

6. APPROVAL OF MINUTES

Regular Meeting held February 26, 2013.

kg

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, FEBRUARY 26, 2013 – 2:03 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; and Janet C. Long.

Not Present: Charlie Justice.

Late Arrival: John Morroni.

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

INVOCATION: Pastor Linda Tice, Dunedin United Methodist Church, Dunedin.

PLEDGE OF ALLEGIANCE: Commissioner Long.

PRESENTATIONS AND AWARDS:

All Children's Hospital Johns Hopkins Medicine: A Community Partner presentation by Jonathan Ellen, M.D., President and Physician-in-Chief All Children's Hospital, Johns Hopkins Medicine.

Tampa Bay Water: Update on Regional Water Supply presentation by Jerry Seeber, General Manager, Tampa Bay Water.

CITIZENS TO BE HEARD

Sharon Bobowski, Largo, re Ajax (for a group of five).

- ▶ Chairman Welch related that the Board shares her concern about whether Ajax will be allowed to immediately begin crushing concrete if the State grants the permit; and that staff is working on her list of questions. Administrator LaSala and Mr. Beardslee agreed to follow up with Ms. Bobowski regarding the status of her questions and an appointment request with Mr. Beardslee.

Lenore Faulkner, Madeira Beach, re Pinellas County schools education excellence.

Elizabeth Snedeker, Largo, re Largo citizens against gun violence.

Rodney Snedeker, Largo, re Largo citizens for sensible gun laws.

- ▶ Chairman Welch stated that, although local governments are prohibited from enacting any gun laws, the members met with the Legislative Delegation this morning and the issue of better and more effective background checks was discussed.

Charlotte Maas, Largo, re Largo citizens against gun violence.

Mark Klutho, Largo, re stupidity, waste.

Cathy Harrelson, St. Petersburg, re water restriction.

Mohammed Baker, Seminole, re Code Enforcement and Commissioners' involvement (submitted document).

- ▶ In response to queries by Chairman Welch, Mr. Baker related that since a Commissioner was involved, he came to the Board before contacting any other entity; whereupon, Commissioner Long indicated that this is an ongoing issue that predated her joining the Board; that she followed the County procedure by entering the complaint into the County Assignment Tracking System (CATS). Chairman Welch requested that staff follow up with Mr. Baker to seek resolution of the issue.
- ▶ Greg Pound, Largo, re Pinellas families.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 8 – APPROVED.

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

1 Minutes of regular meeting of January 29, 2013 approved.

2 Reports received for filing:
Dock Fee Report for the month of January 2013.

3 Vouchers and Bills Paid

Period January 20 through January 26, 2013

Payroll – None

Accounts Payable:

Checks – \$9,046,310.63 (493 documents)

ACH Transfers – \$2,690,685.92 (71 documents)

Wire Transfers – \$826,062.56 (9 documents)

4 Miscellaneous Items Received for Filing:

- a. City of Clearwater Ordinance No. 8365-12 adopted December 6, 2012, annexing certain property.
- b. City of Largo Notice of Public Hearings re proposed Ordinances Nos. 2013-17, 2013-30 through 2013-32, and 2013-39 to be held March 5, 2013, annexing certain property.
- c. Pinellas Suncoast Fire and Rescue District Resolution No. 2013-01 adopted January 15, 2013 amending the 2012/2013 budget as approved by Resolution No. 2012-07 for the purpose of reducing capital acquisition funding and providing for changes in current funding sources and expenditures.

5a DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Specific Performance Agreements with:		2.4.13
	(a) City of Largo for Single Family Rehabilitation and Down Payment Assistance Programs	(a) \$187,795.00 HOME Investment Partnership Grant Funds	
	(b) Pinellas County Housing Authority for the Homeless and Homelessness Prevention Services Program	(b) \$188,645.00 Pool Emergency Solutions Grant (ESG) Funds	
Community Development	Specific Performance Agreement Amendment with Homeless Emergency Project, Inc. to clarify allowed reimbursements	\$188,645.00 Pool ESG Funds	1.27.13
Community Development	Specific Performance Agreement with Directions for Mental Health, Inc. for Operation of the Homeless Supportive Services Program	\$117,000.00 Community Development Block Grant Funds	1.17.13
Community Development	Release of Lien (1)	Lien is paid in full	1.15.13

February 26, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Satisfaction of Mortgage (1) Release of Lien (1)	Liens are paid in full	1.11.13
Community Development	Satisfaction of Mortgage (1)	Lien is paid in full	1.3.13
Community Development	Satisfaction of Mortgage (1)	Lien is paid in full	11.28.12
Convention and Visitors Bureau	Indemnification Provisions with WebMediaBrands, Inc. for Website Postings	N/A	1.23.13
Convention and Visitors Bureau	Gulf Tourism and Seafood Promotional Fund Grant Application to the Deepwater Horizon Economic Claims Center	\$500,000.00 Grant Revenue	1.17.13
Department of Environment and Infrastructure	Temporary Alcohol Waiver for the Old Palm Harbor Main Street, Inc. Blues and Brews Event	N/A	1.28.13
Department of Environment and Infrastructure	Interlocal Agreement with the City of Indian Rocks Beach for the Construction of New Dune Walkovers	\$50,000.00	1.15.13
Department of Environment and Infrastructure	Consent Order OGC File No. 12-1610 with the Florida Department of Environmental Protection at Solid Waste Operations for Air Emissions Exceeding Permit Limitations	\$21,250.00	1.10.13
Department of Environment and Infrastructure	First Amendment for Extension to the Cooperative Funding Agreement (CFA) with the Southwest Florida Water Management District (SWFWMD) for the Cross Bayou Watershed Management Plan	N/A Time Only	12.31.12

February 26, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Department of Environment and Infrastructure	Amendment No. 3 to the CFA with SWFWMD for the Starkey Basin Watershed Evaluation and Management Plan	N/A Time Only	12.20.12
Department of Environment and Infrastructure	Amendment No. 1 to the CFA with SWFWMD for the Water Quality Management Plan	N/A Time Only	12.5.12
Department of Environment and Infrastructure	Notice of Liens (17)	N/A	12.3.12
Department of Environment and Infrastructure	Release of Liens (17)	All liens have been paid in full	11.30.12
Health and Human Services	Memorandum of Understanding with the Florida Department of Veterans Affairs for a Veterans Services Officer to Assist the Health and Human Services Department, Veteran's Service Office	N/A	2.8.13
Health and Human Services	Pinellas County Health Program Specialty Provider Agreements First Option of Renewal and Amendment No. 1 with:	Per Resolution 10-209 waiving purchasing ordinance to allow HHS authority to negotiate specialty health care services.	1.15.13
	Consultants in Infectious Diseases, LLC	Total FY 2013 expenditure \$3,715,000.00	
Human Resources	Agreement with Pinellas School Board and Heritage Village for Vocational Experience Program	N/A	1.15.13
Justice and Consumer Services	Amendment to Contract with Jon R. Thogmartin, M.D., P.A. for Medical Examiner and Forensic Laboratory Services	\$100,370.00 DNA Backlog Reduction Grant funds	2.7.13

February 26, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Justice and Consumer Services	Fixed Price Agreement with the University of South Florida for the You Can! Grant Court Performance Evaluation	\$32,000.00 Bureau of Justice Assistance and The Substance Abuse Mental Health Services Administration grant funds	1.31.13
Parks and Conservation Resources	Amendment No. 1 to Grant Agreement with Florida Communities Trust for Eldridge-Wilde property	N/A Time Only	12.14.12
Real Estate Management	Release of Sewer Easements in favor of KE Bay Pines Properties, LLC and Northwestern Mutual Life Insurance Company	\$750.00 Revenue	2.7.13
Real Estate Management	License Agreements with: (a) Pinellas Opportunity Council, Inc. for Office Space at the 501 Building in St. Petersburg (b) Andrew Wolfe d/b/a/ Taste of Freedom Farm, to install Apiaries in five County-owned parks	 (a) \$22,614.00 Annual Revenue (b) \$300.00 Annual Revenue	2.2.13
Real Estate Management	Second Amendment to License Agreement with the East Lake Youth Sports Association, Inc. for Movable Soccer Goal Safety guidelines	N/A	1.28.13
Real Estate Management	Third Amendment to Lease Agreement with Homeland Intelligence Technologies, Inc. for office space at the Young-Rainey STAR Center	\$8,213.97 monthly rental revenue	1.17.13

5b Quarterly report of claim settlements for October 1 through December 31, 2012 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 received for filing – no claims paid (Risk Management/County Attorney).

- # 6 Award of bid to Castco Construction, Inc., for Nursery Road Safe Routes to School (SRTS) Sidewalk Improvement Phase 1B (Bid No. 112-0360-CP; Project No. 000332A/2266) approved for an estimated total expenditure in the amount of \$306,335.10 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 270 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor (Department of Environment and Infrastructure).
- # 7 Notice of new lawsuit and defense of the same by the County Attorney in the case of Tamara Jensen versus Pinellas County Board of County Commissioners in Their Official Capacity – Federal Case No. 8:13-CV-233-T-27AEP – Allegations of Violations of the Constitution’s 2nd and 14th Amendments.
- # 8 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller) – None.
- # 9a Renewal of Agreement with Albert E. Roller for professional land management services for Pinellas County properties at AL-BAR and Cross Bar Ranches effective March 3, 2013 through November 2, 2017 approved (Contract No. 978-0090-P); estimated five-year term expenditure in an amount not to exceed \$2,481,720.00; options of renewal for two additional five-year terms will not be exercised; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.
- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Seel |
| Vote | - | 5 – 0 |
- # 9b Renewal of Agreement with Natural Resource Planning Services, Inc. (NRPS) for forestry operation services and wildlife management project for Pinellas County properties at AL-BAR and Cross Bar Ranches effective March 3, 2013 through November 2, 2017 approved; estimated five-year term expenditure in an amount not to exceed \$1,173,800.00 (Contract No. 978-0092-P); options of renewal for two additional five-year terms will not be exercised; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.
- | | | |
|--------|---|-------------------|
| Motion | - | Commissioner Long |
| Second | - | Commissioner Seel |
| Vote | - | 5 – 0 |
- #10 Final negotiated agreement with Dewberry Architects Inc., for professional services – Upgrade Jail Campus Infrastructure – Phase 1 Design Criteria Package (Contract No.

February 26, 2013

112-0479-NC) approved in an amount not to exceed \$2,798,739.00. Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor (Real Estate Management/Purchasing).

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

#11 Other Administrative Matters

County Administrator LaSala announced that he plans to issue Requests for Proposals (RFP) for Fire and EMS First Responder contracts for the Highpoint Fire District; that the current Fire and EMS First Responder contracts expire on September 30; and that the County has never solicited bids for these contracts; whereupon, he provided historical information about the District.

Mr. LaSala stated that the County will achieve greater efficiency and economic productivity if bids are solicited from the surrounding fire departments such as Clearwater, Largo, Pinellas Park, and St. Petersburg; that the bidders will have the opportunity to operate one station or both stations; that he will bring back a recommendation for approval of the most successful bidders sometime in May or June; and that, although it will require an amendment to the resolution by the Board, it will result in a cost saving to the taxpayers of the District.

* * * *

At this time, 2:56 P.M., Commissioner Morroni entered the meeting.

* * * *

#12 Resolution No. 13-19 adopted declaring the intent to place a County Charter Regional Transportation System Surtax Referendum on the November 4, 2014 ballot.

In response to query by Chairman Welch regarding the lawsuit filed last week seeking to block the vote today, Attorney Bennett stated that no hearing had been set as of the start of this meeting; and that the Board is free to vote.

Chairman Welch stated that he supports the resolution and feels it is time for the community to have a conversation about future transportation choices. He indicated that many people have misconceptions about how the penny tax will be utilized; and stated

February 26, 2013

for the record that there is a very detailed plan available on *PinellasOnTrack.com* showing that it will be allocated between a sustainable bus system and rail; that with the declining property tax base, increased fuel, and other costs, the bus services needed are not currently sustainable; that with public input, an 18-month Alternatives Analysis study was conducted for congestion-proof strategic growth bringing jobs and economic development to the area; that Pinellas Suncoast Transit Authority (PSTA) does support this effort; that this is the first step in a long process; and that Pinellas County is far behind the nation in terms of having an efficient transit system.

Commissioners Latvala, Morroni and Long indicated their support for the referendum, and related that the same conversation about future transportation was held as far back as the 1970s; that today is a different world and the county is completely built-out; that it is time for the future of transportation to be publically debated; that our economy, young people, and the elderly need more efficient transportation; and that a county as progressive as Pinellas can no longer afford to do nothing.

Commissioner Seel concurred, stating that in the last thirty years Pinellas County population has doubled, employment has tripled, and delays in commute time have more than doubled; that many of the major roadways are currently under construction, such as the widening of Ulmerton Road; a continuous north-south highway is almost complete; and a computerized traffic signal system has been implemented. Commissioner Seel indicated that while she does not agree with the timing of the referendum, she feels that a regional approach should be implemented. She stated that there is a need to connect the City of St. Petersburg with downtown Tampa; and that there is talk that Hillsborough might be interested in putting a referendum on the ballot in 2014.

Commissioner Roche stated that more data is needed before the decision is made to place the referendum on the ballot; that all financial aspects should be known; that the Board should look at the issue from the viewpoint of Pinellas County, not from a regional viewpoint, as the Board works for Pinellas County and it is the Pinellas County citizens who would be paying the tax; and that the Board has until August of next year to decide whether to put the referendum on the ballot.

Thereupon, in response to a request by Commissioner Latvala, Chief Financial Officer Brad Miller, PSTA, stated that the Alternative Analysis is a very thorough plan consisting of more than 2,000 pages; that the Alternative Analysis is the base-line to start financial planning; that this is one component of a bigger plan that will be completed later this summer; that PSTA is doing a bus study, working with the Metropolitan Planning Organization (MPO) and Tampa Bay Area Regional Transportation Authority

(TBARTA), and a land-use analysis; that in approximately six months the full plan, inclusive of all plans, will be presented again; that the reason for the vote today is to get people focused on this issue and to have public conversation; and that it is working, since there were over 150 people at the PSTA Board meeting recently, which has not happened in the last thirty years; whereupon, Chairman Welch indicated that if the proposal is not where it needs to be by next year, the referendum can be taken off the ballot, and Commissioner Seel concurred.

Commissioner Roche reiterated that there is no rush, as the decision does not have to be made until August of next year to put the issue on the ballot; whereupon, Chairman Welch stated that he understands his point of view, but the consensus of the Board is to move forward.

Thereupon, Commissioner Latvala moved that the resolution be approved, seconded by Commissioner Long and carried.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	5 – 1 (Commissioner Roche dissenting)

#13 County Attorney Miscellaneous:

Attorney Bennett provided an update regarding the Florida Department of Environmental Protection's Numeric Nutrient Criteria stating that the First District Court of Appeal upheld the decision; that the action supports the County's efforts to use stormwater resources effectively and efficiently; and that he will keep the Board posted as staff continues to fashion the operating rules.

#14 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the following appointments and re-appointments to the Pinellas County EMS Advisory Council, each for a two-year term:

- ▶ Mayor Patricia Gerard as Mayors' Council Representative
- ▶ Fire Commissioner James C. Terry as Independent Fire District Elected Official Representative
- ▶ Fire Commissioner Kathleen Litton as Independent Fire District Elected Official Representative
- ▶ Ray Neri as Citizen Representative
- ▶ Chief Robert Weiss as City of Clearwater Fire Chief Representative

February 26, 2013

- ▶ Assistant Chief Joseph Connors as City of Clearwater Fire Chief Alternate Representative
 - ▶ Mark Postma as Sunstar Paramedics Representative
 - ▶ Vicki Glenn as Sunstar Paramedics Alternate Representative
- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Morroni |
| Vote | - | 6 – 0 |

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

Special Events & Facilities Use Guide presentation by Ginny Holscher, Director of Risk Management.

* * * *

At this time, 5:00 P.M., Commissioners Morroni and Roche left the meeting.

* * * *

#16 County Administrator Report – Volunteer Update – Holiday Lights

Rescheduled to a future date.

#17 Appointment of Dr. Michael Grego and Mr. Kelly Kirschner to the WorkNet Pinellas Board of Directors for a current term through June 30, 2014 approved.

- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Seel |
| Second | - | Commissioner Latvala |
| Vote | - | 4 – 0 |

#18 County Commission Miscellaneous:

- a. Commissioner Latvala moved, seconded by Commissioner Seel and carried, that Sandy Bozeman be appointed to the Historical Commission.
- b. Commissioner Seel requested that (1) the Internet cafe issue be scheduled and brought forward with some options; and (2) Florida Department of Transportation present an update on the

February 26, 2013

major road projects in Pinellas County; whereupon, Administrator LaSala agreed to arrange Commissioner Seel's requests.

* * * *

At this time, 5:07 P.M., Commissioner Roche returned to the meeting.

* * * *

- c. Commissioner Long moved, seconded by Commissioner Latvala and carried, that Robert Todd be appointed to the Feather Sound Community Services District.
- d. Commissioner Roche discussed his attendance at the Keep Pinellas Beautiful Award Luncheon and congratulated his daughter, Megan, on her acceptance and scholarship to the Master's program at Florida State University.

* * * *

At this time, 5:10 P.M., the meeting was recessed and reconvened at 6:02 P.M. with all members present, with the exception of Commissioners Seel and Morroni.

* * * *

- #19 Resolution No. 13-20 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2013 Water Renewal and Replacement Fund (4034) and the Sewer Construction Fund (4055).

Motion	-	Commissioner Long
Second	-	Commissioner Latvala
Vote	-	4 – 0

- #20 Ordinance No. 13-06 adopted amending the Pinellas County Code regarding the Pinellas County Lobbying Ordinance. Staff recommended adoption of the ordinance. No correspondence has been received.

February 26, 2013

Attorney Bennett related that pursuant to the Board's direction, his office had prepared an amendment to the Lobbying Ordinance, which expands the definition of lobbying to include oral, written, or electronic contact; that Bullet No. 3 on the agenda memorandum should read "...reporting of any **lobbying** meeting..."; and that the ordinance is ready to proceed in a proper fashion; whereupon, Michael Roiland, Web Manager, Business Technology Services (BTS), demonstrated how Orange County is utilizing electronic methods to capture lobbyists' contact information; and that the Communications Department will work toward implementing similar electronic methods if the ordinance is adopted.

* * * *

At this time, 6:08 P.M., Commissioner Seel returned to the meeting.

* * * *

In response to queries by Chairman Welch, Attorney Bennett related that under the proposed Pinellas County Lobbying Ordinance, only paid lobbyists will be required to register; that Pinellas County will tailor its own electronic system; that staff will return with some ideas regarding the implementation for the members to review and discuss at a workshop; and indicated that he did not anticipate that Pinellas County will use a ticket system such as the one demonstrated by Mr. Roiland.

Thereupon, Mr. Roiland related that the intention of BTS is for all new technology to be compatible with mobile devices; and that his department will create a sign-in interface which can be used from any location.

In response to queries by Commissioner Long, Attorney Bennett discussed how the mobile device will work, indicating that if a commissioner and a lobbyist were to meet offsite, such as at a restaurant, the lobbyist will have the responsibility of inputting the contact information within 48 hours of the meeting; and that his office will create an information sheet to assist lobbyists in understanding their obligations under the new ordinance.

In response to the Chairman's call for persons wishing to be heard, Todd Pressman, Palm Harbor, appeared and stated his concerns that the ordinance requires a much higher level of reporting and goes far beyond a typical registration process; that the system is not yet in place for reporting each text, email, conversation, and meeting; that the warning

provision in the current ordinance has been removed; that lobbying is no longer permitted with regard to any contract for procurement; that only lobbyists are required to abide by the ordinance, not the general public; and that the current process of completing paperwork in both the County Commission Office and in Board Records is cumbersome and duplicative; whereupon, discussion ensued regarding the registration process, and Attorney Bennett related that the old process would be discontinued if the new system is adopted.

During discussion and in response to queries by Chairman Welch, Jewel White, Managing Assistant County Attorney, discussed the two separate registration requirements which exist under the current ordinance, noting that both processes will be conducted online in the future; whereupon, she discussed the exceptions provision in the ordinance regarding those persons who will not be required to register, and related that the provision relating to lobbying being prohibited on all County competitive selection processes and contract awards is not a new provision; and that she placed it in the ordinance as a cross-reference to what currently exists in the Purchasing Code.

During discussion and responding to queries by Chairman Welch and Commissioner Roche, Mr. Roiland related that while he could not presently commit to an exact date for implementing the electronic process, he would be able to provide a timeframe after the system requirements are gathered and validated. He related that no off-the-shelf web calendar exists; and that creating an advanced web calendar could be the first task associated with putting the process in action; whereupon, Mr. Roiland discussed how each meeting would be assigned an identification number, indicating that an identification number is akin to a meeting tracking number and is not a lobbyist number.

Commissioner Roche related that he believes the ordinance is a step forward; questioned whether it needs to be approved this evening; and indicated that he would support revising the ordinance to include a warning provision to pardon a lobbyist who makes a first-time inadvertent error. Attorney White, with input by Attorney Bennett, related that state law requires a warning provision; that while the provision will no longer appear in the actual ordinance, a reference has been included to refer the reader to state law; and that a handout has been provided to include language postponing the effective date of the penalties section until September 1, 2013; whereupon, Chairman Welch and Commissioner Latvala indicated that they are in favor of the ordinance as written, and discussion ensued.

Attorney White advised that the members retain the option of postponing the effective date of the entire ordinance, which would give the Communications Department time to

get the new system functioning; whereupon, Commissioner Roche indicated that he is in favor of postponing the effective date, and Chairman Welch expressed his support, provided that the process keeps moving forward.

In response to queries by Commissioner Roche, Attorney White recommended that the members choose a date certain to delay implementation of the ordinance; whereupon, following brief discussion, Commissioner Roche moved, seconded by Commissioner Latvala and carried, that the ordinance be approved with an implementation date of September 1, 2013 to allow time for any issues to be worked out; and that it include a penalty and a warning provision.

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

Following the vote, Attorney Bennett indicated that he will conform the ordinance to the motion.

- #21a Resolution No. 13-21 adopted approving the application of the Pinellas County Planning Director for a change of zoning from R-4, One, Two, and Three Family Residential, to C-3, Commercial, Wholesale, Warehousing, and Industrial Support (Z-1-1-13), re three parcels of land containing approximately 0.78 acre located on the west side of Adams Avenue on the north side of Pinellas Street and 100 feet south of Pinellas Street in the unincorporated area of Clearwater. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

- #21b Resolution No. 13-22 adopted approving the application of Melvin E. and Janice N. Gavron to modify a previously approved conditional use permit, subject to the 15 conditions outlined in the resolution (CU-2-1-13), re two parcels of land containing approximately 6.0 acres located on the west side of East Lake Road, 520 feet south of Kensington Trace (property address: 764 East Lake Road, Palm Harbor). Staff recommended approval of the application based on the Local Planning Agency (LPA) Report, subject to the 15 conditions. A petition with 105 signatures in support of the application was received at the January 10, 2013 LPA public hearing. A petition with 211 signatures in support of the application has been received since the January 10, 2013 LPA public hearing.

Planning Department Zoning Manager John F. Cueva referred to an aerial photograph and the zoning and land use map, pointed out the subject parcels, and described the surrounding land uses. He provided historical information regarding the application, indicating that, at its November 20, 2007 meeting, the Board of County Commissioners approved a conditional use to allow for the operation of a daycare facility for 12 dogs, weekdays between 6:30 A.M. and 6:30 P.M., and training for obedience, agility, and search and rescue on weekends and two evenings per week (CU-6-9-07), subject to nine conditions, which the applicant has met. Mr. Cueva indicated that the County has not received any complaints since the conditional use was granted in November 2007.

Mr. Cueva indicated that the applicant has requested that the services be expanded by increasing the number of dogs kept on site for boarding, allowing evening boarding of dogs in addition to daycare, increasing the number of dogs to be trained, allowing for dog grooming, permitting retail sales of dog related products, and increasing the number of employees; that the application was heard in public hearing by the LPA on January 10, 2013; that at the public hearing, the LPA had concerns with some of the requests, and recommended that the application be approved subject to 15 conditions, one of which disallows retail sales; and that staff concurs with the LPA recommendation. He indicated that the conditions and changes recommended by the LPA, which are outlined in the Resolution, are:

1. Additional parking shall be provided to accommodate the anticipated additional number of employees and customers. It is suggested the additional parking be located just east of the existing modular building shown on the approved site plan for the project. The additional parking will require appropriate site plan review.
2. The number of dogs to be trained on site in a day shall not exceed 14 (five dogs maximum per training session, seven training sessions a day between 6:30 A.M. to 8:00 P.M., Monday through Friday, and 9:00 A.M. to 5:00 P.M., Saturday and Sunday).
3. Daycare for dogs shall occur Monday through Friday, 6:30 A.M. to 8:00 P.M. Evening boarding for dogs shall occur Monday through Sunday, 8:00 P.M. to 6:30 A.M. The maximum number of dogs kept in the modular building shall not exceed 18. There shall always be at least one Veterinary Technician at the site with the dogs at all times the service is provided.

4. No whistles or amplified sound devices shall be used for the operation of the classes.
5. The site shall always contain six acres of land area as long as the conditional use is in operation. No portion of the site other than the area shown on the approved site plan shall be used for the conditional use. The basis for the recommendation/condition is primarily based on the amount of "open land" used and referenced as a buffer area to justify the conditional use.
6. Animal waste shall be placed in a closed container and removed twice a week.
7. No access shall be permitted via the gate along the west property line. The western portion of the site shall remain in a "natural state."
8. Compliance with Section 14-29 (a) through (g), of the Pinellas County Land Development Code, Pet Dealerships and Kennels.
9. A maximum of eight employees shall be permitted to work from the site; however, there shall not be eight employees at the site at one time.
10. Grooming shall be allowed incidental to the dog training and kennel facility.
11. No retail sales of pet related products shall be permitted.
12. The dogs using the facility shall only be permitted on the area identified on the approved plan as "the project area" which contains 0.84 acre.
13. The north property line of the six-acre site shall be fenced at a distance of 250 feet from east to west with a six-foot-high opaque fence along with a vegetative hedge to serve as a buffer.
14. Specifications of the existing modular unit which demonstrate the effectiveness of sound buffering of the unit must be provided.
15. In the event the above conditions are not met, the Board of County Commissioners may rescind the conditional use permit.

Mr. Cueva reiterated that staff supports the conditions set forth by the Local Planning Agency. He related that because the adjacent property owner, who is in attendance today, had expressed concerns regarding noise issues and confrontations between his dogs and those of the applicant along the property line, the LPA included conditions

regarding the placement of fencing and hedging along the north property line and reducing the number of dogs allowed in the modular unit from 36 to 18.

In response to queries by Commissioner Roche, Mr. Cueva provided information regarding Condition No. 14, relating that the LPA wants a soundproof determination made by an architect or engineer stating that the building can contain the noise of 18 dogs, and wants the applicant to provide specifications regarding the construction and insulation of the unit so that the Planning Department can determine if the soundproofing is adequate; whereupon, Mr. Cueva indicated that local residents who signed petitions in favor of the application should have no objection to the 15 conditions recommended by the LPA as the impact to the neighborhood would be lessened.

Thereupon, Mr. Cueva indicated that the resolution contains a scrivener's error, noting that Page 2, Item c, second sentence, first word, should read "*Evening*."

Noting that the applicant has proven himself to be a responsible business owner who has received no complaints since the facility commenced operations in 2007, Commissioner Latvala questioned the significant reductions made to his request; whereupon, Mr. Cueva responded that due to concerns expressed by the adjacent property owner, the LPA reduced the number of dogs allowed to 18 and made other revisions to the original request.

In response to the Chairman's call for the applicant, Melvin E. Gavron, Palm Harbor, appeared and indicated that he is the applicant; that the facility has been operating under the conditional use permit granted five years ago; that despite the community uprising against the original conditional use application, there have not been any complaints in the last five years; and that most of the neighbors are now customers and have asked for the changes being requested.

During discussion and upon the realization that Mr. Gavron had not received a copy of the 15 recommendations, Mr. Cueva apologized and provided the information. Thereupon, Mr. Gavron discussed the conditions placed on his application at the LPA hearing and presented information pertaining to the various aspects associated with the operation of the business, including advertising, daycare, grooming, dog training, number of dogs, no retail sales of pet related products, hours of operation, maximum number of employees, disposal of animal waste, the modular unit, and access to the property; whereupon, he opined that none of the LPA members understood the nature of his business; and remarked that the recommendations and restrictions placed on the application by the LPA did not make sense to him.

In response to queries by the members, Mr. Gavron referred to LPA Conditions Nos. 1 and 13, and related that he objects to creating two additional parking spaces at the facility due to the exorbitant price tag and lack of need; and that he objects to erecting a 250-foot fence along the north property line as his facility is already double and triple fenced. He pointed out that over 300 people have signed petitions in favor of the facility; and that only one person appeared in opposition to the application at the LPA hearing. He related that the reason the neighbor, Paul Peluso, who is a builder, is objecting to the application is because he refused Mr. Peluso's suggestion to combine the two properties and put up a housing development; whereupon, he described an incident that occurred last week which resulted in Mr. Peluso calling the police.

He indicated that although Mr. Peluso owns the adjacent property to the north, he does not live on the property and uses the property to train German Shepherd dogs. He indicated that there is a buffer zone between the facility and Mr. Peluso's property, which is a private park and is the preserved area to be retained; and that no dogs are housed at the facility during the night.

Mr. Gavron related that an LPA Board member recently visited the facility and commented that he could not hear dogs until he was 20 feet from the trailer, did not see a need for the fence; and was in favor of allowing advertising. He related that as a result of those comments and in anticipation that the LPA and the BCC would approve his application, he had ordered a banner advertising grooming and service boarding, and the response has been very favorable.

In response to the Chairman's call for those in opposition to the application, Paul Peluso, Tarpon Springs, appeared and displayed photographs from his driveway showing the trailer on the applicant's property. He expressed his concerns regarding boarding, the number of dogs, barking, fence fighting between his dogs and those at the facility, and the need for a sound and visual barrier.

Mr. Peluso indicated that following his testimony at the LPA hearing, Code Enforcement had been called out to his property. He expressed concern with the comments Mr. Gavron made about him today, and stated that he had called the police during the incident cited by Mr. Gavron because he had been threatened with physical violence.

In rebuttal, Mr. Gavron indicated that noise from dogs at his facility cannot be heard from Mr. Peluso's property; that there are no dogs on his property at night; and that he would never leave dogs unattended. During discussion and in response to queries by

February 26, 2013

Commissioner Roche, Mr. Gavron related that his facility presently has six parking spaces composed of crushed concrete; that the LPA recommendation would require two additional spaces; that the cost to construct those spaces would be approximately \$22,000.00 due to various planning, engineering, and environmental factors; and that he strongly objects to adding additional parking.

In response to query by Commissioner Seel, Mr. Peluso returned to the podium and indicated that he has owned the property directly north of the facility for over eight years.

In response to comments and concerns by Commissioner Seel and Chairman Welch regarding overnight boarding and appropriate buffering, Mr. Cueva clarified that staff does support the LPA recommendation to allow overnight boarding; that the LPA wants a sound study conducted to ensure the modular building remains soundproof following the introduction of additional dogs at the facility; that the applicant will be required to provide the results of the study to the Planning Department; and that if the structure is determined not to have adequate buffering, the applicant would be informed during the site plan review that the buffering inside the building must be increased; whereupon, Mr. Cueva referred to an aerial photograph and pointed out the location where the recommended 250-foot fence and vegetative buffer would be located, and Chairman Welch commented that it seems a fence is needed to keep the peace between the applicant and the neighbor.

During discussion, Gordon Beardslee, Planning Department, clarified that the maximum number of dogs allowed in the modular building shall not exceed 18 at any time; whereupon, Commissioner Roche questioned whether the application could be temporarily deferred to allow the applicant time to fully review the 15 conditions; and in response to queries by Commissioner Seel, Mr. Gavron indicated that he had been present at the LPA hearing when the conditions were imposed.

Thereupon, Commissioner Seel moved that the LPA recommendation be approved in its entirety, noting that it seemed to represent an overall compromise. She remarked that the neighbor had owned his property before the conditional use for the facility was first approved, which in some cases is the other way around; and that while she has concerns regarding the kenneling and the neighborhood directly to the west, she will rely on staff to ensure the modular structure is adequately soundproofed.

Commissioner Latvala suggested an amendment to the motion removing Condition No. 1, the additional parking requirement and, following discussion, Commissioner Seel indicated that her original motion would stand, which includes all the conditions;

February 26, 2013

whereupon, Commissioner Roche seconded the motion. Upon call for the vote, the motion carried 5 to 0.

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

#22 Meeting adjourned at 7:28 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk