

AGENDA ITEM NO. 1
February 26, 2013

1. APPROVAL OF MINUTES

Regular Meeting of January 29, 2013.

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**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JANUARY 29, 2013 – 2:01 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Pastor Scott Harris, First Baptist Church Indian Rocks, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Justice.

PRESENTATIONS AND AWARDS:

Tampa Bay Rays Presentation

Chairman Welch indicated that an honest, straightforward conversation is important for the community; that last year the Commission expressed an interest in increasing the level of dialogue with its partner, the Tampa Bay Rays; and that the Commission was involved for decades in the effort to acquire a team and has significant partners in that endeavor, including the citizens of the City of St. Petersburg; whereupon, he introduced Tampa Bay Rays Principal Owner Stuart Sternberg, President Matt Silverman, Senior Vice-President of Development and Business Affairs Michael Kalt, and Senior Vice-President Mark Fernandez and recognized City of St. Petersburg Mayor Bill Foster and members of the St. Petersburg City Council in attendance.

Chairman Welch provided background information regarding the County's investment in bringing baseball to the community, indicating that since 1986, through a portion of its bed tax, Pinellas County has contributed more than \$100 million towards the debt service at Tropicana Field; that the debt service will conclude in 2015; and that the Commission has partnered with the City of St. Petersburg to assume ownership of Tropicana Field to save the citizens of the City of St. Petersburg more than \$1 million annually in property taxes, as County-owned stadiums are not taxable. He related that the focus should be on keeping baseball in the community for the long-term, which will require more partnership and collaboration than the acquisition of baseball, in addition to an expansion of the vision of what the community and goals are, which requires

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talking to the business partners and advancing the dialogue openly and honestly to move the community forward, which is the purpose of today's presentation.

Mr. Sternberg stated that today's meeting is extremely meaningful for the organization; and thanked the members of the St. Petersburg City Council for attending and recognizing the importance of the discussion. He indicated that the Rays organization provides almost nightly entertainment and is not just a baseball team, noting that fans and casual interested parties in the Tampa Bay Area spend well over 100 million hours each season watching the baseball games. He related that the organization saw an opportunity to advance in 2007, sensing that it would need to conduct business in a new facility; that at that time, the feedback received was if the Rays win baseball games, everything will work out. He related that the Rays have been on a five-year winning streak, but attendance is still lacking; and that full season ticket sales are the lifeblood of every Major League Baseball organization and other sports franchises and are used to make long-term decisions and to plan on future revenues; whereupon, he pointed out that there are just under 300 full season ticket account holders in the City of St. Petersburg, which does not support the organization's ability to run its business and make the fans proud.

Mr. Silverman discussed the progress, achievements, marketing efforts, and challenges experienced by the organization, the efforts to become a regional team, the investments made, affordability, and the continuity of management and leadership since taking over the franchise; and provided statistical information comparing the Rays to other Major League Baseball organizations, pointing out that even after going to the World Series in 2008, attendance did not increase; whereupon, Mr. Fernandez discussed the community efforts, corporate involvement, volunteer efforts with the biggest non-profit organizations, and how the organization approaches its business and its place in the community.

Mr. Kalt provided statistical information regarding the fan base and attendance, and discussed attendance and location issues, lack of corporate sponsors/full season ticket account holders, reliance on individual ticket buyers and walk-ups, key demographic indicators necessary to support the business size and type, and market challenges. He stated that there is a fundamental location problem as well as a cost of inaction that impacts not only the organization, but also the community; whereupon, he related that the challenges to secure the long-term future of baseball in Pinellas County were addressed in the ABC Coalition report commissioned about five years ago by former City of St. Petersburg Mayor Rick Baker and released about three years ago, pointing out that the challenges remain and have grown larger.

Mr. Kalt indicated that downtown St. Petersburg is the fourth largest employment center in the region and does not have enough businesses located proximate to Tropicana Field to support the

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season ticket holder issue; and that the organization did not realize how acute the location problem was initially because the Rays were not winning at that time, and the feedback received was that everything would work out if the Rays started winning baseball games.

Mr. Kalt stated that there is a larger issue that will not get resolved by waiting until 2027, pointing out that five years ago, the organization presented the redevelopment potential of the Tropicana Field site, but that it got lost in the discussions about whether a stadium belonged on the waterfront in St. Petersburg; and that the City of St. Petersburg performed an analysis when it conducted a Request for Proposal on Tropicana Field and estimated that the site could generate tens of millions of dollars in property taxes and other taxes annually, not including the value of selling the land or the value of the jobs and economic opportunity that could be brought there. He related that the debt service and operating obligations for the public at Tropicana Field are substantial, but pale in comparison to the potential property tax, sales tax, and job generation that could be realized by putting the land to a more productive use, pointing out that keeping the Rays “handcuffed” to Tropicana Field does nothing for the organization or the taxpayers in the County and the City of St. Petersburg; whereupon, Mr. Kalt indicated that it is important to move forward and determine the best solution for everyone involved.

In summary, Mr. Sternberg provided input regarding the variables impacting the organization, being a regional team and spreading the fan base throughout the state, concerns with the lack of support for a waterfront stadium, ensuring baseball in the community for the long term, the investments made since taking over ownership, and the ability to look at other options in the area, noting that he did not anticipate the team remaining at Tropicana Field for the remainder of the lease when he took over the franchise and invested over \$20 million into the stadium. He indicated that even if things were to start moving forward, the Rays would be at Tropicana Field for several more years; and that time is not anyone’s friend given Major League Baseball’s (MLB) interest in the situation, pointing out that it is important to MLB that something gets done quickly; whereupon, Mr. Sternberg requested the ability to follow-up on the ABC Coalition report.

Chairman Welch noted that the perceived lack of support for a waterfront stadium was likely related to the sanctity of the downtown St. Petersburg waterfront, as evidenced by the current pier discussions. He encouraged citizens in the region to support the Rays, noting that Tropicana Field is a good place to see a baseball game; and related that Pinellas County and the City of St. Petersburg have a stake in the issue given the substantial investments made; whereupon, in response to his query, Mr. Sternberg assured the Board that Pinellas County would be given a fair review if the organization is allowed to look at other potential sites, noting that Pinellas County and the City have an advantage from a financing standpoint.

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Chairman Welch related that the County's debt service commitment will be fulfilled in 2015; that future Commissions need to know if an additional partnership will be requested of them; and that the community desperately needs jobs, noting that a promise was made in 1979 when the St. Petersburg City Council told over 500 households that they had to move in the interest of economic development and jobs, which never came to fruition and should be part of the solution.

Chairman Welch indicated that the issue is not just about baseball; and that the "thinking" needs to be broadened to include the community retaining its relationship with baseball and addressing other community issues, such as jobs and infrastructure. He pointed out that many of the existing infrastructure needs could be addressed if all the stakeholders involved come to a holistic conclusion, which he believes would include the City of St. Petersburg agreeing to a form of compensation to help fund some of the other needs in the community while keeping baseball, noting that Mayor Foster has a different belief; whereupon he requested that the Rays and the City of St. Petersburg keep the conversation moving, noting that no progress has been made since the ABC Coalition report.

Discussion ensued wherein the members expressed their respective positions, and Messrs. Sternberg and Kalt responded to comments and queries by the members:

CHAIRMAN WELCH

Q: Thought attendance had increased although less than the other teams; is overall attendance down?

A: Overall, attendance since 2008 is down. Attendance in 2005 was about 1.2 million annually.

COMMISSIONER LONG

Q: What attendance turnout would be necessary to keep the Rays at Tropicana Field?

A: Approximately 30,000 fans per game would be the ideal attendance. The stated goal at the end of the 2008 season was to reach 2.4 million in attendance for the 2009 season.

Q: Do the advantages of being in the Tampa Bay Area television market help offset some of the attendance issue?

A: The Tampa Bay Area television market is helpful, but does not provide nearly the assistance necessary to make up for the lack of attendance at games.

Q: What would it take to move the conversations with Mayor Foster forward?

A: Does not know. Based on the conversations to date with the City of St. Petersburg, there will be no movement in the discussions. If the organization had any sense of what it would take to move the discussions forward, it likely would have done it already.

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COMMISSIONER LATVALA

Q: Embarrassed by the way the organization is being treated in the community. The Rays organization is an asset and has been great members of the community. Can the attitude or opinion of MLB be turned around?

A: Yes, if there is movement toward having a plan in place to move forward.

COMMISSIONER ROCHE

Q: The answer to the situation will not be known until the parties start talking. The Rays may have fallen into the “perfect storm,” in that they were peaking and winning games when the economy was crashing. What percentage factor is applied to economic trends when formulating the viability status?

A: The economy impacted between 10 to 20 percent of what could have otherwise been achieved. While a good economy would have been helpful, it did not cause the situation, especially given the organization’s affordable pricing points and what other MLB teams were able to achieve.

Q: Has a study been done to determine if the 19,000 attendance average is the same or different people attending the games?

A: The season ticket holder base is part of the attendance issue. The organization is much more beholden to the individual game buyer than the average team because of the not as robust corporate base near Tropicana Field and in the market as a whole. Weekday game attendance struggles because of the reliance on the individual game buyer, which is the crux of the issue.

Q: What is the organization asking the Pinellas County Commission to do to help get to a solution?

A: Exactly what is occurring: bringing the discussion out and, going forward, supporting the organization and spreading the word that there is no harm in allowing the organization to look at other potential sites and follow up on the ABC Coalition report, and then see what happens a year or two after that. The organization is not asking for anything other than the ability to look around and follow up on the ABC Coalition report.

COMMISSIONER MORRONI

Q: Recalled the personal appearances made by the organization’s management team when it took over ownership of the Rays franchise, and suggested that they do the same now and share the statistics on how good the Rays have been doing. Why is there a higher attendance by fans from Hillsborough County than from Pinellas County?

A: About one-quarter of the fans come from Pinellas County, about one-third come from Hillsborough County, and the remainder come from the rest of the Tampa Bay area and

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outside the area. The fan distribution statistics include those who attended, watched, or listened to the games.

Q: What can be done to improve or increase attendance by Pinellas County residents?

A: Every fan could come to one more game each season. The organization has pricing points comparable with going to the movies, allows fans to bring their own food and beverages into the stadium, and is the most affordable sports franchise in the area.

COMMISSIONER SEEL

Q: How will the organization move forward with the ABC Coalition report?

A: The numbers in the ABC Coalition report have not changed materially; therefore, the analysis would be straightforward. The organization is interested in the recommendations in the report, which identified the issues and the next steps that need to occur, and would likely use a combination of public and private efforts. Some steps have been taken since the ABC study was commissioned and the issues that need to be impacted require conversations with people from the area where you are looking, which cannot happen until a meaningful accommodation is reached with the City of St. Petersburg.

COMMISSIONER JUSTICE

Q: Is there a commercial account holder base anywhere in the Tampa Bay Area that will make the team successful?

A: The organization is optimistic that a corporate base exists within the area north and east of Tropicana Field that would bring the full-season ticket holder accounts to the level necessary to be successful, whether it is in Carillon, Westshore, or downtown Tampa.

Q: What is the norm for financing stadiums around the country?

A: Typically funding mechanisms were more straightforward with a mix of dedicated public and private funding sources that could be bonded against. Financing has become more challenging over the last five years due to the economy and general constraints on government resources. As financing becomes more challenging, organizations have to be more creative in figuring out how to come to a solution that works as a private business that justifies the public investment and can be financed in the bond markets.

St. Petersburg City Council Chairman Karl Nurse indicated that part of the problem is having the conversation at the end of the longest recession in American history; and that another part of the problem is that the middle income families in the community have lower than national average incomes and a higher combination of housing and transportation expenses, meaning the entertainment money comes after the housing and transportation expenses. He related that the larger task is to grow the local economy, improve the quality and number of jobs, and improve the community's transportation system, all of which are being addressed by the County Commission and the City of St. Petersburg and will help the situation.

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Mr. Nurse indicated that getting past the stalemate between the Rays and the City of St. Petersburg requires taking the first step, and encouraged the Rays organization and the City of St. Petersburg to look at the Carillon proposal, which will force the conversations about transportation, the market, and the details to be looked at; and that another conversation can be held afterward, and Chairman Welch concurred, noting that there must be a dialogue.

Noting that Mayor Foster had to leave to attend another meeting, Chairman Welch conveyed Mayor Foster's statement that he will be available to meet with the Rays management team this Thursday between 7:00 A.M. to 12:00 P.M.

Thereupon, Chairman Welch stated that he respects the Mayor and his office; and that he would be supportive if the Mayor allows the Rays organization to look at potential sites in Pinellas and Hillsborough Counties, pointing out that a business case cannot be made until all of the options have been researched; whereupon, he encouraged the Rays management team to meet with Mayor Foster on Thursday; and indicated that he hopes this is the first of many conversations to come.

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At this time, 3:20 P.M., the meeting was recessed and reconvened at 3:31 P.M. with all Commissioners in attendance.

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CITIZENS TO BE HEARD

VETERANS SERVICES

Chairman Welch indicated that the Board has received numerous phone calls and emails in recent days with some troubling accusations with respect to the County's Veterans Service Office; and that he has requested a staff report pertaining to the recent veteran program reorganization before receiving citizen comments.

Health and Human Services (HHS) Director Gwendolyn Warren related that the Board of County Commissioners (BCC), as part of its strategic planning initiative, had conducted a "deep dive" into the operations of the Department; that during the discussion on homelessness, staff was tasked with expanding its services to the growing number of homeless veterans while using only the existing resources of the department, as no additional funds would be available; and that HHS had recommended a reorganization that would combine, or intensely coordinate, the Veterans Service Office with the Disability Affairs unit.

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Ms. Warren indicated that, understanding that federal laws mandate that only certified Veterans Service Officers (VSOs) be involved with veterans benefits, staff developed a service plan that would allow certified VSOs to deal exclusively with the traditional veterans seeking disability assistance and allow uncertified HHS staff to provide medical, housing, behavioral health, prescriptions, and dental services to honorably discharged homeless veterans reluctant to participate in traditional veteran programs but who might qualify for other federal benefits. She indicated that additional offices were opened, eight new staff persons were hired, and \$1 million was put into a program to offer services to those veterans.

Ms. Warren repudiated concerns and rumors being brought before the BCC and circulating in the veteran community that are inconsistent with what HHS presented during the budget process and with what the BCC approved, including outsourcing Veterans Service to a private agency, allowing non-certified staff to provide disability assistance to veterans, and shutting down the program. She provided historical information relating to the relationship between HHS and the Veterans Service Office, noting that the BCC approved the integration of the Veterans Service Office and HHS in 2003, although until recently the departments have operated under separate roofs.

Ms. Warren related that in response to their concerns, she has been meeting with veterans and veteran organizations; that in response to recommendations made at those meetings, two vacant VSO positions are being filled, with the veteran community involved in the selection, explaining that one position was lost during the budget cuts; that there was a problem with the management structure, which is being addressed; and that HHS has multiple support staff that have been trained by a long-time VSO assistant on what services they can and cannot provide to veterans. She indicated that the program had five VSOs before the reorganization and will continue to have five; that the programs in St. Petersburg and Clearwater are fully operational; that HHS offices in Tarpon Springs, on Ulmerton Road, and in the new Clearwater Health Center will be staffed; that a new office will be located in Lealman; and that the staff is fully trained.

Ms. Warren related that she has learned that communication with the veteran community is of paramount importance; that HHS believed it was communicating, but apparently a different message was being sent, which has since been corrected; and that the issue continues to come up and she does not know what issues the veteran community will bring before the BCC today.

Ms. Warren indicated that HHS has added significant resources, including partnering with 2-1-1, the Juvenile Welfare Board, and the Catholic Archdiocese to set up an emergency needs network so that any veteran with a housing, medical, or other need can call 2-1-1 for immediate assessment and referral, with the bills being sent to the County.

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In response to query by Chairman Welch, Ms. Warren clarified that the Veterans Service Office is comprised of the Veterans Service Director, one Senior VSO, three VSOs, and two clerical staff positions; and that of the five VSO positions, two are filled, jobs have been offered for two, including the Senior position, and the Director position has been reclassified to Manager, is vacant, and recruitment is in progress.

Colonel Mike Prendergast, Executive Director, Florida Department of Veterans' Affairs (Bay Pines)*

- ▶ provided background information re the Florida Department of Veterans' Affairs, relating that it was created to handle critical issues pertaining to the state's veterans when the State Legislature amended the Constitution in 1988.
- ▶ related that the 2012 new revenue for Pinellas County veterans exceeded \$57 million and, added to the recurring compensation and pension dollars, brought more than \$336 million into Pinellas County, noting that only Hillsborough County has a higher gross revenue for its veterans; indicated that there was a 25-percent drop in the processing of claims by the Pinellas County Veterans Service Office during the last four months of 2012, and it is expected that production will continue to drop unless fixes are implemented in the near future.
- ▶ emphasized critical role VSOs play in lives of the veterans and discussed the certification, training, continuing education, and production requirements needed to become and remain a VSO; indicated that the team of professionals Pinellas County has been known for no longer exists, the critical needs of the veterans are not being met, and potentially tens of millions of dollars that the veterans earned on the battlefield and the taxpayers have already paid for are now going undelivered to the veterans in the county who signed a contract that included the sacrifice of their life, emphasizing that the veterans have earned the benefits and are not looking for a handout, though that is the way they are being treated.

Alene Tarter, Director of Benefits and Assistance, Florida Department of Veterans' Affairs (Bay Pines)*

- ▶ stated that she had appeared before the Board last year to alert it about the concerns in the veteran community; that the BCC had asked her to confer with Ms. Warren; that she, Hillsborough County Veterans Service Officer Frank Strom, and Scott Barber, representing the Veterans of Foreign Wars (VFW), met with Ms. Warren, but the meeting was very one-sided, as Ms. Warren spent the time defending her HHS reorganization and the decision to use HHS caseworkers to assist veterans. Ms. Tarter indicated that she tried to explain to Ms. Warren that, according to state statute and federal law, anyone assisting veterans must be a wartime veteran, trained by her office and accredited; and that veteran information is protected and there must be a separate database.
- ▶ stated that she has been getting numerous calls from angry and confused veterans and their family members; that Pinellas County veterans are accustomed to receiving comprehensive, outstanding care, which has not been happening recently; that there are less than 500 homeless veterans in Pinellas County, and while the desire to assist them is commendable, there are 95,000 other veterans and about 100,000 dependents and spouses that need help as well.
- ▶ indicated that this is a management problem over which the two existing VSOs cannot prevail, as they are working as hard as possible to assist their veterans; that the reduction of VSOs in the Veterans Service Offices from five to two has seriously impacted service to the veterans; that the decision to not have a central office is confusing and inconvenient to the veterans, especially when their calls to HHS are going unanswered and they are having office waits of three to four hours and sometimes not able to see a service officer at all; and that veterans in nursing homes are no longer receiving visitations from a County VSO.

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- ▶ recommended that the BCC oversee and keep tabs on the HHS office to see that the promised VSOs are actually hired, start work, and are given the opportunity to do their job so the veterans receive the care they have earned.
- ▶ displayed documents showing the number of claims filed and supporting the \$57 million figure cited by Colonel Prendergast as compensation and pension revenue coming into Pinellas County and other documents that support the claims being made by the veteran community and requested by the BCC.

In response to queries by Chairman Welch and Commissioners Justice and Long, Ms. Tarter confirmed that the veteran community prefers a central location for the Veterans Service Office; and that before the restructuring that combined the Veterans Service Office with HHS, there were five certified, trained VSOs and two administrative assistants. She described the training required for the service officers and when it is offered, and offered suggestions for correcting the situation and dealing with the resulting gap until trained VSOs are available, indicating that a VSO Manager is imperative, preferably one who is experienced and already accredited; that it would be difficult to find trained, certified VSOs that the County could hire temporarily while the situation is being resolved; and that while it cannot do so indefinitely, the Florida Department of Veterans' Affairs is trying to pick up the slack.

Daphni Austin, Veteran Liaison, Suncoast Hospice, Tarpon Springs*

- ▶ thanked veterans for showing up to support the cause, and apologized for their wait.
- ▶ provided background information about Hospice, and explained how it assists the veterans.
- ▶ stated that Hospice has historically referred veterans with life expectancies of six months or less to the Pinellas County Veterans Service Office because of its exceptional response time, usually within 24 hours; that since the merger with HHS, the response time has been six to eight weeks, which is unacceptable and causes pain and discomfort to the veteran and undue emotional and financial hardship for the widows.
- ▶ related that within the last three months, several veterans have died before their initial call to the County was answered or a response was received, resulting in claims not being generated as state law mandates that veterans' records cannot be released after death; that she regularly receives calls from veterans who went to the HHS office because their calls were not answered and they still were unable to see a VSO, pointing out that these veterans are not ambulatory; and that she has experienced difficulties herself, which led her to think the office had been closed.
- ▶ stated that the two existing VSOs are working above and beyond the call of duty, but cannot humanly take care of all the 95,000 veterans in the county.
- ▶ referred to Commissioner Latvala's comment to the Tampa Bay Rays that it is embarrassing how the community is treating them, and reflected that the comment would also apply to how the veterans are being treated.

In response to query by the Chairman, Ms. Austin indicated that Hospice-related delays began in November 2012; and that, historically, response time has been about 24 hours and not an issue. In response to query by Commissioner Seel, she indicated that Hospice is not permitted by law to have a VSO and would not need one if the County office was staffed appropriately; and that the County has supplied VSOs to assist veterans in Hospice for at least 35 years.

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Reverend Father Robert “Bob” Swick, Dunedin*

- ▶ exchanged comments with Chairman Welch about the tone and contents of each other’s emails.
- ▶ agreed with statements given by Mses. Tarter and Austin.
- ▶ expressed concerns regarding County Administrator’s initiative to have HHS absorb the Veterans Service Office, stating that the plan has proved to be unfeasible and resulted in terrible loss to the County’s veteran community; and recommended that the Veterans Service Office be restored and have VSOs on staff.
- ▶ expressed concern that veterans were not asked to participate when the decision was made to merge the Veterans Service Office with HHS, and were refused when they asked to participate subsequent to the decision.

In response to comments by Reverend Swick, Chairman Welch indicated that while staff was following the BCC’s direction, the cuts have been too deep; that the Commissioners did not make a conscious decision to cut the VSO positions; and that the Commissioners have more than once directed staff to meet with the veterans to address their concerns and had assumed the problems had been solved; whereupon, Administrator LaSala confirmed that the positions are authorized, budgeted, and being actively recruited.

Annie M. Hodges-Robinson, St. Petersburg

- ▶ stated veterans need help and backlog needs to be cleared.

Jean Salvas, Kenneth City

- ▶ read George Washington’s message to the President of Congress in 1776.

Anthony R. Rizzo, St. Petersburg

- ▶ expressed concern that the media was here for the Tampa Bay Rays, but not for the veterans, commenting that more veterans would attend the games if they were receiving the compensation they have earned.
- ▶ noted over-flow crowd of veterans on fourth floor and in the lobby.

Kenneth Thie, Director, Veterans Service Office, VFW Department of Florida, Largo

- ▶ explained partnership between State and County VSOs, noting that County VSOs must also be certified by the VFW; stressed need for Veterans Service Office to be fully funded.

Reginald Fujimoto, Florida Department of Veterans Affairs, Bay Pines VA Medical Center and Field Services Supervisor and former VSO for the County

- ▶ explained that the Department of Veterans’ Affairs has a mandated goal to have no homeless veterans by 2015 and the VA has a system in place to provide housing and medical care for any homeless veteran in Pinellas County; and commented that since the system worked, why was it changed?

Royce Carter, Former Director of Pinellas County Veterans Service Office

- ▶ confirmed and agreed with comments made by previous speakers.
- ▶ stated that the County errs in its claim that there are 4,000 homeless veterans here, as the VA has verified only 400; and that the four offices the County said would be fully operational by October of 2012 have not materialized; explained the difference in Medicaid and Veterans’ income, noting that money for veterans comes from the federal government and saves County money; and questioned Ms. Warren’s claim that the County received a \$1 million grant from the VA, stating that the grant was received by Catholic Charities.

Michael J. Zmistowski, Tampa

- ▶ discussed value of veterans’ benefits to area.

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Stephen M. Hartnett, Area Vice-President, West Central Florida, Military Officers Association of America, Dunedin

- ▶ said that Marines do not leave soldiers on battlefield, neither should County abandon its veterans.

Edward Z. Hawkes, Military Officers Association Member, Dunedin

- ▶ asked that County boost funding for VSOs.

Annette Mullin, Largo

- ▶ discussed need for VSOs to file claims and help veterans in nursing homes.

Scott H. Barber, District 9 VFW Commander, Largo*

- ▶ expressed concern with manner of Ms. Warren when Commissioners asked veteran representatives to meet with her, stating that meeting was contentious and her position was that County wants money for the homeless program; said veterans were left out of decision to combine HHS and the Veterans Service Office, and asked Commissioners to reconsider the reorganization.

Richard Peck, Vietnam Veteran, Oldsmar*

- ▶ said had received excellent service from Veterans Service Office until recently, relating that he has called eight times since November, left messages in voice mail, and his calls were not returned. Went to HHS office yesterday, said staff was mass-producing social benefit applications and he heard comments about how it is easier to sign up for welfare than for unemployment. Stated that veterans are not looking for charity.

Lee Koslowski, Largo, re veterans.

BOARD DISCUSSION

Chairman Welch stated that a problem clearly exists which the Commissioners will address; and in response to his query as to how the situation can best be dealt with quickly, Administrator LaSala acknowledged the urgency and indicated that he would reach out to other agencies and surrounding communities to see if they can help fill the gap until certified VSOs are in position, and that, in the meantime, he will look at every possibility to address the backlog within the limits of the law, including overtime pay. Commissioner Morroni recommended keeping the offices open on Saturdays in addition to regular overtime; and pointed out that the veteran community seems united in wanting a centralized Veterans Service Office rather than providing service at the various HHS locations; whereupon, Administrator LaSala acknowledged the preference of the veteran community and indicated that he would re-evaluate the plan and report back to the Board.

Commissioner Long indicated that it is unconscionable that the problem with the veteran community has been allowed to get to this point; that the issue was brought out many times in her recent campaign for Commissioner; that while she may be a new Commissioner, she is well-versed in the matter as she served for four years on the military and veteran affairs committee while in the House of Representatives; and that she has two sons who honorably served in

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combat and are highly decorated, one of whom was shot down; whereupon, she stated that she is embarrassed and ashamed of how the veterans are being treated and asked that the matter be dealt with expeditiously.

Chairman Welch reiterated that the positions were not cut during the budget process.

Commissioner Roche concurred with the comments of Commissioner Long and some made by the Chairman, and indicated that he was struck by the many times the term “*earned benefits*,” with the emphasis on “*earned*,” was mentioned by the veterans, something that he and perhaps other Commissioners overlooked during the budget process; and that he is befuddled as to why the situation is still aboil; whereupon, he recommended that, without affixing blame, a closer look be taken at the decisions made that led to the problem, even if it means saying, I’m sorry, the move was wrong, but this will be solved.

In response to queries by Commissioner Roche, Ms. Tarter agreed to find out if other county Veterans Service Offices in the area can provide interim help for Pinellas County; and that she can envision a collaborative effort with staff to fill the positions quickly. During discussion between Commissioner Roche and the County Administrator about filling the positions as quickly as possible, Administrator LaSala indicated that it would take as long to fill the exempt VSO supervisor position as it would the classified positions, as an exempt position also has to be advertised and meet other Unified Personnel System (UPS) requirements; whereupon, Commissioner Roche indicated that his experience with the UPS suggested there was more flexibility.

Commissioner Roche referred to comments by the speaker regarding the \$1 million a year grant for five years for homeless veterans, and Ms. Warren confirmed that the Catholic Archdiocese received the grant, not the County, noting that the County partners with the Archdiocese and they have agreed to prioritize and place any homeless veteran the HHS finds. Commissioner Roche expressed concerns about using \$5 million dollars in grant money to take care of 400 homeless veterans; whereupon, he suggested that all action relative to the budget and strategic planning that relates to combining the Pinellas County Veterans Service Office with the HHS be halted until, with the assistance of Ms. Tarter, Col. Prendergast, and others in the veteran community, the situation can be looked into.

Thereupon, Chairman Welch asked that the County Administrator fill the VSO positions as quickly as possible and bring back a plan of action by next week to deal with all the issues heard today; and in response to query and comments by Commissioner Roche regarding the need for

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budget clarification relating to the veteran issue, indicated that the strategic plan would not be revisited.

In response to queries by Commissioner Seel as to whether she could schedule a special class to certify the new Pinellas County VSOs, Ms. Tarter indicated that the March class is already scheduled and the date cannot be changed; that instructors are brought in from other areas to teach the classes; and that the accreditation process necessarily takes around six months. In response to Administrator LaSala's offer for the County to pick up the entire cost if the state could provide an instructor from Tallahassee, including transportation, lodging, and a room for the classes, Ms. Tarter stated that the positions should have been filled earlier, but she will do all she can to help out, although her office is already stretched thin; whereupon, she recommended that the County consider adding more VSO positions in light of the expected increase in veterans coming home, pointing out that having only five in a county the size of Pinellas is inconsistent with other counties.

In response to comments by Commissioner Justice regarding the length of time it takes before a VSO can actually begin working, Ms. Tarter pointed out that the County had openings in both January and August of 2012 and neither were filled, and Administrator LaSala expressed concern with her assertion.

Thereupon, Administrator LaSala indicated that he understood the Board's direction and would report back next week; and in response to query by Commissioner Roche, the Chairman indicated that the professional staff would work with the state to see if outside assistance is possible.

CITIZENS TO BE HEARD – AJAX PAVING INDUSTRIES

Chairman Welch indicted that several individuals have submitted cards to speak regarding Ajax Paving, which is not an item on the agenda; whereupon, the following individuals provided historical information pertaining to the asphalt plant located at 1550 Starkey Road and expressed concerns regarding air, noise and water pollution, zoning, and other related issues.

Sharon Bobowski, Largo *

Submitted Florida Department of Environmental Protection (DEP) Public Notice of Intent to Issue Air Permit to Ajax Paving Industries of Florida, LLC, correspondence from County staff, and DEP Draft Permit.

Amy Ramke, Largo *

Submitted two letters and a petition with 302 signatures requesting action by the BCC; discussed petition filed with DEP and upcoming administrative hearing.

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Satendra “SP” Singh, Largo *

Mary Freeman, Largo

* Spoke for five or more persons in attendance.

Administrator LaSala recalled previous Board discussions, noting that asphalt recycling activities have been conducted for a very long time on the subject site, which is unincorporated; that the neighboring city allowed residential development on the abutting site; that County Code Enforcement continues to work with the property owner; and that staff will investigate the situation and report back to the Board as to what the County’s appropriate role may be. Commissioner Roche indicated that he supports gathering as much detail as possible, noting that he had visited the site while it was under previous ownership and can attest to the conditions described by residents of the surrounding community.

Noting that she is taking the stance she has taken in similar matters, Commissioner Seel stated that the County should not be doing business with Ajax Paving, if such a relationship exists.

Chairman Welch inquired as to whether the proposed permit requires County approval; and Administrator LaSala indicated that he would report back to the Board after conferring with the County Attorney’s Office and conducting a review of zoning and code enforcement issues; whereupon, Commissioner Seel referred to the state administrative hearing scheduled for February 28, 2013, and requested that County staff weigh in at the hearing regarding zoning and air quality issues if it is appropriate to do so.

CITIZENS TO BE HEARD – OTHER ISSUES

Joe Paige, Clearwater, re newsworthy items.

Lenore Faulkner, Madeira Beach, re Pinellas County schools – excellence for all students.

* * * *

At this time, 6:09 P.M., the meeting was recessed and reconvened at 6:29 P.M. with all members present; whereupon, Chairman Welch indicated that the Public Hearings would be held at this time, followed by Item No. 15, the Consent Agenda, and the remaining Regular Agenda items, and no objections were noted.

* * * *

#22 Ordinance No. 13-03 adopted amending the Pinellas County Comprehensive Plan regarding updates to the Capital Improvements Element. The Local Planning Agency

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recommended approval of the proposed changes. No correspondence has been received. No citizens appeared to be heard.

Administrator LaSala noted that the updates are part of the Community Planning Act; that while the County has ample funds to meet the level of service in the Plan, it does not have the funds necessary to meet newer requirements, such as stormwater and transportation needs; and in response to query by Commissioner Long, indicated that the funding for future stormwater and transportation needs will be discussed during the financial forecast update, which will be presented to the Board next week.

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

- #23 Ordinance No. 13-04 adopted 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. The Local Planning Agency recommended approval of the proposed changes. No correspondence has been received.

In response to the Chairman's call for citizens wishing to be heard, David Ballard Geddis, Jr., Palm Harbor, appeared and expressed his concerns.

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

- #24 Resolution No. 13-16 adopted approving the application of William D. Harris and Gloria K. Harris, Revocable Trust, for a change of zoning from C-2, General Retail Commercial and Limited Services, to C-3, Commercial, Wholesale, Warehousing, and Industrial, re a parcel of land containing approximately 0.41 acre located on the south side of 90th Avenue North, 100 feet west of 66th Street North in the unincorporated area of Pinellas Park (street address: 6660 90th Avenue North), with the understanding that odor controls will be addressed. The Local Planning Agency recommended that the application be denied without prejudice. Staff recommended approval, with the finding that approval does not nullify the requirement for the site to comply with all requirements of the County Code, including those related to land development (including site plan requirements), air quality, water quality, and public health. Twenty-three letters, 12 emails, and petitions with 146 signatures in opposition to the application have been received.

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John F. Cueva, Planning Department Zoning Manager, provided an overview of the uses that have been occurring on the property and, referring to photographs, indicated that the property has been used as a truck hauling business since at least 2004, which is when the property owners applied for a permit for a steel building to house the trucks on the property, as required by the C-2 zoning designation; that in March 2012, it came to his attention that uses on the property inconsistent with the C-2 zoning designation were occurring, such as processing fats, oils, and grease (FOG), which is defined as a Solid Waste Management Facility in the County Code; that County staff informed the property owners that C-3 is the appropriate zoning designation for a FOG plant; and that in June 2012, the property owners filed for a change of zoning.

Referring to an aerial photograph and the zoning and land use map, Mr. Cueva pointed out the location of the subject property, described surrounding land uses, and provided historical background information regarding the application, indicating that the CG land use designation in the City of Pinellas Park is comparable to the County's C-3 zoning district; whereupon, Mr. Cueva related that staff recommends approval of the application as the C-3 zoning designation is compatible with the zoning to the north and on the parcel to the west located in the City of Pinellas Park, but that staff has some concerns with the current uses occurring on the property because of the odor complaints received from the local residents.

Mr. Cueva stated that the Local Planning Agency (LPA) reviewed the application and did not see a compelling reason to change the zoning because of the C-2 zoning surrounding the property; that the LPA expressed concern about the applicant's ability to meet the County's performance standards, which would address odors in the community, noise, dust, and similar issues, noting that the odor is the primary concern; and that the LPA expressed reservations about the solid waste use occurring on the property, which is not part of the application, but was considered by the LPA; whereupon, he indicated that the LPA voted 5 to 0 to deny the application without prejudice, which allows the applicant to re-file a new application at any time, provided that the site plan requirements have been satisfied; and that the LPA felt that with some site plan controls and demonstration of site plan appropriateness, it might be able to support the application.

During discussion, Mr. Cueva provided examples of allowable uses under the C-3 zoning designation and responded to comments, queries, and concerns by the members, indicating that:

- ▶ Staff's rationale for supporting the zoning change was the proximity to industrial uses to the north and similar C-3 zoning in the City of Pinellas Park, pointing out that the residential area behind the subject property was taken into consideration.
- ▶ Staff's recommendations for zoning cases are based on whether or not the requested zoning is appropriate based on the locational criteria, but Code Enforcement violations, complaints, and other issues are not considered.
- ▶ Although a cease and desist order was issued, the company is still operating a non-permitted use.
- ▶ If the FOG plant was being operated properly, there would not be air quality complaints; and that he is unaware of any complaints from the owners of the property located in the City of Pinellas Park.
- ▶ The current uses on the property would be reviewed during the site plan process; that the FOG plant would be required to be in an enclosed building; and that there are other C-3 uses that would be appropriate for the area, which would not have any adverse impacts.
- ▶ Senior Assistant County Attorney David S. Sadowsky related that a motion for temporary injunction was filed by the County in October 2012 and heard by the judge in December 2012, but that the judge has not yet ruled on the motion; and that he cannot predict when the judge will rule.

Attorney Bennett related that the typical view of zoning cases is the requested zoning designation, not the uses on the property; and that the violation related to the subject property is a separate issue. He provided additional information regarding the ongoing violation, and advised the Board that it should consider only the zoning issues, pointing out that the foremost issue should be whether the requested zoning category is consistent with the surrounding area, the County's Comprehensive Plan, and the other issues indicated by staff and the LPA; whereupon, he indicated that it is appropriate for the Board to address the zoning application while there is a pending lawsuit, as the non-conforming issue would become a site plan issue if the zoning change is approved; and that there is nothing in the County Code that allows the Board to postpone making a decision on the zoning application, noting that the Board's decision would likely help resolve the operation issue, which is the subject of the violation.

Peter Hessling, Department of Environment and Infrastructure (DEI), Air Quality Division Manager, provided a summary of the complaints received and the physical and operational changes that have occurred on the property since the Air Quality Division (AQD) began responding to complaints in August of 2011, noting that the applicant has made significant physical and operational changes regarding how the FOG waste is

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processed, contributing to a lessening of citizen complaints; whereupon, he provided background and historical information relating to the case and the communications between County staff, the applicant, and the applicant's attorney trying to find a comprehensive solution to the air quality issues at the facility.

Mr. Hessling explained the difference between the terms "noxious" and "toxic," relating that noxious odors are those that can make a person physically ill and toxic particulates are more closely related to having a poisoning effect on the body; and that the odors in question are noxious and are associated with the decomposition of organic waste. Referring to various photographs, he provided information regarding how the Air Quality Division staff investigates complaints; and indicated that there are comprehensive odor control measures and steps that the applicant must take to better control the emissions from the facility to continue operating as a FOG plant; whereupon, in response to query by Chairman Welch, Mr. Hessling confirmed that the operation of a FOG plant is incompatible with the C-2 zoning designation currently on the property.

In response to queries by Commissioners Roche and Latvala, Mr. Hessling indicated that Code Enforcement staff inspected the property and found some potential electrical issues, but that he is unaware of any other building code issues identified during the inspection, pointing out that the unloading pipe going into the facility no longer exists. He stated that significant changes have been made to the facility predicated on the C-3 zoning, but the odors continue to exist; whereupon, he explained the current unloading process used at the facility.

Kelli Hammer Levy, DEI, Watershed Management Section Manager, indicated that several of the complaints were investigated jointly by the Air Quality Division and the Watershed Management Division; that three different monitoring events were conducted from July through September 2012; that the majority of the spillage complaints occurred during the rainy season; and that because the building is aluminum and sits on a concrete slab, fluids are able to leak out of the bottom and onto the ground. She provided input regarding the state standards for fecal coliform bacteria and the ranges found in the background samples taken from the property; and in response to query by Commissioner Roche, related that it is typically a product of septic material.

Kevin Hennessy, Esquire, Bradenton, appeared and related that he represents the applicant/property owners, and introduced William and Gloria Harris, applicant/property owners, and Michael and Danielle Albert, applicant/operator of the facility. Mr. Hennessy presented historical background information regarding the application,

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discussed the commercial and industrial uses proximate to the facility, and related that his client is seeking a zoning change from C-2 to C-3, which is consistent with the surrounding area, pointing out that the staff report states that the amendment is consistent with the Pinellas County Comprehensive Plan.

Mr. Hennessy indicated that Reliable Septic and Sewer, Inc. has been in operation at its current location and has been hauling waste, sewer, septic, and fats, oils, and grease (FOG) from every restaurant in Pinellas County for approximately 30 years; that the sole purpose of the hearing is to determine whether the requested zoning is appropriate; and that the Code Enforcement issues, odor complaints, and cease and desist order should not be considered as part of the zoning process. He noted that the lawsuit filed by the County addresses the zoning issue, not the odor complaints; that the FOG operation could be a grandfathered use, but County staff prefers a permanent solution, which is rezoning the property; and that the zoning request has been complicated by exaggerated odor complaints and misinformation about the facility's operations.

Mr. Hennessy related that the applicant applied for and was granted a Pinellas County Utilities Industrial Wastewater Discharge Permit subsequent to purchasing the business approximately three years ago and has been operating a FOG facility since that time; that a three-year permit was issued in March 2012; that the applicant was subsequently told by County staff that he needed to go through the zoning process, which is what is presently occurring; and that the applicant has made significant investments to pursue the permit; whereupon, he indicated that the County does not have a code, rule, or requirement relevant to FOG plants or that addresses the design of a solid waste facility.

In response to comments by Mr. Hennessy, Attorney Bennett stated that Mr. Hennessy is able to cross-examine anyone that testifies, but that the questions should be directed to the Chairman; and in response to queries by Chairman Welch, Attorney Bennett clarified that any staff or individual that testifies on the issue is subject to questions or clarifications by the applicant's attorney, confirming that the Board has not heard many cases where cross-examination has occurred.

Mr. Hennessy referenced a letter from William J. Sova, DEI, Air Quality Division, a copy of which has been filed and made a part of the record, which relates to concerns raised regarding discharge from the trucks being cleaned out flowing into the County's storm sewer system, and indicated that the letter states that no evidence to support the complaint could be found, pointing out that several of the complaints were unsubstantiated. He related that an email exchange between Michelle Maccini, Water

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Quality Management Specialist, and Gordon Beardslee, Planning Division Manager, discusses steps taken to broaden the application process to include checking with additional departments' divisions before issuing a permit, which he hopes will be implemented, but was not in place when the applicant applied for and received his discharge permit; and in response to query by Commissioner Long, Mr. Hennessy explained that some permits have boxes to be checked off before the permit is issued; and that County staff issued the Industrial Wastewater Discharge Permit, but did not inform the applicant that he may need to check with other departments before beginning the FOG plant operations.

Commissioner Long questioned whether the issues at hand are the result of the applicant/property owners coming to the County to obtain the Industrial Wastewater Discharge Permit and not receiving clear direction to check with other departments to see if there was a problem, and Mr. Hennessy related that while some people may see it that way, the fact is that someone determined that the zoning needed to be changed and now the applicant is going through the zoning process, which provided ample opportunity for other to weigh in, sometimes inaccurately.

Mr. Hennessy referenced an email from Rachel McGraw, Environmental Specialist II, SWD – Industrial Wastewater, Florida Department of Environmental Protection (DEP), a copy of which has been filed and made a part of the record, which states (1) that the facility was issued the permit exemption from having an Industrial Wastewater Treatment Permit through the DEP around August 3, 2012; (2) that the facility is in compliance with industrial wastewater permitting and rules and no violations were observed; and (3) that no odor was noticeable outside the facility gate. He noted that after bringing the email to County staff's attention, Larry Arrington, Pinellas County Strategic Planning and Initiatives Director, sent an email to Mr. Cueva and other staff indicating that they needed to regroup as soon as possible, which leads him to believe that the County staff thought the DEP would find problems with the facility and step in to resolve the problems; whereupon, he pointed out that the state and the DEP have no issues with the operation of the FOG plant; and that the problem is the neighbors who do not want a septic plant next to them when it has been there for 30 years.

In response to comments and queries by Commissioners Long and Roche, Mr. Hennessy related that the only significant change to the operation over the last 30 years is that a centrifuge was put inside the building to speed up the separation process and discharge the processed water directly to the sewer system, which is why the applicant needed the permit, pointing out that the facility has always processed water; and that processing has

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always occurred on the property and used to occur outside, partly in the trucks and partly in the 9,000-gallon tank that was on the property.

During discussion and in response to comments and queries by the members, Mr. Hennessy stated that the facility had been processing prior to 2010, but did not discharge to the sewer system; that the Industrial Wastewater Discharge Permit was obtained in 2010; that the FOG operations had occurred for two years without any zoning issues; and that Mr. Albert was made aware of the need for a zoning change around March of 2012 and initiated the zoning process. Administrator LaSala related that the facility has operated for 30 years as a site to park trucks; and that the facility changed its operation to processing, which is what caused the complaints; and in response to query by Chairman Welch, Mr. Hennessy stated that he disagrees with Administrator LaSala, noting that the facility was operating out of homes on the property, which were knocked down in 2004 and replaced with a larger building, which is why the County has a site plan referencing truck maintenance and a storage facility, and Commissioner Roche provided input.

Administrator LaSala indicated that the Industrial Wastewater Discharge Permit addresses discharge to the sewer system; and Mr. Hennessy indicated that the Industrial Wastewater Discharge Permit is the only permit the County issues; that solid waste permits come from the DEP when they are needed; and that because the facility is so small, it received an exemption to the solid waste permit from the DEP.

In response to queries by Commissioner Morroni regarding a photograph taken by Lisa and Art Nagle on January 20, 2012 from their back porch, Messrs. Hennessy and Albert indicated that the tank has not been operational for some time; that the stain on the tank has been there for the last three years; that the tank may contain water, if anything; and that the intent is to remove the tank from the site, but that spending additional money has been put on hold until the zoning issue has been resolved.

In response to comments and queries by Commissioner Justice, Mr. Hennessy stated that the facility has operated in the same fashion for the last 30 years, with the exception of the change in the discharge; that the operation has been done under the original C-2 zoning designation and should be a grandfathered use; and that the complaints are greatly exaggerated. He indicated that he has a witness present who will testify that any issues that may exist from odor can be addressed, monitored, and guaranteed; and that if the Board approves the zoning change, there is a process to address any legitimate discharge, air quality, runoff, and odor issues; whereupon, Mr. Albert related that the physical and

operational changes made have significantly decreased the complaints to eight in the last three months, noting that additional changes will be made.

Mr. Hennessy indicated that he has a number of citizen complaint odor reports relating to offsite odor, which were unsubstantiated by the County's AQD staff; and that when staff did find an odor on the property and a slight odor offsite, they also found the same and worse odors emanating from the trash bins at the other commercial operations in the area that have filed complaints.

Michael Albert, Pinellas Park, appeared and indicated that he is the applicant/operator of the facility; that he purchased the business from his parents, William and Gloria Harris; that the County permitted his operation and charges him \$4,050.00 a month to discharge into the County sewer system; and that he does not understand why Administrator LaSala suddenly decided to issue a cease and desist order. He questioned how the County can issue the permit, charge him over \$20,000.00 for the permits, and then issue a cease and desist order, pointing out that he has invested over \$400,000.00 in the facility and has complied with every request from the County; whereupon, at the direction of Mr. Hennessy, Mr. Albert provided input regarding business operations, hours of operation, and odor associated with the collection of grease.

Mr. Albert pointed out that County officials frequently visit his site and lab test the facility twice a month, which is the basis for the monthly surcharge fees he pays to the County; and that County staff knew that the facility continued operating after the cease and desist order was issued based on those site visits. In response to comments and queries by Chairman Welch and Commissioner Roche, Mr. Albert provided input regarding the cost of the permits, and indicated that after the cease and desist order was issued, he significantly reduced the FOG operations to only processing what the company transports from its own contracts in order to stay in business; that over the last 90 days, only eight complaints have been filed; and that he was unaware that he needed to get a change of zoning before he could begin the FOG operations and would not have invested approximately \$400,000.00 in the business if he had known.

In response to the Chairman's call for citizens wishing to be heard, the following individuals appeared, spoke in support of the application, and responded to queries by Mr. Hennessy:

Roy Moore, Plant City, Chief Executive Officer of Fluid Measurement

- ▶ Stated that his company specializes in FOG related activities and visited the facility after hearing negative reports about the facility on the news; that his company found little to no smell or mess; that

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the complaints regarding the facility seem extremely overstated; and that he provided chemicals and other elements to help reduce and eliminate whatever small amount of odor that may exist. (Submitted resume and report, which have been filed and made a part of the record.)

- ▶ Indicated that any odor issues associated with the facility can be addressed, monitored, and reported; and that he observed dumpsters in the area full of food, more than a couple of days old, that emitted more objectionable odors, based on the way the wind was blowing.

William D. Harris, Pinellas Park, Property Owner

- ▶ Stated that he has owned the property since 1981, which is when the operation was moved to the site; that when he bought the property, he thought it was zoned correctly; that in the last three years, he sold the property to his son, Michael Albert, who saw a way to expand the business and make it more profitable; and that he has not experienced any problems since he purchased the property.

In response to queries by Chairman Welch, Attorney Bennett explained that the specific quasi-judicial procedures allow for the parties to seek clarification or ask questions by request through the Chairman at every point in the proceeding; and that the process is generally operated within the usual time constraints, with the opportunity for the Board to expand time where appropriate to effectively handle the meeting; whereupon, Chairman Welch announced that anyone speaking on the item may be subject to questions or clarifications based on their comments.

Thereupon, in response to the Chairman's call for citizens wishing to be heard, the following individuals appeared, stated their concerns regarding odor, air quality, adverse impacts on surrounding businesses, sewage, waste overflow/spillage, property values, non-compliance, and proximity to a residential neighborhood, and responded to queries by the members and Mr. Hennessy:

Ted Legakis, Pinellas Park
Raymond Wiggins, Pinellas Park
Tammy Wittenbeck, Pinellas Park
Michael Dearing, Pinellas Park

Discussion ensued wherein Messrs. Cueva and Hessling responded to comments and queries by the members, indicating that:

- ▶ The C-2 zoning district does not allow for FOG operations; that rezoning would be necessary to continue operating even without the FOG plant; that the C-3 zoning district specifically states that a solid waste management facility shall be in a C-3 zone and in a completely enclosed building; and that the only way to allow C-3 zoning with limitations is through a development agreement.
- ▶ It is unknown whether the City of Pinellas Park would permit a solid waste management facility under the current zoning on the properties west of the subject

site; and that the current uses on those properties are comparable to the County's C-3 zoning district.

- ▶ The facility does not currently have the comprehensive odor control systems in place necessary to operate a FOG plant.
- ▶ The applicant was first notified that the property was zoned incorrectly in March of 2012; and that the basis for staff supporting the application was the CG land use designation on the Pinellas Park property, which is comparable to the County's C-3 zoning district.
- ▶ If the zoning is approved, the applicant will have to go through the site plan review process, which includes water quality, drainage, and retention issues; and that the odor is a performance standard issue, which must be met and in compliance before the applicant can receive final approval.

Mr. Hessling explained how the Air Quality Division operates in response to complaints received and the protocol used, and discussed a diagram depicting the odor levels and wind direction.

Attorney Bennett explained that the complaint before the court relates to having the incorrect zoning for the type of operations being conducted on the property; and that the actual processing of the material outside of the trucks creates a solid waste management program, which is an operation that is outside the scope of the C-2 zoning district.

In response to queries by Mr. Hennessy, Mr. Cueva stated that the applicant has met with the County's site plan staff and Mr. Hessling on several occasions to determine what issues need to be addressed to rectify the problem; and Mr. Hessling related that the cease and desist order was generated through Zoning Department staff in consultation with the County Administrator's Office.

In response to comments and queries by Chairman Welch and Commissioner Seel, Mr. Hennessy indicated that the applicant cannot cease operations and remain in business; that the FOG operations have been significantly reduced to processing only what the company transports with regard to its own contracts, which were entered into over the last few years; that the applicant met with the County's Industrial Pretreatment Program before purchasing the business and was told that if he went through the permitting process, he could operate a FOG plant on the site; and that the applicant subsequently applied for and received the permit. Mr. Albert stated that if the Board approves the zoning change, the odor controls could be put in place within a month; and that he met with Ms. Maccini and Charles Toney, Pinellas County Water Quality Division, regarding

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the FOG operations and permit; whereupon, in response to query by Commissioner Seel, Administrator LaSala indicated that he has not spoken with Ms. Maccini or Mr. Toney regarding the issue.

David Scott, Executive Director, DEI, stated that there is a difference between an Industrial Discharge Permit, which allows discharge to the sewer system, and a permit to allow the processing plant. Robert Powell, Water and Sewer Division Director, DEI, provided input regarding the Pinellas Code and the Court Administrative Code and the intent to protect the collection system and treatment processes in domestic wastewater treatment facilities and collection systems, pointing out that the Code is not designed to permit processes or facilities.

In response to queries by Commissioners Seel and Justice, Mr. Powell indicated that a FOG plant that received the type of material received by Reliable Septic and Sewer, Inc. would not have discharge issues; and that the discharge permit is one of a number of permits that a FOG plant may have to have; whereupon, he provided information regarding surcharges related to the biochemical oxygen demand on the waste stream from the facility entering the County's collection system and, in response to comments by Commissioner Roche, provided additional information regarding the discharge permit.

Mr. Powell pointed out that DEI has changed its business model to include notifying applicants in a cover letter that they may need to look at other permitting agencies; and that DEI staff will coordinate with zoning staff to expedite the new process; whereupon, in response to query and concern by Commissioner Long, Mr. Powell, with input by Administrator LaSala, discussed the monitoring process relating to wastewater facilities.

In response to queries by Mr. Hennessy, Mr. Powell indicated that he is unaware of staff's efforts to identify and include in future wastewater discharge permits conditions that address odor requirements; that he conveyed the expansion of the application process to the Board earlier in the meeting; and that there is a process for revoking a permit based on noncompliance with the local limits, which is written into the permit and regulation.

Attorney Sadowsky provided input regarding the testimony given during the legal proceeding, indicating that there is a difference of opinion regarding the content of the testimony. Mr. Cueva stated for the record that the pretreatment permit is one of a few things that has to happen before obtaining a solid waste management permit, pointing out that the applicant must confirm that the zoning on the property is appropriate, which did not happen in this case; that copies of the permits were provided to the Local Planning Agency; and that the applicant has never gone through the process to determine whether

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the property has grandfather status; whereupon, he reiterated that the facility was a waste hauling business, which turned into a solid waste management business in an incorrect zoning district.

In rebuttal, Mr. Hennessy referenced correspondence Mr. Albert received from Messrs. Hessling and Cueva related to resolving the zoning issue, which stated that the County did not intend to shut down the operation as it is a permitted facility and provides a valuable service to the County; whereupon, he submitted correspondence, the DEP exemption, and odor complaints, copies of which have been filed and made a part of the record and, in response to query by Chairman Welch, Mr. Albert stated that implementation of the odor controls could be accomplished within 30 days.

Commissioner Latvala moved that the zoning request be approved as recommended by staff; and following brief discussion regarding including a timeframe for the issues to be corrected, Chairman Welch stated that the motion died for lack of a second.

Commissioner Roche moved that the application be denied with prejudice, noting that the zoning jumps the road and takes industrial use into an area that will soon encroach into a residential neighborhood; whereupon, Chairman Welch stated that the motion died for lack of a second.

Commissioner Long noted that she is sensitive to the business, the length of time it has been in the County, and the issues with limited funds to correct the issues; and questioned the impact to the business if the zoning request is denied, and brief discussion ensued.

In response to queries by Chairman Welch, Attorney Bennett explained that if the zoning application is denied without prejudice, the applicant could implement the odor controls and resubmit an application in less than six months; and Mr. Cueva related that the applicant could re-apply on February 14 and come before the Board again on June 18; whereupon, during brief discussion and in response to query by Commissioner Latvala, Mr. Cueva and Attorney Bennett indicated that the applicant could resubmit the same application with a development agreement when re-applying.

Commissioner Seel moved to deny the application without prejudice, and suggested that the applicant look into the possibility of grandfathering the property if he cannot submit a development agreement; whereupon, Chairman Welch stated that the motion died for lack of a second.

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Commissioner Latvala moved, seconded by Commissioner Justice, that the application be approved as recommended by staff, with the understanding that the applicant and staff will work together to prepare a development agreement to ensure the odor controls are put in place as quickly as possible and to address any issues that staff feels should be included.

In response to queries by Commissioner Seel, Attorney Bennett indicated that approving a zoning change without an accompanying development agreement when that is the Board's intended direction and having a development agreement as a form of condition on the zoning are unusual; and explained that the development agreement would essentially resolve the issues to the Board's satisfaction and would be brought before the Board as a separate document for approval, noting that if the Board does not approve the development agreement, the zoning change would not be undone.

Commissioner Roche clarified why he cannot support the motion, citing citizens' concerns, industrial use crossing the road, lack of buffering, the litigation, and the inability to reverse the zoning. Chairman Welch related that he believes there is culpability on both sides; that his goal is to reduce the odor impacts on the community; and that the permit and other documentation issued by the County are sufficient for him to support the motion as an imperfect solution.

Motion	-	Commissioner Latvala
Second	-	Commissioner Justice
Vote	-	4 – 3 (Commissioners Seel, Roche, and Morroni dissenting)

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Chairman Welch indicated that Regular Agenda Item No. 15 would be addressed at this time.

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#15 Adoption of the 2013 State Legislative Program deferred to the February 12, 2013 meeting (County Administrator).

Noting the lateness of the hour, Commissioner Seel requested that the Board hear the citizens wishing to speak and defer the Items for Discussion on Page 4 of the *2013 State Legislative Program* document to a later date; whereupon, responding to query by Chairman Welch as to whether the matter is time-sensitive, Assistant County

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Administrator Carl Harness related that the Board is scheduled to discuss the program with the Legislative Delegation on February 26.

Chairman Welch indicated that a number of individuals had submitted cards to speak regarding the Assault Weapons item, noting that the Board has not previously discussed the issue; whereupon, the following persons appeared and stated their concerns:

David Ballard Geddis, Jr. Palm Harbor
Tony Caso, Palm Harbor
Marg Baker, Palm Harbor
Brady Boynton, Largo
Matthew Bender, Palm Harbor
Joe Paige, Clearwater *
Regina Brown, Largo *

*Spoke for five or more persons in attendance.

Chairman Welch reiterated that the Board has not previously discussed the assault weapons issue, noting that it was included as an item for discussion because of recent events in Newtown, Connecticut, and initiatives being discussed in Washington and Tallahassee; and that the Board would not be making legislation, but would support statewide legislation banning assault-type weapons and oppose state legislation preempting local government entities from establishing similar bans. Referring to comments by Mr. Page regarding the Florida Association of Counties (FAC) and development in rural counties, Chairman Welch related that commissioners from rural counties probably outnumber their urban counterparts; and that they regularly attend and participate in FAC meetings throughout the year.

Commissioner Long indicated that the purpose of the Legislative Program document is to form the basis of the upcoming discussion with the Legislative Delegation; and that none of its content is cast in stone; whereupon, noting a consensus of the Board to defer the item, Chairman Welch requested that a staff presentation regarding the entire legislative platform take place at the next meeting.

Mr. Harness related that he has just become aware of the filing of House Bill 147 and Senate Bill 412 which would reduce the membership of the Southwest Florida Water Management District Governing Board from 13 to 9, which could have a negative impact on the balance of authority for Pinellas and Hillsborough counties and could affect future funding; whereupon, he requested permission to include the matter as an additional item for discussion, and no objections were noted. Responding to query by Commissioner

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Long, Mr. Harness indicated that the bill sponsors are Representative Ray Pilon and Senator Nancy Detert.

Commissioner Long indicated that she supports holding a conversation with the Delegation regarding possible legislation requiring gun safety training. Commissioner Roche concurred, noting that the Board has no authority in the matter; whereupon, he questioned the verbiage of the proposed position statements, noting that they support a ban on assault weapons, not safety training as proposed by Commissioner Long. Mr. Harness provided input, indicating that Commissioner Long had expressed an interest in holding a discussion regarding guns; and that he had written the statements included in the document as a basis for discussion, assuming that the intent was to discuss assault weapons.

Commissioner Seel stated her understanding that Commissioner Long's intent was for a general discussion of the gun issue, relating the Board's concern and inquiring as to possible state initiatives; whereupon, Commissioner Long related that she has held numerous conversations with law enforcement, veterans, and citizen groups who have expressed concern that there is no mechanism to require training when someone purchases a gun and that there should be a greater emphasis on mental health. She indicated that it is not her intent to ban guns or take them away; and that her desire is to hold a conversation, which can only be done in a public meeting.

Noting that the assault weapons provisions in the document do not represent Commissioner Long's intent, Chairman Welch suggested that they be removed, giving Commissioner Long the option of proposing a specific platform or holding a discussion of gun safety in general; and Commissioner Morroni requested that the mental health issue also be addressed.

Commissioner Latvala indicated that the carnage that has taken place is not the result of people not being trained to use guns; that the real issue is the need to spend more money to provide access to mental health; and that previous gun control debates in Tallahassee have gone nowhere, noting that she does not wish to spend time discussing an issue that is not relevant.

Thereupon, Commissioner Roche moved, seconded by Commissioner Seel and carried, that adoption of the 2013 State Legislative Program be deferred to the February 12, 2013 BCC meeting.

Vote - 7 – 0

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* * * *

Chairman Welch indicated that the Consent Agenda would be addressed at this time.

* * * *

CONSENT AGENDA ITEMS NOS. 1 THROUGH 10 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 4a AND 4b, WHICH WERE APPROVED UNDER ITEM NO. 10.

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

1 Approval of Minutes – None.

2 Reports received for filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, 2013 Annual Audit Plan dated January 7, 2013.
- b. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-01 dated January 10, 2013 – Audit of Convention & Visitors Bureau – Operations/Controls.
- c. Pinellas Planning Council Basic Financial Statements and Regulatory Reports dated September 30, 2012.
- d. Dock Fee Report for the month of December 2012.
- e. Quarterly Report of Routine Dock Permits issued from October 1, 2012 to December 31, 2012.

3 Vouchers and Bills Paid

Period December 16 through December 22, 2012

Payroll

ACH – \$2,967,872.22 (2,983 documents)

Checks – \$50,532.02 (35 documents)

Third Party ACH – \$15,893.00 (70 documents)

Third Party Checks – \$2,166.96 (12 documents)

Accounts Payable:

Checks - \$5,177,725.23 (547 documents)

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ACH Transfers - \$2,026,489.80 (38 documents)

Wire Transfers - \$1,528,062.85 (10 documents)

4a See Item No. 10.

4b See Item No. 10

5a Resolution No. 13-12 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 \$324,140.00).

5b Resolution No. 13-13 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (various reimbursement grants in the amount of \$1,192,430.00) - Justice and Consumer Services.

6 Resolution No. 13-14 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate unanticipated receipts for a particular purpose (unanticipated grant revenue to Justice and Consumer Services in the amount of \$625,000.00).

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

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Airport	Airline Operating Permit with Republic Airlines, Inc.	Undetermined Revenue Consisting of Applicable Airport Rates and Charges	1.10.13
Business Technology Services	ArcGIS Online Community Maps Program Participation Agreement with Environmental Systems Research Institute, Inc. for Participation in Community Maps Program	N/A	12.12.12
Clerk of the Court	(a) Release of Navigational Dredging Liens with Ricky D and Kathleen Cook and Shirley Aids (b) Release of Paving Lien with Lorinda J. Weldon	(a-b) All Liens are Paid in Full	12.27.12

January 29, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	HUD Integrated Disbursement and Information System (IDIS) On-Line Access Request Forms Updating User Rights	N/A	1.4.13
Community Development	Specific Performance Agreement and Land use Restriction Agreement with The Pinellas Association for Retarded Children for the Curry Villa Group Home Rehabilitation Project	\$57,692.00	12.18.12
Community Development	Specific Performance Agreement with the City of Pinellas Park for the Pinellas Park Sidewalk and Streetscape Construction	\$100,000.00 Community Development Block Grant (CDBG) Funds	12.4.12
Community Development	Satisfaction of Mortgages (4)	All Liens are Paid in Full	11.27.12
Community Development	Satisfaction of Mortgages (5)	All Liens are Paid in Full	10.31.12
Community Development	Release of Lien (1)	Lien Has Been Paid in Full	10.29.12
Community Development	Satisfaction of Mortgage (1)	Lien Has Been Paid in Full	10.23.12
Community Development	Release of Lien (1)	Lien Has Been Paid in Full	10.23.12
Convention and Visitors Bureau	Game of Chance Surety Bond Indemnity Agreement for the 2013 Winter Sweepstakes	N/A	12.27.12
Convention and Visitors Bureau	Amendment to Tourism Services Funding Agreement with Twelve (12) Local Chambers of Commerce Removing the Requirement for Monthly Reporting	N/A	12.18.12
Convention and Visitors Bureau	Elite Event Tourism Promotion Agreement with ESPN Regional Television, Inc. for the Beef 'O' Brady's Bowl	\$120,000.00	12.3.12
Department of Environment and Infrastructure	Indemnification Provisions For Amendment No. 4 to the Agreement with the Southwest Florida Water Management District for the Bear Creek Channel Improvements Project	N/A	1.4.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Department of Environment and Infrastructure	Grant Agreement with the Florida Fish and Wildlife Conservation Commission (FWC) for the Treasure Island II and Indian Shores Artificial Reef Sites	\$60,000.00 FWC Grant Revenue, \$55,000.00 County Match	12.18.12
Department of Environment and Infrastructure	E-Verify Requirement with the Tampa Bay Regional Planning Council for County Work Associated with the: (a) Watershed Education Via Digital Advertising (b) Be Floridian Vehicle Wraps	N/A	12.14.12
Department of Environment and Infrastructure	Release of Cash Completion Surety for Montessori County Day School	N/A	12.13.12
Department of Environment and Infrastructure	Release of Balance of Funds Held as Maintenance Surety for Dog Training and Daycare Facility – East Lake Road	N/A	12.5.12
Department of Environment and Infrastructure	(a) Time Extension – Transportation Regional Incentive Program Agreement with the Florida Department of Transportation (FDOT) for the SR 586 (Curlew Road) Advanced Traffic Management System/Intelligent Transportation System Project from Alternate US 19 to SR 584 (Tampa Road) (b) Cooperative Funding Agreement with the University of South Florida for the Physical Monitoring of the Sand Key and Treasure Island/Long Key Nourishment Projects	(a) Time Extension Only (b) \$352,660 (Over Five -Year Term)	12.3.12
Department of Environment and Infrastructure	Notice of Liens (9) Release of Liens (25)	N/A All Liens Have Been Paid in Full	11.14.12
Department of Environment and Infrastructure	Release of Liens (24)	All Liens Have Been Paid in Full	11.1.12

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Department of Environment and Infrastructure	Notice of Liens (8)	N/A	10.31.12
Emergency Management	Termination of Memorandum of Understanding with the United Way of Pinellas County, Inc. for Disaster Relief Donation Management	N/A	1.10.13
Emergency Management	Modification #1 to Subgrant Agreement with the State of Florida, Division of Emergency Management for Training and Exercise Program Conditions	\$200,221 Grant Revenue, Equal County Match Required	12.3.12
Health and Human Services	Pinellas County Health Program Specialty Provider Agreements First Option of Renewal and Amendment No. 1 with: Alexander Medical Group, P.L.L.C. d/b/a/ Alexander Orthopedic Associates Gastroenterology and Oncology Associates, P.A. The American Institute of Balance, Inc.	Per Resolution 10-209 Waiving Purchasing Ordinance to Allow HHS Authority to Negotiate Specialty Health Care Services. Total FY 2013 Expenditure \$3,715,000.00	1.2.13 12.3.12
Health and Human Services	Master Laboratory Provider Agreement First and Final Option of Renewal and Amendment No. 1 with Mease Pathology Associates, Inc.	Not to Exceed \$200,000.00 Per Fiscal Year	12.12.12
Health and Human Services	Amendment No. 2 to the Contract with the State of Florida, Department of Health for the Operation of the Pinellas County Health Department, Fiscal Year 2011-2012 for Administrative Changes	N/A	10.18.12
Human Resources	Alliance Memorandum of Understanding with the University of Phoenix	N/A	8.16.12
Justice and Consumer Services	Annual (Year 2) Grant Application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the You Can! Project Continuation of Funding	\$325,000.00 Grant Revenue, No Match Required	1.10.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	(a) Traffic Law Enforcement Agreement with the Sheriff's Office and Crescent Oaks Community Association, Inc.	(a) \$7,000.00 Estimated Annual Revenue	1.8.13
	(b) Extension of Service Funding Agreement with Pinellas Ex-Offender Re-Entry Coalition for Adult Drug Court Re-Entry Enhancement Services	(b) \$147,000.00 Grant Revenue (Extension of Previously Approved Grant Funds)	
Justice and Consumer Services	(a) Extension of Service Funding Agreement with Pinellas Ex-Offender Re-Entry Coalition, Inc. for Re-Entry Court Services	(a) \$334,000.00 Grant Revenue (Extension of Previously Approved Grant Funds)	1.4.13
	(b) Traffic Law Enforcement Agreement with the Sheriff's Office for East Lake Woodlands Community Association, Inc.	(b) \$14,000.00 Estimated Annual Revenue	
Justice and Consumer Services	(a) Service Funding Agreement with the Center for Rational Living for the You Can! Grant Program	(a) \$83,448.00	12.10.12
	(b) Name Change from Directions for Mental Health to Directions for Living	(b) N/A	
Justice and Consumer Services	Service Funding Agreement with WestCare Gulfcoast-Florida, Inc. for the Bureau of Justice Assistance and the Substance Abuse and Mental Health Services Administration, Pinellas County You Can! Grant Program	\$237,166.20.00	12.3.12
Parks and Conservation Resources	Renewal of Agreement with the School Board of Pinellas County to Operate an Air Monitoring Station at Sandy Lane Elementary School	N/A	12.27.12
Parks and Conservation Resources	Agreement with the Friends of Fort DeSoto, Inc. for Park Support	N/A	12.12.12
Real Estate Management	Lease Agreement with Janus Research Group, Inc. for Space at the Young-Rainey STAR Center	\$1,838.76 Monthly Revenue for One Year	1.10.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	(a) Lease Agreement with Hose & Hydraulics, Inc. for Parking Spaces at Myrtle and Chestnut Street	(a) \$210.00 Monthly Revenue	1.8.13
	(b) Amendment No. 24 to Lease Agreement with Raytheon Company for Office Space at the Young-Rainey STAR Center	(b) \$24,473.28 Additional Revenue	
Real Estate Management	Termination of Easement by General Release with KB Crossroads LLC	N/A	12.19.12
Real Estate Management	License Agreement with the City of Clearwater for a Parking License for Ten Parking Spaces in Lot No. 17	N/A	12.17.12
Real Estate Management	Right of Entry – Pinellas County Park Lot Modification Agreement with the City of Clearwater for Property Located at 14 South Fort Harrison Avenue, Clearwater	N/A	12.12.12
Real Estate Management	Perpetual Non-Exclusive Utility and Access Easement with Tampa Bay Water	N/A	8.13.12

- # 8 Declaration of miscellaneous County-owned equipment and vehicles as surplus and authorization for sale of same as set forth in the agenda memorandum dated January 29, 2013 approved; distribution of proceeds from vehicles sold from Governmental Funds to the Fleet Internal Service Fund to offset the replacement cost of future vehicles approved (Real Estate Management).
- # 9 Change Order No. 2013-7 to the contract with Tyler Technologies, Inc. for the purchase and implementation of a consolidated Case Management System (Contract No. 089-0408-P) approved (no change in total agreement amount of \$6,364,542.00). Chairman authorized to sign the Change Order and the Clerk to attest.

- #10 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller).

4 Miscellaneous Items Received for Filing:

- a. City of Largo Resolution No. 2084 adopted December 18, 2012, supporting Pinellas County's adoption of a Domestic Partnership Registry for residents of Pinellas County – *Not discussed*.
- b. Pinellas Suncoast Fire and Rescue District Resolution No. 2012-08 adopted December 18, 2012, revising the previously established impact fee pursuant to the charter of the District and setting rates and charges.

Commissioner Roche expressed concern regarding how the impact fees affect economic development in the County; and following discussion, the Board agreed to schedule a work session to discuss the funding of the special fire districts after the Fitch report is received.

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

- #11 Authorization granted to advertise a public hearing for the re-appropriation of fund balance in the Fiscal Year 2013 budget for the Capital Improvement Projects Fund, the Solid Waste Renewal and Replacement Fund, the Water Renewal and Replacement Fund, the Sewer Renewal and Replacement Fund, and the Sewer Construction Fund.

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

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Following the meeting, the County Administrator's Office confirmed that the public hearing is scheduled for Tuesday, February 26, 2013 at 6:00 P.M.

* * * *

- #12 Resolution No. 13-15 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (Health and Human Services Revenue Sharing Trust Fund).

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

- #13 Fiscal Year 2012 Board Budget Amendment No. 18 was filed and made a part of the record; amendment realigns appropriation from Reserve for Contingencies and various cost centers within the Department of Health and Human Services to provide funding for unanticipated expenditures.

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

- #14 Amendment to the Elite Event Funding Guidelines, as adopted by the Tourist Development Council, approved (Convention and Visitors Bureau).

Attorney Bennett noted for the record that the underline/strikethrough document in the agenda backup is accurate, with the exception of Section IV, Paragraph C, in which “December 31” should be highlighted and underlined indicating that it is an addition to the existing text.

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

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Chairman Welch noted that Agenda Item No. 15 was addressed earlier in the meeting.

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- #16 Other Administrative Matters – None.

- #17 County Attorney Miscellaneous – None.

- #18 Reappointment of June Cullen to the Housing Finance Authority of Pinellas County Board of Directors for a four-year term expiring on February 1, 2017 approved.

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

#19 County Administrator Report: Special Events Guidelines – A Citizen’s Guide

and

#20 County Administrator Report: Volunteer Update – Holiday Lights

At the suggestion of Administrator LaSala, the County Administrator Reports, Items Nos. 19 and 20, were deferred until the February 12, 2013 Board of County Commissioners meeting.

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

#21 County Commission Miscellaneous:

- a. Commissioner Latvala related that she has been elected Vice-Chairman of the Gulf Oil Consortium and distributed *Flow of Oil Spill Funds in Florida* flowchart prepared by the Ocean Conservancy.
- b. Commissioner Justice nominated Lawrence P. Floriani, M.D. to the Suncoast Health Council, Paul N. Gross to the Feather Sound Community Services District, Ray Hoeneisen to the Board of Adjustment, Regina Ann Kardash to the Local Planning Agency, and Nicholas P. Eilerman to the Parks and Recreation Advisory Board; seconded by Commissioner Latvala and carried unanimously.
- c. Commissioner Long nominated James R. Sheets to the Parks and Recreation Advisory Board; moved by Commissioner Morroni, seconded by Commissioner Roche, and carried unanimously.

invited commissioners to attend the Tiger Bay annual dinner on January 30, noting that Pulitzer Prize-winning author Eugene Robinson will deliver keynote address and Senator Dennis Jones will receive Ben Franklin Award.

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- d. Commissioner Morroni thanked the community for supporting his 18th Annual Law Enforcement Appreciation Luncheon, noting that the event raised \$24,000.00 to benefit the Police Athletic League.
- e. Chairman Welch referred to the Pinellas Suncoast Transit Authority's vote asking the Board to schedule a November 2014 referendum and requested that discussion be deferred to the February 12 BCC meeting.

#25 Meeting adjourned at 10:18 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk