

1. APPROVAL OF MINUTES

Regular Meetings held March 12 and March 19, 2013.

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**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MARCH 12, 2013 – 9:34 A.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; Mark S. Woodard, Assistant County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Board Reporter, Deputy Clerk.

INVOCATION: Pastor Vicki Byroade, First Presbyterian Church, Dunedin.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS:

1. Florida Surveyors and Mappers Week Proclamation presented to Chris McLaughlin, Secretary of the Tampa Bay Chapter of the Florida Surveying and Mapping Society.
2. Presentation of a Gold Certificate from Florida Green Building Coalition to Pinellas County Board of County Commissioners.
3. University of South Florida St. Petersburg Update by Interim Regional Chancellor Bill Hogarth.

Dr. Hogarth conducted a PowerPoint presentation titled *Growing To Meet Demand*, and discussed new programs and activities taking place at the St. Petersburg campus. Following the presentation, Chairman Welch and Commissioner Justice thanked Dr. Hogarth for his hard work and leadership; whereupon, he provided additional information pertaining to the Florida Institute of Oceanography (FIO) and the BP oil spill settlement, and expressed his desire that Pinellas County work with the FIO to spend the settlement dollars wisely and efficiently, and brief discussion ensued.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

- # 1 Resolution No. 13-23 adopted granting petition of Charles A. and Debra G. Pulcano to vacate a portion of a drainage easement on Lot 41, Chattam Landing Phase II Subdivision (Quasi-Judicial Hearing). Authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

CITIZENS TO BE HEARD

Sharon Bobowski, Largo, re Ajax.*

- Provided an update re the status of Ajax Paving permit issue, and related that the petitioners withdrew their petition subsequent to an agreement reached between the Department of Environmental Protection, Ajax, and themselves; whereupon, she thanked Commissioners Roche and Seel and staff members for their assistance.
- Discussed the potential for hazardous carcinogenic chemicals to be released into the air from asphalt production, and requested county assistance in obtaining specific air quality testing in neighborhoods proximate to Ajax. Discussed the plant operating at 3:00 A.M. and the noise it creates.
 - Chairman Welch requested that Ms. Bobowski email her questions and requests to the Commissioners so the issues can be researched and responses provided.
 - In response to queries by Commissioner Roche, Ms. Bobowski discussed the placement of berms on the Ajax property and explained why they are ineffective at reducing noise intrusion into her neighborhood.
 - In response to queries by Commissioner Seel, Ms. Bobowski indicated that the agreement had been reached over the telephone; and that no discussion took place regarding the 3:00 A.M. noise.

John Reyner, Seminole, re Lake Sylvia.*

- Commended the County for improving its stormwater service and developing a plan for the McKay Creek Watershed, and requested that the plan include the re-initiation and maintenance of Lake Sylvia in the upcoming Stormwater Master Plan.
 - Mr. Reyner agreed to publicly support the issue, and indicated that there are 37 homes directly on Lake Sylvia and approximately 86 storm drains that feed into the creek.
 - Kelli Levy, Department of Environment and Infrastructure (DEI), indicated that the County has engaged in numerous cleanup events and plantings at the lake; and that all storm drains have been marked. She related that the watershed plan looks at big issues such as drainage, flood plains, and water quality, and would probably not address a privately-owned subdivision lake such as Lake Sylvia, which is a separate issue that a stormwater fee would not address; and that because consensus could not be obtained from property owners adjacent to Lake Sylvia regarding the installation of aquatic plantings, the County was not able to effectively install vegetation.
 - Commissioner Seel suggested that a County policy be developed re privately-maintained lakes.
 - Commissioner Justice discussed the importance of understanding the overall fiscal impact re the maintenance of ponds and lakes.
 - Commissioner Latvala requested that the community support a new tax or fee to fund the ongoing maintenance of retention ponds throughout the county.
 - Mr. Woodard, with input by DEI Director David Scott, indicated that an upcoming work session will encompass the legal, public policy, and budgetary issues on a regional basis.

David Ballard Geddis Jr., Palm Harbor, reclaimed water foreclosure rights (submitted documents).

Greg Pound, Largo, re Pinellas families.

Amy Ramke, Largo, re Ajax.

*Spoke for five or more persons in attendance.

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CONSENT AGENDA ITEMS NOS. 2 THROUGH 9 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 5c AND 9, WHICH WERE CONSIDERED UNDER ITEM NO. 10.

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

2 Minutes of regular meeting of February 12, 2013 approved.

3 Reports received for filing – None.

4 Vouchers and Bills Paid

Period January 27 through February 1, 2013

Payroll

ACH – \$2,896,054.56 (2,983 documents)

Checks – \$40,923.49 (23 documents)

Third Party ACH – \$15,434.38 (67 documents)

Third Party Checks – \$2,289.94 (13 documents)

Accounts Payable

Checks – \$5,452,080.38 (512 documents)

ACH Transfers – \$6,970,698.75 (88 documents)

Wire Transfers – \$2,191,159.11 (4 documents)

Period February 3 through February 9, 2013

Payroll – None.

Accounts Payable

Checks – \$3,933,012.19 (626 documents)

ACH Transfers – \$27,186,446.98 (110 documents)

Wire Transfers – \$1,290,358.74 (4 documents)

Period February 10 through February 16, 2013

Payroll

ACH – \$2,884,509.30 (2,968 documents)

Checks – \$60,478.33 (31 documents)

Third Party ACH – \$15,463.09 (67 documents)

Third Party Checks – \$2,854.83 (13 documents)

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Accounts Payable

Checks – \$3,010,958.34 (450 documents)

ACH Transfers – \$1,266,493.50 (41 documents)

Wire Transfers – \$1,600,807.40 (9 documents)

- # 5 Miscellaneous items received for filing:
 - a. City of Oldsmar Notice of Public Hearings regarding proposed Ordinances Nos. 2013-03 and 2013-04 to be held March 19, 2013, voluntarily annexing certain property.
 - b. City of Pinellas Park Notice of Public Hearing regarding proposed Ordinance No. 3836 to be held March 14, 2013, voluntarily annexing certain property.
 - c. Pinellas Suncoast Fire and Rescue District Resolution No. 2013-02 adopted February 19, 2013 providing for the fixing of the rate of non-ad valorem assessments in compliance with the charter of the District. *See discussion and vote under Agenda Item No. 10.*
- # 6 Plats, Guaranties, Sureties, and Agreements:

Ozona Preserve – plat accepted and approved for recording (Department of Environment and Infrastructure).
- # 7 Resolution No. 13-24 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated reimbursement funding to the Emergency Management Department and Communications Department in the amounts of \$19,180.00 and \$7,800.00, respectively; total reimbursement, \$26,980.00) (Management and Budget).
- # 8 Amendment No. 2 to the Enterprise License Agreement with Environmental Systems Research Institute, Inc. for Geographic Information Systems software approved (Contract No. 112-0313-N) (original approved 72-month expenditure not to exceed \$2,460,300.00; no additional funds required to amend contract); Chairman authorized to sign the amendment and the Clerk to attest.
- # 9 See Agenda Item No. 10.

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

- #5c Receipt and file of Pinellas Suncoast Fire and Rescue District Resolution No. 2013-02 adopted February 19, 2013 providing for the fixing of the rate of non-ad valorem assessments in compliance with the charter of the District.

In response to queries by Commissioner Roche, Mr. Woodard indicated that the Suncoast Fire and Rescue District is an independent district separate from the BCC; that its non-ad valorem fee structure is updated every year; and that while he did not know whether the resolution pertains to a new, increased, or existing fee, Commissioner Roche could request the information directly from the District; whereupon, at the request of Chairman Welch, Mr. Woodard agreed to obtain the information and share it with the members.

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

- #9 Receipt and file of the Fiscal Year 2012 Annual Report on the Pinellas Community Housing Trust Fund from the Housing Finance Authority approved.

In response to queries by Commissioners Morroni and Long, Community Development Director Anthony M. Jones indicated that the BCC established the Pinellas Community Housing Trust Fund in 2006; that it has allocated approximately \$19.2 million in General Fund dollars to the fund since the program inception; that approximately \$4.2 million of program income was generated through recycled dollars; that no new General Fund dollars have been allocated to the program since Fiscal Year 2009 due to budget considerations; that the cities did not contribute to the Housing Trust Fund; that in order to quickly get dollars out into the community, the County distributes the Housing Trust Fund monies between Pinellas County, Clearwater, Largo, St. Petersburg, and the HFA; and that the cities use the County funds for projects in their area; whereupon, Mr. Jones explained that the term “recycled” means that funds generated from loan repayments are used to fund new projects; and reported that Pinellas County has no dedicated funding source for the Housing Trust Fund, and Mr. Woodard provided input.

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In response to queries by Commissioner Morroni regarding the Housing Trust Fund and the Penny for Pinellas, Mr. Jones indicated that the BCC controls the amount of Penny funding it allocates to the Housing Trust Fund; and that those dollars are in addition to General Fund and program income dollars. He reported that Penny dollars are restricted, can only be used for the acquisition of land, and unlike a loan, are only recycled when the land is refinanced or sold; whereupon, Commissioner Roche discussed the referendum language that was put forth when the current Penny for Pinellas was being voted on by the citizens in 2007, relating that, by law, Penny dollars cannot be used for home construction and can only be used for land assembly.

In response to queries by Commissioner Seel regarding leveraged funds and the percentage of city funding dedicated for projects, Mr. Jones related that funding from the cities and private entities is not separated out in the report and, following brief discussion regarding various funds that can be used for affordable housing such as Community Development Block Grant dollars and State Housing Initiatives Partnership dollars, agreed to provide the members a more in-depth breakdown of the funding, showing what the County contributed versus the leverage.

Thereupon, in response to queries by Chairman Welch and Commissioner Roche, Mr. Jones briefly discussed statistical information contained in the report, and indicated that the bold and italicized information pertains to new projects.

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

- #11 Purchase Authorization for Heavy and Light Duty Vehicles (Contract No. 123-0234-PB) approved for a total expenditure not to exceed \$8,750,000.00 from various vendors. Prices, terms, and conditions are based on the Florida Sheriffs Association, Florida Association of Counties, and Florida Fire Chiefs' Association Contract No. 12-20-0905.

Mr. Woodard indicated that the County has strategically deferred the replacement of vehicles over the past three to five years; and that based on downsizing throughout the organization, staff completed an analysis regarding fleet needs and confirmed those vehicles in need of replacement.

Motion	-	Commissioner Latvala
Second	-	Commissioner Justice

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In response to queries by Commissioner Seel, Mr. Woodard related that the purchase of replacement vehicles will not exhaust the reserves set aside for that purpose; that although the balance of the reserve fund will fluctuate as purchases are made, sufficient dollars will be available to support acquisitions in future years; that the County has a vehicle replacement program where user departments contribute toward the future replacement of vehicles; and that the Department of Environment and Infrastructure has a similar, but separate, vehicle replacement fund.

Commissioner Seel commented that even though Pinellas County is utilizing a state contract for the purchase of vehicles, no local dealers are listed as awarded dealers; whereupon, Mr. Woodard, with input by Purchasing Director Joseph Lauro, related that even though dealers throughout the entire state can bid to become awarded dealers, there are various business reasons why those dealers may choose not to participate, including factors such as low profit volume or concentrating on retail, consumer-oriented sales.

Chairman Welch related that he had attended a meeting of the Council of Neighborhood Associations (CONA) during which the City of St. Petersburg asked if the County would be willing to consider compressed natural gas (CNG) infrastructure and share in its costs. Mr. Woodard related that staff had considered the pros and cons of CNG approximately two years ago, and discussed the challenges found at that time, including the significant infrastructure costs and the limitations of CNG to power heavy equipment; whereupon, Chairman Welch stated that because the pricing and availability of compressed natural gas has been changing due to a variety of factors, now is an appropriate time to revisit the issue, and no objections were noted.

Vote - 7 – 0

- #12 Amendment No. 1 with Tampa Bay System Sales, Inc., d/b/a Tampa Bay Trane, for Real Estate Management Design Build Services for the Clearwater Campus Downtown District Cooling Project (Contract No. 090-0430-NC, Project No. 2127) approved for a lump sum price not to exceed \$14,009,350.00. Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney (Real Estate Management/Purchasing).

Motion - Commissioner Latvala
Second - Commissioner Long

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In response to queries by Chairman Welch and Commissioner Roche, Mr. Woodard indicated that approval of the amendment will allow Tampa Bay Trane to proceed and complete construction of the project; that upon completion of the project, Pinellas County may elect to enter into an agreement with Tampa Bay Trane to operate and manage the facility and deliver chilled water services to Clearwater Campus County Buildings and adjacent customers such as Publix and Morton Plant Hospital; and that if opportunities arise that exceed the upset limit, staff will appear before the County Commission to obtain authorization; whereupon, Mr. Woodard indicated that following approval of the agenda item, staff can proceed and solicit commitment letters from those customers who have expressed an interest in purchasing chilled water from the County; and Commissioner Long suggested that similar, forward-thinking projects be undertaken in the future.

Vote - 7 – 0

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At this time, 11:07 A.M., Commissioner Roche left the meeting.

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- #13 First amendment and first term extension to the contract with Boyett Timber, Inc. for the sale of pine timber at the Cross Bar/AL-BAR Ranch (Contract No. 112-0176-R) approved; estimated revenue, \$662,200.00. Chairman authorized to sign the agreement and the Clerk to attest (Department of Environment and Infrastructure).

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

- #14 Agreement with Green Energy for North America, LLC for subordination and release of liens approved; release of judgment lien in the amount of \$3,429,126.00 contingent upon the development of the property as a residential project that includes an affordable housing component. Chairman authorized to execute the agreement and the Clerk to attest (Community Development/County Attorney).

In response to the Chairman's call for citizens wishing to be heard, Mark Yegge, Green Energy for North America, LLC, Belleair Bluffs, appeared, and expressed his support for the item.

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During discussion and in response to query by Commissioner Seel, Mr. Woodard related that subordination and release of the lien is contingent upon a successful project, thus protecting the financial interests of Pinellas County; and that the County will provide no loan funding for the project, and Mr. Yegge provided input.

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

#15 Other Administrative Matters – None.

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At this time, 11:12 A.M., Commissioner Roche returned to the meeting.

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#16 Options for regulating internet gambling devices and internet gambling facilities, or internet cafés, in Pinellas County discussed; letter to cities expressing intent of Board of County Commissioners (BCC) to consider an ordinance banning internet cafés authorized.

Attorney Bennett indicated that after the joint meeting with the Legislative Delegation, he had been asked to provide a memorandum regarding the Board's options for regulating internet gambling devices and internet cafés in Pinellas County and to provide a recommendation; whereupon, he briefly discussed the following options for consideration by the members: (1) complete ban, (2) moratorium, and (3) regulation. He advised that the continued enforcement of existing gambling laws by the Pinellas County Sheriff's Office is a non-regulatory option available to the members; and that Sheriff Robert Gualtieri is in attendance and will discuss the success his office has had in eradicating internet cafés in the unincorporated area.

Sheriff Gualtieri reported that the Sheriff's Office and the State Attorney's Office have determined that internet cafés are currently illegal under Florida Law; and that his office has had great success in keeping those businesses out of the unincorporated area and the 13 cities that contract with him for law enforcement services. He related that many internet café owners ceased operations subsequent to a letter from the Sheriff's Office informing them they were in violation of Florida Law; and that those internet café owners who decided to stay open are successfully being shut down and prosecuted by the State Attorney's Office.

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Sheriff Gualtieri related that there is pending litigation in Federal Court regarding internet cafés and enforcement actions taken by the Sheriff's Office; that the Sheriff's Office will defend itself against such litigation; and that the threat of lawsuits will not deter him from continuing to take enforcement action in the unincorporated area. He related that he is showing deference to the cities by not taking enforcement action within their boundaries and by allowing them to set their own policies; and that he shares such information with potential internet café operators who contact him regarding what he will do if they set up operations in a city; whereupon, he related that although the City of Clearwater has an ordinance in place regarding internet cafés, it has not been enforcing the ordinance; and that internet café operators have been relocating to places where there is no threat of enforcement action.

Thereupon, Sheriff Gualtieri requested that the members either take no action on the item or, if they decide to take action, to pass an ordinance that bans the operation of internet cafés; and related that enacting a moratorium or engaging in regulation should not be considered because internet café gambling is already illegal.

In response to queries by Chairman Welch, Sheriff Gualtieri discussed the proliferation of internet cafés in Clearwater and the benefits associated with a countywide ban, and related that while a ban would prevent operators from moving their operations to the cities, the cities would retain the ability to opt out of a countywide ordinance; whereupon, Sheriff Gualtieri related that he had spoken with the Police Standards Council and with former police chiefs regarding how the Sheriff's Office and the State Attorney's Office have been using enforcement action to deal with the issue; and clarified that the Clearwater ordinance relates to a moratorium on new internet cafés; and that while the Sheriff's Office has thus far not engaged in enforcement action in the cities, it will reassess its position if the problem worsens, and discussion ensued.

Sheriff Gualtieri discussed Senate Bill 1030, introduced by Senator John Thrasher, which relates to a statewide moratorium and has been assigned to several committees but not yet agendaed, and further discussed his concerns regarding a moratorium; whereupon, he related that because a lawyer out of Jacksonville has been making strong, persuasive arguments relating to internet cafés, there has been inconsistency around the state as to how people interpret the current gambling laws.

In response to queries by Commissioners Justice and Roche, Sheriff Gualtieri indicated that judges have ruled and criminal penalties have been handed down to internet café operators; and that all of the cases were disposed of through pleas prior to trial, with none of the cases being dismissed. Commissioner Justice indicated that he would rather see

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such cases actually go to trial; and that he finds it troubling that the City of Clearwater allows 18 casinos to operate illegally, and Commissioner Roche agreed. Sheriff Gualtieri indicated that while he and the State Attorney would be glad to take the cases to trial, they have no control over that part of the process; and that the cities and the County need to share a consistent view so that the problem does not shift across borders; whereupon, he discussed the various ways his office determines how many internet cafés are operating in the cities, and related that the majority of complaints are lodged by bingo hall operators and similar entities being economically disadvantaged, noting that those entities have a self-serving interest in lodging such complaints.

Sheriff Gualtieri related that at the BCC and Legislative Delegation joint meeting, he conveyed that a statewide policy perspective is needed to address the problem; and that an overall consistent policy would eliminate the current “balloon squeezing” situation where internet café operators cross borders in order to skirt the law; whereupon, responding to queries by Commissioner Roche, Sheriff Gualtieri indicated that the overall gambling issue is complicated; that law makers and the general public have a range of views and opinions; that while there have been no reports of collateral crimes associated with internet cafés, bingo halls and churches have experienced reduced revenues; and that even though local citizens have contacted him and indicated that they enjoy internet café gambling, it is currently illegal and he is duty bound to enforce the law.

Commissioner Roche opined that it should be the duty of the Legislature to enact a statewide law, and he would like to see the issue elevated to that level; and related that since the enforcement actions of the Sheriff have been successfully working, he is comfortable with allowing him to continue. Commissioner Latvala agreed, and suggested that the cities be sent a letter in order to obtain feedback regarding a County ordinance relating to an internet café ban; and Chairman Welch expressed his support, and discussion ensued.

In response to queries by Chairman Welch, Pinellas County Justice and Consumer Services Director Tim Burns indicated that Sheriff Gualtieri discussed the option of an internet café ban with law enforcement agencies at the Police Standards Council meeting in June 2012; and that while there was support to move forward and request the enactment of a countywide ban, no recent discussion has taken place. Mr. Burns indicated that the Clearwater and St. Petersburg Police Chiefs are supportive of taking action and enacting a ban; that the Town of Indian Shores is neutral on the issue; and that the Sheriff’s Office and State Attorney’s Office remain steadfastly supportive of a ban. Sheriff Gualtieri reiterated that he would only be supportive of a letter sent to the cities pertaining to a ban; that he would not be supportive of a letter pertaining to a moratorium

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or regulation; and that he had spoken with the cities of Largo and Pinellas Park during the Police Standards Council meeting; whereupon, referring to Senate Bill 1030, he related that, if passed, the bill would only be in effect for two years, would sunset in 2015, and would not preempt the County from passing a more restrictive ordinance.

Following brief discussion, Commissioner Morroni moved, seconded by Commissioner Seel, that the Chairman compose and send a letter to the cities expressing the County Commission's intent to consider an ordinance banning internet cafés; whereupon, Commissioner Roche related that he wanted some legal clarification regarding a ban of the internet cafés since it appears that inconsistencies and conflicts surround the issue. He pointed out that even though Clearwater is supportive of a ban, 18 internet cafés exist within the city limits with no enforcement action being taken to eliminate them; and related that the term "internet café" needs to be defined because there are legitimate businesses currently operating that call themselves internet cafés.

Motion	-	Commissioner Morroni
Second	-	Commissioner Seel

Responding to Commissioner Roche's queries and comments, Mr. Burns, with input by Sheriff Gualtieri, related that bans in other jurisdictions prohibit gambling machines and the use of those machines; that Clearwater legal staff had been concerned about taking enforcement actions under existing laws; that while Clearwater only has a moratorium in place at the present time, it has expressed an interest in having a ban; and that because legitimate businesses are in operation with the label of internet café, it is the business conduct that needs to be regulated, not what the business establishment is labeled.

Attorney Bennett related that it is critical to precisely define what is being regulated; that the Legislature is struggling with the issue; and that it is possible that the issue could be considered under Pinellas County's Charter Authority for Consumer Protection and hence would be Countywide without an opt-out option, and staff will review that possibility; whereupon, Commissioner Justice suggested that staff contact the Florida Association of Counties to track the movement of committee bills and provide updates to the members; and Mr. Woodard related that the item was part of the legislative package recently adopted by the Board.

Following brief discussion, Attorney Bennett related that Messrs. Burns and Woodard would compose a letter to be sent to the cities expressing the County Commission's intent to consider an ordinance banning internet cafés; whereupon, upon call for the vote, the motion carried unanimously.

Vote	-	7 – 0
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- #17 Authorization granted to advertise a public hearing to be held on April 9, 2013, regarding a proposed ordinance amending Section 138-111 of the Pinellas County Code relating to the length of term for Board of Adjustment members.

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

- #18 Settlement approved in the case of Pinellas County versus G.E. Capital Franchise Finance Corporation, et al. – Circuit Civil Case No. 09-006560-CI-21 – Eminent Domain Case, in accordance with the confidential memorandum from County Attorney James L. Bennett dated March 12, 2013.

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

- #19 County Attorney Miscellaneous – None.

- #20 County Administrator Reports

Hurricane Sandy Mutual Aid Deployment

Public Information Specialist Tom Iovino and Emergency Management Coordinator Doug Meyer conducted a PowerPoint presentation titled *West Central Florida Emergency Management Assistance Compact (EMAC) Deployment – Response to Hurricane Sandy, November 9 to 20, 2012*, and discussed their deployment to the New York City Office of Emergency Management, together with Emergency Management Coordinator Doug Blackwell, following an EMAC request for assistance subsequent to Hurricane Sandy; whereupon, they discussed the three valuable lessons learned as they helped in the recovery efforts: (1) logistics is critical, (2) prepare for relief, and (3) communicate, and presented information regarding how those lessons could be implemented in Pinellas County in the event of a similar disaster.

Mr. Meyer related that managing logistics will be critical following a large storm; and that Pinellas County will need to have plans in place regarding the distribution and warehousing of supplies and equipment. He related that there will be a need for relief teams to rotate out emergency workers so they are not overworked to the point of exhaustion; and that assistance will need to be provided so that out-of-state relief teams will know where to obtain transportation and accommodations; whereupon, Mr. Iovino discussed the importance of effective communications with local residents, local media,

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and local leaders; and that video and blogging technologies such as Skype and tumblr will help in outreach activities.

Following the presentation, Chairman Welch and Commissioner Long thanked the team for their hard work and, in response to their queries, Mr. Iovino discussed the destruction Hurricane Charley wreaked on Charlotte County in 2004, relating that its winds caused near total devastation; and that while Hurricane Sandy created an enormous storm surge along the barrier islands, the business district in Manhattan was minimally affected; whereupon, Mr. Woodard agreed to provide the members with a thorough overview of the County's plan for dealing with a similar catastrophic event.

#21 County Commission Miscellaneous:

- a. Commissioner Roche chaired Public Safety Coordinating Council meeting.

attended State of Florida Veterans Quarterly Meeting.

attended Gator Grand Nationals BMX event; Chairman Welch discussed events such as BMX that are well attended and 5th-cent monies that will become available in a couple of years and could be used to promote events through the Tourist Development Council.

in response to his queries regarding the Chairman's planned State of the County Address and how it relates to the traditional role of the Chairman as spokesperson for perfunctory items, with serious issues being brought back for Board discussion, Chairman Welch related that the State of the County Address is a way of sharing his views as one commissioner, not the views of the board as a whole, and keeping local residents apprised of current and future issues facing the county; that the next Chairman has the discretion to continue or not continue the practice; and that he considers social media to be an excellent way to increase government transparency.

- b. Commissioner Long nominated Nadine Nickeson to the Suncoast Health Council; seconded by Commissioner Seel and carried unanimously.

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re moving "County Commission Miscellaneous" items to beginning of meeting when everyone is fresh, noting the importance of sharing information pertaining to Boards on which the commissioners serve. Chairman Welch stated that commissioners can present committee reports under the "Presentations and Awards" portion of the agenda at the beginning of BCC meetings; that such reports would be considered on a project basis; and that smaller updates will continue to be heard during the County Commission Miscellaneous portion of the meeting.

attended Homeless Leadership Board Meeting and Public Policy Council Meeting; noted the increased number of homeless persons in St. Petersburg.

attended Mayor's Council Meeting with Commissioner Morroni; discussed various events going on throughout the County.

attended the Pow Wow parade in Seminole.

re revival of the Pinellas County Fair to take place March 20 through 24 at Tropicana Field.

- c. Commissioner Morroni re cleanup efforts of public waterways near Feather Sound.
- d. Commissioner Justice attended Safety Harbor Seafood Festival.

re Youth Advisory Council.

re Joint National Estuary Program (NEP) Policy Board and project requests.

reported that the Gulf Coast Ecosystem Restoration Council will meet at the Fish and Wildlife Institute on March 13, 2013 at 6:00 P.M.
- e. Chairman Welch reminded city residents that today is Election Day.

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#22 Meeting adjourned at 12:10 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MARCH 19, 2013 – 2:00 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Not Present: Norm Roche.

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, Assistant County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt and Arlene L. Smitke, Board Reporters, Deputy Clerks.

INVOCATION: Rabbi Jacob Luski, Congregation B’Nai Israel, St. Petersburg.

PLEDGE OF ALLEGIANCE: Commissioner Latvala.

PRESENTATIONS AND AWARDS:

1. Presentation of National Water Conservation Month Proclamation to Terrie Lee Grace, Department of Environment and Infrastructure.

Ms. Grace indicated that the Southwest Florida Water Management District (SWFWMD) enacted a Water Shortage Order effective March 13, 2013 for the entire Tampa Bay area; that a \$193.00 fine will be issued for water restriction violations beginning with the first infraction; that Pinellas County Utilities will mail postcards informing its customers of the newly implemented outdoor watering schedule; and that water customers can call 727-464-3000 to obtain further information; whereupon, Commissioner Welch reported that while the County Commission has previously heard from county residents regarding watering restriction violations and the associated fines, it has no control over the matter; and that SWFWMD sets those parameters.

2. Presentation of a Proclamation to the Honorable Michael J. Yakes, outgoing Mayor of the City of Gulfport, declaring March 19, 2013 as Michael J. Yakes Day.
3. Pinellas County Volunteer Services Presentation by Human Resources Director Peggy Rowe, Volunteer Services Manager Laura Berkowitz, and volunteer Chuck Scaffidi, who was in charge of the Holiday Lights at the Botanical Gardens last year.

CITIZENS TO BE HEARD – NONE.

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 6 – APPROVED.

Motion - Commissioner Seel
Second - Commissioner Morroni
Vote - 6 – 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, Report No. 2013-06 dated February 28, 2013 – Audit of Non-Engineering Consulting Contracts.
- b. Juvenile Welfare Board of Pinellas County Financial and Compliance Reports for the year ended September 30, 2012.

3 Vouchers and Bills Paid – None.

4 Miscellaneous items received for filing:

City of Clearwater Notices of Public Hearings concerning Annexation, Land Use Plan, and Zoning Atlas amendments regarding proposed Ordinances Nos. 8374-13, 8376-13 through 8381-13, and 8384-13 and 8385-13 to be held April 4, 2013.

5 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	Installation and Access Agreement with Bright House Networks, LLC for fiber and wireless communication service to Airport tenants	N/A	2.13.13
Community Development	Specific Performance Agreement with Girls Incorporated of Pinellas for Architectural and Engineering services for renovation	\$5,000.00 Community Development Block Grant (CDBG) Funds	2.14.13
Community Development	Satisfaction of Mortgage (4)	Mortgage has been paid in full	2.13.13
Community Development	Release of Lien (1)	Lien has been paid in full	1.25.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	Release of Lien (1)	Lien has been paid in full	1.21.13
Convention and Visitors Bureau	Tourism Promotion Agreement with Copperhead Charities, Inc. for the Tampa Bay Championship Elite Event	\$125,000.00	2.27.13
Convention and Visitors Bureau	Tourism Promotion Agreement with Green Savoree St. Petersburg, LLC for 2013 Honda Grand Prix of St. Petersburg Elite Event	\$200,000.00	2.18.13
Convention and Visitors Bureau	Grant Agreements with Florida Sports Foundation for promotional and marketing activities for Rock "N" Roll St. Pete Half Marathon, USA BMX Gator Nationals, Big East Baseball Championship and the 2013 ASA USA Gold 18u National Championship	\$19,000.00 Florida Sports Foundation Grant Revenue	2.11.13
Department of Environment and Infrastructure	Release of Cash Completion Surety for Whitney Oaks Project	N/A	2.25.13
Department of Environment and Infrastructure	Cooperative Funding Agreement with the City of Largo for the Development of a Comprehensive Watershed Management Plan for Starkey Basin	\$150,000.00 City of Largo and County Match	2.22.13
Department of Environment and Infrastructure	(a) Notice of Liens (11) (b) Release of Liens (24)	(a) N/A (b) Liens have been paid in full	1.23.13
Department of Environment and Infrastructure	Notice of Liens (19)	N/A	1.10.13
Department of Environment and Infrastructure	Release of Liens (29)	Liens have been paid in full	1.8.13
Department of Environment and Infrastructure	Notice of Liens (7)	N/A	12.20.12
Department of Environment and Infrastructure	Release of Liens (17)	Liens have been paid in full	12.14.12
Department of Environment and Infrastructure	Notice of Liens (13)	N/A	12.13.12

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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	12.12.12
Department of Environment and Infrastructure	Release of Liens (16)	Liens have been paid in full	12.6.12
Department of Environment and Infrastructure	Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Hercules Avenue and Greenbriar Boulevard Sidewalk Project	\$150,000.00 FDOT Funding, No County Match	10.19.12
Health and Human Services	Radiology Provider Agreement with Pin Point Radiology Practice Group, P.A.	\$400,000.00 Fund Pool from Master Radiology Provider Agreement	2.20.13
Human Resources	Host Agency Agreement and Memorandum of Agreement with the American Association of Retired Persons (AARP) Foundation for fingerprinting of temporary workers	\$660.00	2.14.13
Justice and Consumer Services	Grant Application to the Criminal Justice Mental Health and Substance Abuse Expansion Grant (CJMHSARG) for the Public Defenders Mentally Ill Jail Diversion Program	\$249,513.82 CJMHSARG Grant Funds	1.31.13
Parks and Conservation Resources	Agreement with Bodaca Timber, Inc. for Timbering Trees at Heritage Village	\$4,000.00 Estimated Revenue	2.27.13
Parks and Conservation Resources	Grant Funding Agreement with Tampa Bay Estuary Program for the Fort De Soto Park North Beach Dune Habitat Restoration Project	\$10,000.00 Grant Revenue	2.19.13
Parks and Conservation Resources	Florida Department of Environmental Protection (FDEP) Title V Air Pollution Control Services Grant Agreement	\$70,490.21 FDEP Grant Revenue	2.6.13
Real Estate Management	(a) Memorandum of Understanding with the Sheriff for use of County Premises for Training Purposes (b) License Agreement with the Florida Public Archaeology Network for use of Parks and Conservation Resources Managed Lands	(a and b) N/A	2.25.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	Raytheon Company Donation of Café Equipment to the Industrial Development Authority	N/A	2.21.13
Real Estate Management	Driveway Construction and Property Donation Agreement with the Pinellas Park Post No. 4364 Veterans of Foreign Wars of the United States, Inc. for a donated parcel of land	\$827.70 Closing Costs	2.12.13
Real Estate Management	Distribution Easement with Progress Energy for electric service and communications systems at the East Lake Soccer Fields	\$1,000.00	2.12.13

6 Sitting as the Emergency Medical Services (EMS) Authority, the Board issued a Certificate of Public Convenience and Necessity to HMA Bayflite Services, LLC d/b/a Bayflite to reflect the new corporate name.

#7 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

8 Authorization granted to advertise a public hearing to be held on April 9, 2013, to consider a proposed ordinance amending the Florida Building Code to address changes in the Local Construction Board of Adjustment and Appeals (Building Development and Review Services).

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

9 Resolution No. 13-25 adopted formalizing the appointment process and standardized operating procedures and policies relating to citizens' service on Pinellas County boards, councils, and committees (Communications).

Motion	-	Commissioner Latvala
Second	-	Commissioner Justice
Vote	-	6 – 0

#10 Ninth Amendment to the Agreement for Consultant Services with Ayres Associates Inc. for Keystone Road (County Road 582) – U.S. 19 to East Lake Road (Contract No. 023-0583-A) approved increasing the agreement amount by \$25,000.00 (revised agreement amount, \$2,095,931.33) and extending the agreement term by 400 days; amendment

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effective through May 5, 2014; Chairman authorized to sign the amendment and the Clerk to attest (Department of Environment and Infrastructure/Purchasing).

Motion - Commissioner Latvala
Second - Commissioner Long

In response to query by Commissioner Seel regarding the project completion date, Engineering and Technical Support Division Director Jorge Quintas provided an update, stating that the road will be opened once the final asphalt list and pavement markings are completed in May, subject to temporary road closures between May and July in order to address punch list items. Mr. Quintas related that the reason for the amendment is to extend the time frame to address the mitigation requirements and complete the survivability and mitigation report for certification after project completion; whereupon, Commissioner Latvala expressed her appreciation for the beautification of the area, and Chairman Welch concurred, noting the project was funded by the Penny for Pinellas.

Vote - 6 – 0

- #11 Resolution No. 13-26 adopted approving the Statewide Mutual Aid Agreement with the State of Florida, Division of Emergency Management (no fiscal impact); Chairman authorized to sign and the Clerk to attest (Emergency Management).

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

- #12 Fiscal Year 2013 Board Budget Amendment No. 2 was filed and made a part of the record; amendment realigns funds between the Reserves program and the Water, Sewer, Solid Waste Renewal and Replacement Center (Management and Budget).

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

- #13 Appointments to the Pinellas County Historic Preservation Board as outlined in the agenda memorandum dated March 19, 2013, which has been filed and made a part of the record, approved.

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

- #14 Other Administrative Matters – None.

#15 County Attorney Miscellaneous – None.

#16 Amendment to Administrative Services Agreement–Medical Benefits with United Healthcare Services, Inc. (Contract No. 214279; BID No. 101-0224-P) for member access to a Diabetes Prevention Program and Diabetes Control Program with an effective date of March 19, 2013, approved; Chairman authorized to sign and the Clerk to attest after proper execution by the vendor and written approval as to form by the Office of the County Attorney (Human Resources/Purchasing).

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

#17 County Administrator Reports – None.

#18 Appointment of Anthony Degina to the WorkNet Pinellas Board of Directors for a current term through June 30, 2014, approved.

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

#19 County Commission Miscellaneous:

a. Commissioner Latvala moved approval of the appointment of Commissioner Long to replace Commissioner Seel on the Florida Association of Counties Board, seconded by Commissioner Seel and carried.

discussed war memorial for fallen soldiers in the Afghanistan and Iraq wars. Protocol to be implemented.

b. Commissioner Long moved approval of the appointment of Susan Reiter to the Local Planning Agency Board, seconded by Commissioner Morroni and carried.

re citizens concerns about Reliable Septic. County Attorney James L. Bennett provided an update and related that following staff review of the plans, mitigation will be initiated.

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- c. Commissioner Morroni wished everyone a happy and safe holiday.
- moved approval of the appointments to the Suncoast Health Council, seconded by Commissioner Long and carried.
- moved approval of the appointment of Danny Sandlin to the Pinellas County Construction Licensing Board, seconded by Commissioner Long and carried.
- d. Commissioner Justice extended thanks to Chairman Welch and Commissioner Morroni for attending Tiger Bay luncheon.
- e. Commissioner Seel announced that Keith Bailey will be recognized at the April 9 meeting, relating that he has been appointed to the Personnel Board and will no longer be serving on the Board of Adjustment.
- moved approval of the appointment of John Doran to the Board of Adjustment, seconded by Commissioner Latvala and carried.
- wished everyone a happy and safe holiday.
- f. Commissioner Welch re internet cafés. Board will move forward with distribution of the Mayors' letters.
- extended thanks to the Boy Scouts for attending the meeting.

* * * *

At this time, 2:51 P.M., the meeting was recessed and reconvened at 6:00 P.M. with all Commissioners in attendance, with the exception of Commissioner Roche.

* * * *

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

- #20 First public hearing held regarding a proposed ordinance amending Chapter 138 of the Pinellas County Land Development Code establishing a Dog Friendly Dining Program. No correspondence has been received. Second public hearing to be held April 9, 2013.

Responding to the Chairman's call for citizens wishing to be heard, Steven Jefferis, Clearwater, appeared and expressed his support for the proposed ordinance.

Commissioner Latvala indicated that she brought the matter to the Board at the request of Mr. Jefferis; that there has been a lot of support from other restaurants in Palm Harbor; and that she respects the establishments' ability to make the decision whether to allow dog friendly dining based on their clientele.

- #21 Ordinance No. 13-07 adopted amending the zoning provisions of the Pinellas County Land Development Code, Chapter 138, regarding off-street parking in the Old Palm Harbor-Downtown Zoning District. No correspondence has been received. No citizens appeared to be heard.

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

- #22 Resolution No. 13-27 adopted granting the application of Anne O. Bishop for a change of zoning from A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay, to RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay; a special exception for a medical clinic; and a variance to exceed the 2,500 square-foot limitation for a medical clinic (Z-6-2-13), re approximately 22 acres located on the east side of East Lake Road, 574 feet south of Crescent Oaks Boulevard in the unincorporated area of Tarpon Springs (street address: 833 East Lake Road). The Local Planning Agency recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

Responding to query by Chairman Welch, John F. Cueva, Planning Department Zoning Manager, indicated that the applicant has not expressed any concerns regarding ingress and egress on East Lake Road.

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

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

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk