein Mr. Powell responded to queries by Commissioner Welch, clarifying that the implementation of fluoride could begin by early March 2013; and that the notification methods, other than the printed bill stuffers, will begin immediately; whereupon, Chairman Morroni noted that fluoride will be added to the water on or about March 1, 2013.

- #12 Authorization granted to advertise a public hearing to be held on December 11, 2012, to consider the re-appropriation of fund balance in the Fiscal Year 2013 budget for the STAR Center fund (Office of Management and Budget).
- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Welch |
| Vote | - | 7 – 0 |

#13 Other Administrative Matters:

Resolution No. 12-180 adopted waiving the competitive procurement requirements to secure administrative services relating to the Pinellas County Self-Funded Health Benefits Plan and the Medicare Advantage Plan, and/or secure health care provider services pursuant to Section 2-160, Pinellas County Code.

Administrator LaSala distributed a proposed resolution and requested that the Board (1) delegate authority to him to terminate any County contracts as may be necessary to secure health care and/or administrative services to provide health care services for Pinellas County employees and retirees; (2) waive the Purchasing Ordinance; and (3) adopt the proposed resolution.

Administrator LaSala reported that the contractual relationship between United Health Care and the BayCare hospital network ended on Monday; and that staff will continue to monitor the situation to determine whether there is an expeditious resolution to the dispute, which relates to reimbursement rates negotiated between the hospital and the insurance company that serves Pinellas County, as well as a number of other employers, and is a Medicare Advantage provider; whereupon, he explained that it may be necessary to seek another third-party administrator for the County's group health insurance program; and that he will report to the Board regularly regarding the progress, negotiations between the parties and the potential effects to the County, and any

November 27, 2012

alternative approaches that may be undertaken to mitigate the impact on County government in general, the employees of Pinellas County, and those who participate in the system.

In response to query by Attorney Bennett, Administrator LaSala indicated that he does not wish to address the coverage of additional overflow costs at this time; whereupon, Attorney Bennett advised that the resolution has been approved by the County Attorney's Office, waives the Purchasing Ordinance, and allows the County to move forward, pointing out that any contract would come to the Board for approval.

Chairman Morroni questioned where employees should call if they have questions about the affects of the dispute on them, and suggested that the contact information be put on the front page of the County's website. Administrator LaSala stated that the Human Resources Department (HR) has begun communicating with the employees through the County's website and direct emails regarding the issue and will continue the communications over the next several days to further clarify what the dispute means in terms of health care coverage for employees. He assured the Board that there has not been a break in the ability to secure medical care and insurance coverage; and indicated that the dispute will result in higher costs to employees and their dependents if they use a BayCare facility, physician, or medical provider; whereupon, he related that staff will continue looking for ways to mitigate the impact and will communicate with HR, the employees, and the Board regularly on an ongoing basis should the dispute continue beyond a few days.

In response to queries by the members, Administrator LaSala indicated that employees should complete the open enrollment process, noting that in the event seeking a new carrier to handle third-party administration is necessary, the enrollment information normally provided would be needed by the new provider; that the Board's approval would authorize him to change carriers if necessary, which would only occur after formal notification to the current provider of the County's intent to cancel the contract; and that the item would be brought to the Board for an after-the-fact vote should he need to take action prior to the December 11, 2012 BCC meeting; whereupon, he pointed out that he will keep the Board informed of every action that may be taken pertaining to this issue.

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

November 27, 2012

Following the vote and in response to query by Attorney Bennett as to whether the motion included approval of the delegation of authority, Commissioner Welch stated that the motion approved the resolution as written, which states "subject to final approval."

* * * *

During the 6:00 P.M. portion of the meeting, Attorney Bennett clarified that the proposed resolution provided to the Board did not clearly delineate the authority of the County Administrator to terminate the contracts; and requested that the record reflect a motion authorizing the right to terminate contracts as needed.

Motion	-	Commissioner Welch
Second	-	Commissioner Seel
Vote	-	5 – 0

* * * *

- #14 County Attorney authorized to settle the Administrative Challenge in Pinellas County versus Florida Department of Environmental Protection as set forth in the agenda memorandum dated November 27, 2012, a copy of which has been filed and made a part of the record.

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

- #15 Public official bonds for Sheriff Robert Gualtieri, Property Appraiser Pam Dubov, Clerk of the Circuit Court and Comptroller Ken Burke, and Tax Collector Diane Nelson, in accordance with Section 137, Florida Statutes (2012), approved as outlined in the agenda memorandum dated November 27, 2012, a copy of which has been filed and made a part of the record.

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

- #16 Public official bonds for Commissioners Charlie Justice and Janet Long in accordance with Section 137, Florida Statutes (2012), approved by the Chairman, ratified.

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

November 27, 2012

- #17 County Attorney Miscellaneous – None.
- #18 County Administrator Reports – None.
- #19 Appointment to the Health Facilities Authority temporarily deferred to the December 11, 2012 meeting.

Chairman Morroni noted that there are five applicants for the position; and Commissioner Welch pointed out that only three resumes were included in the members' agenda packets; whereupon, following brief discussion, Chairman Morroni confirmed that temporarily deferring the appointment would not adversely impact the Health Facilities Authority.

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

#20 County Commission Miscellaneous:

- a. Commissioner Seel moved, seconded by Commissioner Welch and carried, to reappoint Steve Klar to the Local Planning Agency and Keith Bailey to the Board of Adjustment.
- b. Commissioner Latvala noted the upcoming Florida Association of Counties and RESTORE Act meetings.
- c. Commissioner Welch moved, seconded by Commissioner Seel and carried, to reappoint Greg Pierce to the Board of Adjustment and Cathy Harrelson to the Local Planning Agency.

* * * *

At this time, 5:50 P.M., the meeting was recessed and reconvened at 6:07 P.M. with all members present, except Commissioners Latvala and Roche.

* * * *

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 (BCC)

- #21 Conditional Use granted by the Board of County Commissioners (BCC) on October 26, 2010 to Berati #2, LLC through Housh Ghovaei, Northside Engineering Services, Inc., Representative, to allow an outdoor solid waste transfer facility (vegetative) in a C-3 zoning district (Case No. CU-4-9-10) rescinded, re three parcels of land containing approximately 5.09 acres located on the west side of U.S. Highway 19 North at the intersection with Whitney Road (street address: 16604 U.S. Highway 19 North, Clearwater). No correspondence has been received.

Attorney Bennett advised the Board that the conditional use was originally granted as a quasi-judicial decision; that any decision to rescind would need to be treated as such; and that the Board needs to ensure that there is competent, substantial evidence produced at tonight's hearing to support a decision to rescind.

John F. Cueva, Planning Department Zoning Manager, displayed a zoning and land use map, aerial photograph, and site plan, identified the subject site, described the surrounding area, and provided an overview of the history of the case, indicating that during the initial public hearing, concerns were raised by the Board and the residents to the west of the subject site pertaining to storing the vegetative debris close to the western residential boundary line; and that the Board approved the conditional use subject to nine conditions being met, noting that the tenth condition indicates that in the event one or more of the previous nine conditions are not met, the Board may rescind the conditional use permit, which is why the matter is before the Board tonight, and supports staff's recommendation that the Board rescind the conditional use permit; whereupon, he enumerated the conditions, identifying those that have not been met, as outlined in the agenda packet; and pointed out that when the violations began, the Code Enforcement Department took the matter to the Special Magistrate; and that the Special Magistrate recommended that the Board rescind the conditional use permit.

Thereupon, Mr. Cueva recommended that the Board rescind the conditional use permit; and in response to query by Chairman Morroni, he clarified that the date of approval on the agenda memorandum was incorrect; that the Board approved the conditional use permit on October 26, 2010; and that November 9, 2010 was the date the letter with the conditions was sent to the applicant.

November 27, 2012

* * * *

At this time, 6:16 P.M., Commissioner Roche entered the meeting.

* * * *

Discussion ensued and in response to comments and queries by Chairman Morroni, Environmental Code Enforcement Director Todd F. Myers related that the violations were brought to the Code Enforcement Department's attention in January of 2011; that there was a variety of problems; that the issue was taken before the Special Magistrate on October 29, 2012; that the applicant was specifically asked during the evidentiary portion of the Special Magistrate hearing whether he had obtained the Florida Department of Environmental Protection (FDEP) permit, but did not provide an answer; and that to his knowledge, the applicant still has not obtained the FDEP permit; whereupon, Chairman Morroni stated that he remembers the October 2010 meeting very well; and that there were several individuals with concerns who were unhappy that the Board approved the conditional use; and that he understands why staff is before the Board with the recommended action.

In response to queries by Commissioner Long, Mr. Myers indicated that the reason given by the applicant for failing to comply with the conditions was that his business had grown and the amount of debris being taken in was more than his company could process; and referring to a site plan and photographs, Mr. Myers identified some of the violations on the subject site, including asphalt millings sliding into the retention pond, relocation of the fuel tanks, the non-vegetative debris, and the height of the debris. Mr. Cueva clarified that although the applicant can sell cypress mulch, dirt, gravel, and things of that nature in the C-3 zoning district, which was not part of the conditional use permit, he did not go through the site plan process to identify the new location of the bins, which is a violation; and that the area for the vegetative debris, which was part of the conditional use permit, had expanded dramatically beyond the designated area, which is a violation.

In response to queries by the members, Mr. Myers related that the Special Magistrate's order imposes a deadline of December 13, 2012 at 8:00 A.M. for the applicant to bring the property into compliance; that the applicant is expected to have all of the debris removed, to discontinue the conditional use, and to only operate as allowed under the Land Development Code in a C-3 zoning district; that the Special Magistrate ordered that the conditional use be rescinded as of the date of the order, which was November 7,

November 27, 2012

2012; that a vote of the Board to rescind the conditional use permit today would codify the Special Magistrate's order; and that fines will begin being assessed if the property is not brought into compliance by December 13, 2012. Attorney Bennett clarified that the actions by the Special Magistrate and the Board operate in parallel but are distinctly separate from one another; that the levying of the fines is governed by the December 13, 2012 date in the Special Magistrate's order; and that the termination of operations under the conditional use permit is governed by the Board's written order, which needs to be drafted and presented for the Chairman's signature; whereupon, he pointed out that the decision is subject to appeal.

In response to queries by Commissioner Roche regarding the potential impacts to Ameri-Pride and the County's contract with Ameri-Pride for landscaping services, Administrator LaSala and Mr. Cueva indicated that the contract is independent of the situation; that the landscape contracting business could continue to operate; and that the rescission would only shut down the conditional use operations, including the storage of vegetative debris.

In response to the Chairman's call for citizens wishing to be heard, Sally Robinson, Clearwater, appeared and expressed her concerns.

Housh Ghovaei, Northside Engineering, Clearwater, appeared and indicated that he represents the applicant. He provided a brief history of the property and ownership, and indicated that the applicant was unsure of the amount of storage space necessary for the vegetative debris when he applied for the conditional use; and that the applicant considered an indoor wood chipping facility to process some of the debris, but it was too expensive.

Referring to the violations noted by Messrs. Cueva and Myers, Mr. Ghovaei related that although the amount of vegetative debris exceeded the allowable volume and height, the company never violated the 300-foot distance requirement from the residential neighborhood, noting that the volume of debris is the basis for the complaints; that the applicant has been working on the site plan review process with County Planning staff since February; and that the site has been almost totally cleaned up since the Special Magistrate's order, and the remaining debris will be cleaned up by December 13, 2012.

Mr. Ghovaei stated that the applicant has submitted a new application to expand the facility, which has been through the staff review, will go through the Local Planning Agency review in February, and will be brought before the BCC in March; and requested that the Board not rescind the conditional use permit, as doing so would require the applicant to withdraw and resubmit the current application, which would add additional

November 27, 2012

time to the process; whereupon, he suggested that the Board continue the hearing to allow time for the applicant to prove that the site is in compliance with the Code; and in response to queries by Commissioner Long, reiterated that the site has been almost completely cleaned up; and that he did not bring any photographs as evidence.

Chairman Morroni expressed frustration and disappointment with the noncompliance with the site plan review, the height of the debris, and the failure to obtain the FDEP permit for two years, and related that the applicant is not operating under the rules and regulations of the County; that the applicant's failure to comply with the conditions says that he is not concerned about the residents in the mobile home park, noting that many of the residents were there long before the business; and that the County and the business have to be mindful of how the residents feel; whereupon, he stated that the Board made it very clear when it granted the conditional use and imposed the conditions that failure to comply with even one of the conditions would result in rescission of the conditional use permit; and Commissioner Seel concurred, indicating that the case was problematic from the beginning, which is why the Board felt so strongly about the restrictions.

Commissioners Roche and Seel indicated that they visited the site during the original conditional use application process, and in response to queries by Commissioner Roche, Mr. Cueva indicated that the ten conditions are the same as those presented to the Board on October 26, 2010; and that applicants have one year to complete the site plan review process, which is a common standard. Commissioner Roche stated that the FDEP permit is a huge issue, noting that the County cannot operate its solid waste facility without an FDEP permit, which is the core of this type of operation. In response to comments by Mr. Ghovae that the applicant has had the FDEP permit, Chairman Morroni pointed out that the backup documentation states that the status of the required FDEP permit is unknown; and Bob Shehu, CEO, Ameri-Pride, Inc., stated that the FDEP permit was obtained about one month after the conditional use permit was granted; and that the Special Magistrate did not ask to see the permit at the hearing; whereupon, in response to queries by Commissioner Roche, Mr. Myers related that the FDEP had no knowledge of a permit for the applicant in the summer of 2012; and that Code Enforcement specifically asked about the permit during the Special Magistrate hearing, but did not receive a response.

In response to query by Commissioner Roche and comments and concerns expressed by Mr. Ghovae, Attorney Bennett advised that the applicant has filed a new application; and that should the Board decide to rescind the conditional use permit, the action could be to rescind without prejudice to the new application.

In response to queries by Commissioner Welch, Mr. Ghovae related that the new application would expand the transfer station and the volume of vegetative debris on the site; and that the applicant has learned his lesson, noting that the applicant did not understand how the system works. Chairman Morroni and Commissioner Welch expressed concerns with the expansion, and indicated that the conditions are two years old and are not difficult to understand; whereupon, in response to queries by the members regarding the proposed expansion and the violations, Mr. Shehu assured the Board that his company will comply with the conditions going forward; and stated that the only condition violated was the relocation of the transfer station bins toward U.S. Highway 19, which did not violate the condition requiring the bins to be at least 300 feet from the neighbors; that the hours of operation for the transfer station were never violated; that the landscaping business hours of operation were not subject to the conditions imposed for the conditional use; that the volume of vegetative debris would increase in the area proposed for the bins, which is closer to U.S. Highway 19; and that the site should be completely cleaned up and in compliance within three days.

Referring to the photographs previously displayed by Mr. Myers, Commissioner Roche expressed concern that the fuel tanks do not have a retention wall or containment system; and brief discussion ensued wherein in response to comments and queries by Commissioner Roche, Messrs. Myers and Cueva indicated that the fuel tanks are regulated by the Department of Agriculture; that a containment system would be required; and that the Water Quality Division would have picked up on the issue during the site plan review process and made a requirement for containment.

Attorney Bennett related that there may be a discrepancy regarding the hours of operation; and clarified that some of the activities on the site are permitted uses and are not regulated by hours of operation outlined in the conditions of approval for the conditional use; and that only the operation of the transfer facility is regulated by the condition relating to the hours of operation, but that a site plan is still required for the permitted and conditional uses; whereupon, in response to comments by Chairman Morroni, Mr. Shehu stated that the business is always closed on Sundays.

In response to comments and queries by Commissioners Justice and Seel, Mr. Ghovae indicated that the volume of debris brought in exceeded the volume anticipated at the initial conditional use hearing before the Board; and that mulching equipment within a building is a permitted use in a C-3 zoning district and does not require the Board's approval, but that no grinding or mulching equipment was ever used; whereupon, Commissioner Seel pointed out that the conditions clearly state that there shall be no

November 27, 2012

grinding or mulching type of machinery utilized in conjunction with the conditional use permit. In response to query by Commissioner Justice, Attorney Bennett indicated that if the Board does not take action or rescind the conditional use, the Special Magistrate's decision determines the fines, pointing out that only the Board can shut down the conditional use operations; and that the Special Magistrate does not have the injunctive authority to do so.

During discussion and in response to queries by Commissioner Seel, Mr. Myers related that a minimum of a dozen complaints were lodged against the site over the last two years; and that Code Enforcement staff has been out to the site several times and witnessed one occasion of the solid waste operation operating outside of the allowable hours of operation, but that there have not been any other violations related to the hours of operation; whereupon, he provided a brief history of other interactions and violations relating to properties owned by Ameri-Pride, Inc.; and during brief discussion, Mr. Shehu denied that Ameri-Pride, Inc. received any violations associated with its other properties.

Commissioner Roche expressed concern that Messrs. Ghovae and Shehu have been disingenuous, noting that he was under the impression that Mr. Shehu was new to the business, but that he now understands that Mr. Shehu has been in business for about 20 years; and Mr. Ghovae apologized for causing any incorrect impressions.

Thereupon, Commissioner Seel moved, seconded by Commissioner Long and carried, that the conditional use be rescinded.

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

- #22 Public hearing held on proposed ordinance amending Appendix A, the Ten-Year Water Supply Facilities Plan of the Potable Water Supply, Wastewater, and Reuse Element of the Pinellas County Comprehensive Plan. Staff authorized to transmit the ordinance to the State Land Planning Agency for review and comment. Final Board approval anticipated to take place in January of 2013. No correspondence has been received. No citizens appeared to be heard.

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

November 27, 2012

#23 Meeting adjourned at 7:02 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 11, 2012 – 2:05 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Chairman; Karen Williams Seel; Susan Latvala; Charlie Justice; and Janet C. Long.

Not Present: Kenneth T. Welch, Vice-Chairman; and Norm Roche.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Tammy L. Burgess, Board Reporter, Deputy Clerk.

INVOCATION: Reverend John G. Tapp, Holy Family Catholic Church, St. Petersburg.

PLEDGE OF ALLEGIANCE: Commissioner Latvala.

PRESENTATIONS AND AWARDS:

Drs. Ajoy Kumar and Carlos Rodriguez, Bayfront Sports Medicine Fellowship, presented a PowerPoint presentation titled *Youth Sports Concussion Education and Management Initiative*.

Elise Minkoff, Board Chair, Juvenile Welfare Board, provided a brief history of the partnership between the Juvenile Welfare Board and the Board of County Commissioners, followed by a PowerPoint presentation titled *Investing in Pinellas County's Children: Building on a Foundation for Success*, given by Gay Lancaster, Executive Director of Children's Services Board.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re education excellence.

Greg Pound, Largo, re families.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 11 – APPROVED.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	5 – 0

1 Minutes of regular meeting of November 20, 2012 approved.

2 Reports received for filing:

Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2012-24 dated November 8, 2012 – Follow-Up Audit of Utilities and Public Works Engineering Consultant Selection Processes.

3 Vouchers and Bills Paid

Period October 28 through November 3, 2012

Payroll – None.

Accounts Payable:

Checks - \$5,472,476.81 (598 documents)

ACH Transfers - \$25,550,779.21 (125 documents)

Wire Transfers - \$626,025.43 (4 documents)

4 Miscellaneous Item Received for Filing:

City of Pinellas Park Notice of Public Hearing re proposed Ordinance No. 3831 to be held December 13, 2012, annexing certain property.

5a Resolution No. 12-181 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenue to the Medical Examiner in the amount of \$33,620.00).

5b Resolution No. 12-182 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenue to the Emergency Management Department in the amount of \$22,220.00).

5c Resolution No. 12-183 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate unanticipated fund balance and earmarked receipts for a particular purpose (unanticipated grant revenue to the Pinellas County Sheriff's Office in the amount of \$2,641,580.00).

6a Bid of TLC Investments, LLC, d/b/a Stones River Electric, rejected on the basis of not meeting specifications; award of bid to Midway Services, Inc., and Electrical Engineering Enterprises, Inc. for building lighting retrofits (Bid No. 112-0502-CP; Project No. 000017A/2186) approved for an estimated total expenditure in the amount of

December 11, 2012

\$599,480.56 on the basis of being the lowest responsive, responsible bids received meeting specifications; all work is expected to be fully completed within 100 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.

- # 6b Award of bid to Allied Roofing, Inc. and Anderson & Shah Roofing, Inc. for roof overlayment of STAR Center East Addition (Project No. 2) and Building 300 (Project No. 3) (Bid No. 123-0033-CP; Project No. 001244A) approved for an estimated total expenditure in the amount of \$793,384.00 on the basis of being the lowest responsive, responsible bids received meeting specifications; all work is expected to be fully completed within 60 consecutive calendar days for Project No. 2 and 120 consecutive calendar days for Project No. 3; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.
- # 7 Resolution No. 12-184 adopted declaring personal property (atomic absorption spectrophotometer and inductively coupled plasma unit) as surplus and transferring same by donation to Hillsborough Community College, as requested by the Department of Environment and Infrastructure.
- # 8 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	(a) Specific Performance Agreement with YMCA of the Suncoast, Inc. for the Greater Ridgecrest Branch YMCA Operations	(a) \$235,000.00 in Community Development Block Grant (CDGB) Funds	11.16.12
	(b) Environmental Protection Agency Grant Application for 2013 Brownfields Program	(b) \$400,000.00 over a 3-Year Period	
Convention and Visitors Bureau	Elite Event Tourism Promotion Agreements with:		11.20.12
	Shriners Hospitals for Children, Inc. for the East-West Shrine Game	\$50,000.00	
	Tampa Bay Bowl Association, Inc. for the Outback Bowl	\$150,000.00	
	Competitor Group, Inc. for the Lady Speed Stick Women's Half Marathon St. Petersburg	\$50,000.00	

December 11, 2012

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Department of Environment and Infrastructure	(a) Amendment No. 1 to the Joint Funding Agreement with the U.S. Department of the Interior U.S. Geological Survey (U.S.G.S.) for the Water Discipline Data Collection Program	(a) \$6,090.00 and \$2,610.00 in U.S.G.S. Funds	11.19.12
	(b) Release of Completion Surety for St. Anthony's Valley Townhomes	(b) N/A	
Department of Environment and Infrastructure	Release of Liens (6)	All liens have been paid in full	10.23.12
Department of Environment and Infrastructure	Release of Liens (14)	All liens have been paid in full	10.17.12
Department of Environment and Infrastructure	Notice of Liens (13)	N/A	10.12.12
Department of Environment and Infrastructure	Notice of Liens (12)	N/A	10.5.12
Department of Environment and Infrastructure	Release of Liens (24)	All liens have been paid in full	10.4.12
Department of Environment and Infrastructure	Notice of Liens (8)	N/A	10.1.12
Office of Management and Budget	Tropical Storm Debby Federally Funded Public Assistance Agreement with the State of Florida, Division of Emergency Management	N/A	10.1.12
Parks and Conservation Resources	First Amendment to Holiday Lights Agreement with the Florida Botanical Gardens Foundation, Inc. for the Holiday Lights Display	N/A	11.20.12
Real Estate Management	Contractor Designation Form and Real Property Owner/Responsible Party Affidavit to the Florida Department of Environmental Protection for the Sheriff's Flight Unit on Airport property	N/A	11.26.12

9 Grant award documents related to the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Substance Abuse and Mental Health Services

Administration (SAMHSA), Joint Adult Drug Court Discretionary Grant, for the Pinellas County You Can! Program, for Fiscal Year 2012-2013, ratified and confirmed (second component award) (Grant No. 1H79TI024477-01; CATS No. 40912) (Justice and Consumer Services).

- #10 Renewal Certificates of Public Convenience and Necessity issued to the following providers, in accordance with Pinellas County Code Section 54 and Section 401.25, Florida Statutes (Public Safety Services-EMS Division):

ALS First Responders

Cities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, South Pasadena, St. Pete Beach, St. Petersburg, Tarpon Springs, and Treasure Island; East Lake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Special Fire Control District

ALS Helicopter Ambulances

Bayfront Medical Center, Inc. d/b/a Bayflite

Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital – Aeromed

Hospital

All Children's Hospital

Sunstar Ambulance Service

Pinellas County Emergency Medical Services Authority d/b/a Sunstar

- #11a Notice of new lawsuit and defense of the same by the County Attorney in the case of Gulfview South, Inc. versus Pinellas County, et al. – Circuit Civil Case No. 12-013685-CI-07 – Declaratory Judgment.
- #11b Notice of new lawsuit and defense of the same by the County Attorney in the case of Plymouth Park Tax Services, LLC versus Pinellas County and Clerk, et al. – Circuit Civil Case No. 12-012844-CI-020 – Quiet Title Action.
- #12 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller) – None.

- #13 Final negotiated agreement with ISI Water Company d/b/a Water Company of America (WCA) for Consultant Services, Revenue Enhancement – Department of Environment and Infrastructure approved (Contract No. 112-0170-R); Chairman authorized to sign the agreement and the Clerk to attest (Environment and Infrastructure/Purchasing).

Administrator LaSala related that the item was previously before the Board; that the Board requested that staff seek to improve the ratio of shared savings between the private company and the County; and that staff has successfully negotiated a better rate.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	5 – 0

- #14 Change Order No. 1 to the contract with David Nelson Construction Co. for Bear Creek Channel Improvements (Re-bid) (PID Nos. 2055, 2297, and 922306; Contract No. 112-0108-CP) approved, increasing the contract by \$1,546,502.44 and extending the contract term by 243 consecutive calendar days (revised contract amount, \$8,447,919.94; revised project completion date, December 26, 2013). Chairman authorized to sign and the Clerk to attest after proper execution by the contractor (Environment and Infrastructure/Purchasing).

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

In response to queries by Commissioner Seel, Jorge Quintas, Department of Environment and Infrastructure, Engineering and Technical Support, clarified that the contract awarded to David Nelson Construction Co. was a re-bid of the prior contract that was not awarded; that the Change Order was not re-bid; that during the engineer's assessment of the installation, he determined that his original design was incorrect; and that the situation is different from the one that occurred in Lake Seminole; whereupon, in response to query by Commissioner Latvala, Attorney Bennett indicated that the County will seek reimbursement from the engineer.

Vote	-	5 – 0
------	---	-------

- #15 Authorization granted to advertise a public hearing regarding a proposed resolution intending to use the uniform method of collecting non-ad valorem assessments for surface water management program services in the unincorporated area of Pinellas County as permitted by Section 197.3632, Florida Statutes, to be held February 12, 2013, and to seek concurrence with the Pinellas County Tax Collector and Property Appraiser; Chairman authorized to execute and the Clerk to attest agreements with the Tax Collector

and Property Appraiser extending the deadline for adoption of the resolution to March 1, 2013 (Environment and Infrastructure).

Administrator LaSala explained that the Board has until January 1 to reserve its rights to use the uniform method of collecting non-ad valorem assessments for surface water management program services in the unincorporated area; and that the proposed resolution extends the deadline for implementation to March 1, 2013, provides an opportunity for the Board to weigh the policy options after it has seen the implementation components of a stormwater master plan, and preserves the Board's options.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

In response to query by Commissioner Seel as to whether a complete presentation on the master plan would be provided at a workshop or regular meeting for the benefit of the new commissioners and for Board discussion, Administrator LaSala indicated that the new commissioners will be briefed on the information provided to the Board and what the Board has been engaged with, to date, during their orientation; and that the item and additional information will be brought back to the full Board for discussion.

Commissioner Seel stated that her previous comments on the issue stand; that the sole basis for her support is having a plan that addresses infrastructure improvements in the County's drainage system, which is critical, with operation and maintenance being secondary, pointing out that the County has an enormous drainage and stormwater issue that needs to be resolved; and Commissioner Latvala added that water quality and the new standards being imposed are significant components.

During brief discussion, Commissioner Seel noted that the Board previously directed staff to talk with the cities about a coordinated countywide plan; and that a status report on those discussions would be needed, if the Board moves forward with the special assessment; and Chairman Morroni noted that a status report has been requested.

Vote	-	5 – 0
------	---	-------

- #16 Community Health Centers Health Care Agreement between Pinellas County and Community Health Centers of Pinellas, Inc. (CHCP) approved for provision of preventive and primary healthcare, pharmaceuticals, dental care, and wellness services in five Medical Home sites to low-income uninsured County residents age 18-64 (total funding to CHCP, \$2,067,162.00); agreement effective January 1, 2013 through December 31, 2013 (Health and Human Services) (Companion Agenda Item No. 24).

and

- #24 Mutual Release and Settlement Agreement between Pinellas County and HCA affiliated hospitals approved in accordance with the memorandum from County Attorney James L. Bennett dated December 11, 2012; Chairman authorized to sign and the Clerk to attest (Companion Agenda Item No. 16).

Attorney Bennett advised that Agenda Item No. 24 relates to a proposed settlement with HCA in the amount of \$1.45 million, which will serve as the funding mechanism for the County's portion of the contract in Agenda Item No. 16.

Motion - Commissioner Latvala
Second - Commissioner Seel

Commissioner Seel discussed an email request the members received from Community Health Centers of Pinellas, Inc. (CHC) to add Bayfront Hospital, noting that CHC has created a clinic at Bayfront Hospital; and indicated that she has discussed the request with Health and Human Services (HHS) Director Gwendolyn Warren; and that HHS staff will inspect the clinic in January to ensure it meets all of the County's standards before approving the addition, which can be done administratively as an addendum.

Vote - 5 – 0

- #17 Pinellas County Health Care Services Program Interlocal Agreement between Pinellas County and the State of Florida, Department of Health, Pinellas County Health Department for the period January 1, 2013 through December 31, 2013 approved (total amount of funding to Health Department, \$3,801,576.50); Chairman authorized to execute the agreement and the Clerk to attest (Health and Human Services).

Motion - Commissioner Seel
Second - Commissioner Latvala

Commissioner Seel pointed out that a notable change to the contract is the coordination of community based care at free clinics for high-risk uninsured individuals who are not enrolled in the County's health plan, noting that the St. Petersburg and Clearwater free clinics have existed separately and provided valuable services, but have not been part of the County's network or planning for many years.

Health and Human Services Director Gwendolyn Warren provided general and financial information, relating that the pilot program is intended to build some infrastructure between the County's three community medical clinics; that the overall goal is to reduce

the number of County sponsored health care clinics, establish a relationship with the hospital community and the community health service community, and assist them in supporting the other community health networks; and that the desire is to specifically focus the County's health care services, along with its medical partner, in the five zones, and to create a network of support for other health care providers to thrive and provide multiple access points throughout the community; whereupon, she indicated that the idea came from Commissioner Seel.

Vote - 5 – 0

- #18 MedNet Services Funding Agreement between Pinellas County and Suncoast Health Council, Inc. for assisting low-income individuals with obtaining free prescription drugs from pharmaceutical companies that offer patient assistance programs approved retroactive to October 1, 2012 (term expires December 31, 2013) with one 12-month option of renewal, which will only be considered if the projected savings are realized (total amount of funding to Suncoast Health Council, \$311,000.00); Chairman authorized to execute the agreement and the Clerk to attest (Health and Human Services).

Motion - Commissioner Latvala
 Second - Commissioner Seel
 Vote - 5 – 0

- #19 Funding of additional projects from the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) allocation selected during a mid-year application process in accordance with the Public Facilities Program parameters, as approved in the 2011-2015 Five-Year Consolidated Plan and the 2011-2012 Annual Action Plan, approved (Community Development).

At the request of Chairman Morroni, Community Development Director Anthony M. Jones provided an overview of the CDBG program and the additional projects for funding, indicating that some of the bids came back lower than anticipated; that because of the spending deadlines, a mid-year application process for the savings was conducted; and that four applications were received, three of which had projects ready to go, which are the projects currently before the Board.

Motion - Commissioner Seel
 Second - Commissioner Latvala
 Vote - 5 – 0

- #20 Increase in funds to the blanket purchase agreement with Motorola Solutions, Inc. for maintenance of the Pinellas County Intergovernmental 800 MegaHertz (MHz) Public

December 11, 2012

Safety Radio and Data Communications System and a time extension for a 24-month period ending December 31, 2014 (estimated 24-month expenditure not to exceed \$2,357,234.64) (Contract No. 078-0122-M) approved; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor. County Administrator authorized to approve adding/deleting equipment, services, or price change requests during the term of the contract extension, provided the requests do not exceed the total contract amount (Public Safety Services/Purchasing).

Motion - Commissioner Latvala
Second - Commissioner Seel

In response to query by Commissioner Seel, Bruce Moeller, Public Safety Services Director, related that the costs were held the same and are not an increase over the current cost; and that additional dollars are reflected because of the contract extension.

Vote - 5 – 0

- #21 Appointments to the Pinellas Planning Council approved for the two-year term 2013-2014, as follows (Strategic Planning and Initiatives):

City of St. Pete Beach Vice-Mayor Marvin Shavlan, representing Municipality Group A; City of Indian Rocks Beach Commissioner Joanne “Cookie” Kennedy, representing Municipality Group B; and City of Gulfport Vice-Mayor Sam Henderson, representing Municipality Group C.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 5 – 0

- #22 Other Administrative Matters:

Chairman Morroni announced that a public hearing will be held on January 15, 2013, relating to unanticipated carry-forward of funds from Fiscal Year 2012 to Fiscal Year 2013, in accordance with Section 129.06(2)(f), Florida Statutes.

- #23 Consent for Bryant Miller Olive to engage in dual legal representation granted in accordance with the memorandum from County Attorney James L. Bennett dated December 11, 2012.

Motion - Commissioner Latvala
Second - Commissioner Long
Vote - 5 – 0

- #25 Revised Amendment No. 5 to the Pinellas County Resource Recovery Facility Service Agreement with Veolia ES Pinellas, Inc. extending Veolia ES Pinellas, Inc.'s transfer closing date from November 30, 2012 to December 21, 2012 approved; Chairman authorized to sign the amendment and the Clerk to attest.

In response to query by Chairman Morroni as to whether the transfer of management would occur by December 21, 2012, Todd Pressman, Palm Harbor, related that a technical issue involving the bank being used arose at the last minute; and that it is his understanding that the issue has already been addressed.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	5 – 0

- #26 County Attorney Miscellaneous – None.

- #27 Sitting as the Countywide Planning Authority, the Board adopted Resolution No. 12-185 accepting the amended Countywide Future Land Use Plan Map and directing that it be filed with the Clerk of the Board of County Commissioners as the official Countywide Future Land Use Plan Map, as recommended by the Pinellas Planning Council in its Resolution No. 12-3 adopted November 14, 2012, a copy of which has been filed and made a part of the record.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	5 – 0

- #28 Sitting as the Pinellas County Emergency Medical Services Authority, the Board approved the appointment of Largo Assistant Fire Chief William Scott as Pinellas Advanced Life Support Providers Association Alternate to the Pinellas County Emergency Medical Services Advisory Council, replacing Largo Deputy Fire Chief Shelby Willis for the remainder of the term ending in March 2014.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	5 – 0

- #29 County Administrator Reports – None.

- #30 Chris Hardman appointed to the Pinellas County Health Facilities Authority for a four-year term.

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 5 – 0

- #31 Harold “Doc” Kinsey reappointed and Steve Kuplicki and Christine Null appointed to the Greater Seminole Area Special Recreation District Board of Commissioners.

Motion - Commissioner Latvala
Second - Commissioner Long
Vote - 5 – 0

- #32 2013 Boards and Committees Individual Commissioner Appointments master list, which has been filed and made a part of the record, approved.

Chairman Morroni indicated that newly elected Commissioners Justice and Long have yet to name their appointees, and following discussion wherein Commissioner Seel noted that the Commission is considering revamping several of the boards, he requested that they proceed with appointments to the Feather Sound Community Services District, the Historical Commission, and the Park Board at their earliest convenience.

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 5 – 0

Thereupon, Commissioner Justice nominated James Schnur for appointment to the Historical Commission, indicating that a memorandum and biographical information has been submitted to the County Commissioners for their review.

Motion - Commissioner Justice
Second - Commissioner Seel
Vote - 5 – 0

- #33 Appointments by the BCC as a Whole master list, which has been filed and made a part of the record, approved.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 5 – 0

- #34 2013 Committee/Board Appointments by Chairman master list, which has been filed and made a part of the record, approved.

Noting changes to the published list, Chairman Morroni indicated that he will replace Commissioner Justice as appointee to the Area Agency on Aging of Pasco-Pinellas, Inc.; and that Commissioner Justice will serve on the Health and Human Services Coordinating Council Policy Board in his stead.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	5 – 0

- #35 County Commission Miscellaneous:

The Commissioners and Administrator wished everyone a happy holiday season and thanked staff for their hard work.

- a. Commissioner Long reported on a recent community meeting regarding potential redevelopment of Tides Golf Club in Seminole. Discussion ensued, and Attorney Bennett provided input, noting that the County has not received an application from any potential developer.

related that she had participated in the Pinellas Park holiday parade.

- b. Commissioner Seel referred to *Pinellas By Design*, noting that the Board had agreed to revisit the issue of preservation of golf courses, and suggested that the matter be addressed in the new year.

- c. Commissioner Latvala requested permission to run for Vice-Chair of Florida Consortium on Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies (RESTORE). Commissioner Long moved, seconded by Commissioner Justice and carried, that Chairman Morroni prepare a letter of permission on behalf of the Board.

December 11, 2012

- d. Commissioner Justice commented re Pinellas Park parade and Tampa Bay Regional Planning Council.
- f. Chairman Morroni read letter from a constituent acknowledging the expertise of Zoning Manager John Cueva, and thanked outgoing assistant Scott Kirby.

* * * *

The meeting was recessed at 3:52 P.M. and reconvened at 6:04 P.M.

* * * *

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

- #36 Resolution No. 12-186 adopted appropriating unanticipated fund balance in the Fiscal Year 2013 STAR Center Fund budget. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 5 – 0

- #37 Ordinance No. 12-42 adopted amending Chapter 134 of the Pinellas County Land Development Code establishing the Annual Concurrency Test Statement. The Local Planning Agency recommended approval of the proposed ordinance based on the staff report. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 5 – 0

- #38 Resolution No. 12-187 adopted granting the application of the Pinellas County Strategic Planning & Initiatives Director for a change of zoning from C-2, General Retail Commercial & Limited Services, to M-1, Light Manufacturing & Industry (Z-1-11-12, LPA 18-11-12), re approximately 1.76 acres located on the north side of 126th Avenue North, 620 feet east of 66th Street North, in the unincorporated area of Largo. The Local

December 11, 2012

Planning Agency recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

Administrator LaSala noted that the proposed change will resolve a conflict between the current zoning and the site's Future Land Use Map designation.

Motion	-	Commissioner Long
Second	-	Commissioner Justice
Vote	-	5 – 0

#39 Meeting adjourned at 6:10 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk