

AGENDA ITEM # 1
May 21, 2013

1. APPROVAL OF MINUTES:

Regular Meeting held April 23, 2013.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, APRIL 23, 2013 – 2:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Pastor Joe Glymph, Prince of Peace Lutheran Church, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Long.

PRESENTATIONS AND AWARDS:

1. Proclamation in recognition of National Drinking Water Week presented to David Scott, Executive Director of the Department of Environment and Infrastructure and Larry Trepany, Senior Operator of Keller Water Treatment Plant.
2. Aviation Safety Award presented to Richard Coates, Daniel Funk, Larry Childs, Henry Martin and Dawn Lindgren of the Pinellas County Mosquito Control and Aviation Unit by Phoenix Aviation Managers, Inc.
3. Presentation of the Housing Finance Authority (HFA) Annual Report 2012 by HFA Chairman Rodney Fischer, Community Development Planning Section Manager Bruce Bussey, and Community Development Executive Director Anthony Jones.

In response to queries by the members, Mr. Jones indicated that Sadowski funds are in jeopardy of being disappropriated by the legislators; that the greatest housing need the County is facing is housing for the low income and the disabled communities; that the real estate market is improving; that there continues to be a need for rental property, especially for families; and that he will check into the housing project being developed near Interstate 275 in St. Petersburg and let Commissioner Morroni know whether it has low-income units.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County schools

Wayne Wallace, Palm Harbor, re PACE

Andrea Wells, Clearwater, re pet overpopulation, effects on taxpayers (showed/submitted video and documents; spoke on behalf of four others in attendance)

Dr. Hillary Hart, St. Petersburg, re pet overpopulation

Andrea Barlow, Seminole, re pet overpopulation, effects on taxpayers

Elizabeth Olson, Palm Harbor, re pet overpopulation, effects on taxpayers

Dusty Showers, Oldsmar, re pet overpopulation, effects on taxpayers

Mara Mandell, St. Petersburg, re pet overpopulation

- ▶ In response to queries by Chairman Welch, Administrator LaSala related that Maureen “Moe” Freaney is serving as the Director of Animal Services; that staff is currently making organizational changes and looking at policy, operational, administrative, and educational issues, along with field and shelter operations; and that the issue of mandatory spay and neuter is being evaluated. Following discussion, the members directed staff to schedule a work session to discuss: (1) trap-neuter-return (TNR) for the feral cat population, and (2) a mandatory spay and neuter ordinance and the ability to enforce the ordinance, including treatment denial by veterinarians if an animal is not spayed or neutered and the owner does not hold a breeder certificate.

Burt Kline, St. Petersburg, re pier

Carol Gray, Clearwater, re pier

Joseph D. Reed, St. Petersburg, re pier

Tom Lambdon, Safety Harbor, re pier

William C. Ballard, St. Petersburg, re St. Petersburg/Pinellas County Interlocal Agreement

- ▶ Responding to the concerns expressed by the citizens, Chairman Welch, with input by Attorney Bennett, indicated that the Lens is not prohibited under the amended Interlocal Agreement with the City of St. Petersburg; and that a petition with 15,000-plus signatures submitted by the Concerned Citizens of St. Petersburg would generate a referendum on the ballot in August, allowing the St. Petersburg citizens to vote on the issue. Attorney Bennett indicated that the BCC does not have the authority to stop the demolition of the Pier; and that the only impact Pinellas County would have on the Lens project would be if the revenue stream is bonded, or if St. Petersburg required a variance permit on the project and the request did not meet the Water and Navigation Authority Ordinance standards; whereupon, Administrator LaSala, with input by Attorney Bennett, noted that the variance is a quasi-judicial issue, and cautioned the Board as to the extent of the discussion. Discussion ensued as to whether the City has applied for a variance; and, later in the meeting, Administrator LaSala indicated that the City has technically applied

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for a permit to construct the Lens, but has indicated that the request will be revised and resubmitted.

In response to queries by the members, Attorney Bennett related that the area is designated and defined by the existence of slum and blight conditions, so the tax increment financing (TIF) funds may be utilized for various purposes, including the demolition of the Pier as part of the project; that it is possible that the variance could come before the BCC after the Pier has already been demolished; and that the BCC's authority is limited to the unincorporated areas and it would not be able to declare the Pier a historical monument; whereupon, Chairman Welch noted that the BCC only provides the parameters for the community redevelopment areas (CRA) and does not get involved in project level decisions.

Chairman Welch, with input by Commissioner Latvala, suggested that the City of St. Petersburg weigh heavily the decision to spend the \$1.2 million of public money with a possible referendum and City Council member election in August and the Mayoral election in November, and Commissioner Seel concurred.

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At this time, 3:53 P.M., Commissioner Long left the meeting.

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 8 – APPROVED

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

1 Minutes of regular meetings of March 12 and March 19, 2013 approved.

2 Reports received for filing:

- a. City of Largo West Bay Drive Community Redevelopment District Annual Report for Fiscal Year 2012.
- b. City of Safety Harbor Community Redevelopment Agency Fiscal Year 11-12 Annual Report.
- c. Tampa Bay Water Annual Financial Report and Audited Financial Statements for the Fiscal Year ended September 30, 2012.

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3 Vouchers and Bills Paid – None.

4 Miscellaneous items received for filing:

- a. City of Clearwater Notices of Public Hearings regarding Annexation, Land Use Plan, Zoning Atlas, and Community Development Code amendments for proposed Ordinances Nos. 8389-13 through 8394-13 and 8402-13 to be held May 1 and June 6, 2013.
- b. City of Oldsmar Ordinances Nos. 2013-03 and 2013-04 adopted March 19, 2013, annexing real property.

5 Award of bid to Insituform Technologies, LLC, for Tier 1 Drainage Improvement - Airport (Bid No. 123-0147-CP; Project No. 000023A) approved for total expenditure in the amount of \$731,070.00 (award amount is inclusive of the Base Bid and Alternates 4 and 5) on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 95 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor (Airport).

6 Change Order No. 1 pertaining to the contract with Brasfield and Gorrie, LLC, for a new transfer pumping station and chemical treatment facility upgrade confirmed (Project No. 000772A/2061; Contract No. 123-0013-CP) (Department of Environment and Infrastructure).

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

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	Specific Performance Agreement with Religious Community Services, Inc. for site development of a domestic violence outreach facility	\$41,000.00 Community Development Block Grant (CDBG) Revenue	3.19.13
Community Development	Satisfaction of Mortgage (2)	Lien has been paid in full	3.12.13
Community Development	Specific Performance Agreement with Directions for Mental Health d/b/a/ Directions for Living for renovations to the Clearwater Center facility	\$22,305.00 CDBG Grant Revenue	3.11.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Convention and Visitors Bureau	First Amendment to the Agreement with Competitor Group, Inc. for the 2012 Lady Speed Stick Women's Half Marathon St. Petersburg to allow for reimbursement of expenses prior to October 1, 2012	\$50,000.00	3.4.13
Department of Environment and Infrastructure	Cooperative Funding Agreement with the Coastal Research Laboratory Department of Geology, University of South Florida for Surveys at the Upham Beach T-Groin Project 2013-2014	\$21,484.00	4.4.13
Department of Environment and Infrastructure	(a) Single Sidewalk Waiver Request with King Engineering Associates, Inc.; Innisbrook Parcel F (b) Right-of-Way and Sidewalk Waiver Request with King Engineering Associates, Inc.; Innisbrook Parcel F (c) Access Road Waiver Requests with King Engineering Associates, Inc.; Innisbrook Parcel F (d) Temporary Waiver for Consumption of Alcoholic Beverages with Old Palm Harbor Main Street, Inc. for the Citrus Festival	(a – d) N/A	3.28.13
Department of Environment and Infrastructure	Joint Funding Agreement (JFA) with the U.S. Department of the Interior U.S. Geological Survey (U.S.G.S.) for the Water Discipline Data Collection Program	\$10.00 U.S.G.S Funds, \$192,390.00 County Funds	3.13.13
Department of Environment and Infrastructure	Cooperative Funding Agreement (CFA) with the City of Largo for the Development of a Comprehensive Watershed Management Plan for McKay Creek	\$200,000.00 Contribution	3.7.13
Department of Environment and Infrastructure	Aerial Permission Letter to the Federal Aviation Administration for Aerial Application of Approved Mosquito Control Insecticides	N/A	3.5.13
Department of Environment and Infrastructure	Agreement with Bright House Media for Bay News 9 Online Watershed Advertising Campaign	\$5,100.00 Tampa Bay Regional Planning Council Stormwater Education Program Grant funds	2.22.13

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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 (7)	N/A	2.18.13
Department of Environment and Infrastructure	Notice of Liens (22)	N/A	2.15.13
Department of Environment and Infrastructure	Release of Liens (13)	Liens have been paid in full	2.12.13
Department of Environment and Infrastructure	Notice of Liens (6)	N/A	2.8.13
Department of Environment and Infrastructure	(a) Release of Liens (27)	(a) Liens have been paid in full	2.5.13
	(b) Notice of Liens (3)	(b) N/A	
Department of Environment and Infrastructure	Notice of Lien (5)	N/A	2.4.13
Department of Environment and Infrastructure	Notice of Liens (41)	N/A	1.25.13
Economic Development	Agreement with WorkNet Pinellas, Inc. for Business Outreach Services	\$60,000.00 Revenue	1.3.13
Health and Human Services (HHS)	Specialty Provider Agreement First Option of Renewal and Amendment No. 1 with Main Street Medical, P.A.	Resolution 10-209 allowing HHS authority to negotiate specialty health care services. Total FY 2013 expenditure \$3,715,000.00	3.21.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Health and Human Services	Consent to Assign Agreements with Bayfront Medical Center, Bayfront Physicians Specialty Services, LLC, and Bayfront Family Health Center, OB/GYN to Bayfront HMA Medical Center	N/A	3.14.13
Human Resources	Partnership Agreement with Huizenga Business School, Nova Southeastern University	N/A	3.11.13
Justice and Consumer Services	Grant Application with the U.S. Department of Justice, Office of Justice Programs for the Family Drug Court Grant Program	\$650,000.00 Requested Funds; \$215,106.00 County match	3.22.13
Parks and Conservation Resources	Supplemental Funding for Grant Agreement with Florida Department of Health for Communities Putting Prevention to Work Program for the Pinellas Trail	\$24,850.00	3.25.13
Parks and Conservation Resources	(a) Supplemental Funding for Grant Agreement with Florida Department of Health for Communities Putting Prevention to Work Program for East Gateway Community educational services	(a) \$10,000.00	3.18.13
	(b) First Amendment to Agreement with Tampa Bay Estuary Program for the Weedon Island Preserve North, Feather Sound area restoration	(b) N/A – Time Only	
Parks and Conservation Resources	Grant Application to the Florida Forest Service for mowing equipment	\$20,000.00 Grant Revenue, \$22,453.00 County Match	3.12.13
Parks and Conservation Resources	Agreement with the U.S. Environmental Protection Agency (EPA) for the EPA Section 105 Grant, Air Pollution Control Program	\$134,438.00 EPA Grant Revenue	3.11.13
Real Estate Management	License Agreement with the Diocese of St. Petersburg, Inc. for emergency management purposes in the event of a disaster	N/A	3.18.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	Fourth Amendment to the Lease Agreement with Homeland Intelligence Technologies, Inc. for office space at the Young-Rainey STAR Center	\$7,626.25 Monthly Rental Income	3.14.13
Real Estate Management	Contract for Sale and Purchase of Real Estate with Florida Power Corporation d/b/a/ Progress Energy Florida, Inc.	N/A	3.14.13

- # 7b Quarterly Report on Administrative Budget Amendments for the period January 1, 2013 through March 31, 2013 received for filing (Management and Budget).
- # 7c Quarterly Report on the Law Enforcement Trust Fund – Payments to the Sheriff for the period January 1, 2013 through March 31, 2013 received for filing (Management and Budget).
- # 7d Quarterly Report of Claim Settlements for January 1 through March 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).
- # 7e Summary of commercial insurance coverages renewed for March 1, 2013 in the amount of \$8,111,518.00 and documents executed by the County Administrator or his designee, as outlined and explained in the Board Memorandum dated April 23, 2013, a copy of which has been filed and made a part of the record, received for filing (Risk Management).
- # 8 2012 Housing Finance Authority Annual Report received for filing.
- # 9 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller) – None.

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- #10 Change Order No. 3 to the contract with David Nelson Construction Co. for a reduction in retainage to the Contract for Keystone Road - U.S. Highway 19 to East Lake Road (Project No. 920522, Bid No. 090-0019-CP) approved. Chairman authorized to sign and the Clerk to attest after proper execution by the contractor (Environment and Infrastructure/Purchasing).

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

- #11 Amendment No. 1 and an increase in funds to the blanket purchase agreement with Motorola Solutions, Inc., for maintenance of the Pinellas County Intergovernmental 800 Megahertz (MHz) Public Safety Radio and Data Communications System (Contract No. 078-0122-M) approved; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor (Public Safety Services/Purchasing).

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

In response to query by Commissioner Roche regarding the funding structure, Administrator LaSala related that the Department of Environment and Infrastructure is paying its proportional share of the costs.

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At this time, 3:56 P.M., Commissioner Long returned to the meeting.

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- #12 Appointment of Curt Hinson to the Construction Pre-Qualification Committee representing the Suncoast Utility Contractors Association approved (Purchasing).

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

- #13a Other Administrative Matters:

Announcement of a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing to be held at the Board of County Commissioners meeting on May 7, 2013, on behalf of Mease Manor, Inc. to finance healthcare facilities improvements and to refund Pinellas County Health Facilities Authority bonds.

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In response to query by Commissioner Roche, Chief Assistant County Attorney Dennis Long explained the Tax Equity Fiscal Responsibility Act process.

- #13b Resolution No. 13-33 adopted petitioning the Legislature for the State of Florida to fully implement health care expansion under the Patient Protection and Affordable Care Act (Health and Human Services).

In response to queries by Commissioner Roche, Chairman Welch related that other states are implementing the provisions of the Patient Protection and Affordable Care Act; that many Pinellas County citizens will not have access to health care if the State rebuffs the Act; that the State is using other federal funds to balance its budget without questioning whether the funds will be available; that the Federal Government will fund the expansion for a number of years; and that the resolution asks that the State access the federal dollars, no matter which plan is approved.

Senior Assistant County Attorney Carl E. Brody indicated that the resolution references the Supreme Court case which affirmed that states may accept the funding and create their own expansion plan; whereupon, Attorney Bennett noted a scrivener's error in the next to the last paragraph of the resolution, noting that it will be corrected.

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

- #14 County Attorney Miscellaneous – None.

- #15 Sitting as the Emergency Medical Services Authority, the Board approved the appointment of George McCarthy to the Pinellas County Emergency Medical Services Advisory Council for a two-year term.

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

- #16 County Administrator Reports – Citizen Survey Results

Administrator LaSala provided background information regarding the citizens' survey, relating that the survey is statistically valid and in its third year; that the first survey was used to guide the budget process and, thereafter, to gauge citizens' values and help shape the strategic planning process; and that questions regarding trust and confidence of the

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Pinellas County local government were implemented this year, and Pinellas County ranked above the national benchmark.

HCP & Associates Senior Research Manager Sarah Lindemuth conducted a PowerPoint presentation titled *Pinellas County Citizen Research: Telephonic Study of Citizen Values*, a copy of which has been filed and made a part of the record, and provided a brief overview, stating that the goal is to understand the citizens' values and expectations.

In response to queries by Chairman Welch, Ms. Lindemuth indicated that 200 interviews were completed in each region, which consisted of north county, mid-county, south county, and the beaches, totaling over 800 interviews with Pinellas County citizens, utilizing random digit dialing of landlines and cell phones at diverse times to ensure responses were scientific and representative; that there was not a specific line item for Hispanics; that there were more citizens that would recommend Pinellas County as a place to live, work, raise children, and retire than in the 2012 survey; and that citizens with higher household incomes would be more apt to recommend Pinellas County as a place to live than citizens with lower household incomes, south county, and African-American respondents, as is consistent with last year; whereupon, Chairman Welch noted that the results align with the economic impact poverty report.

Following the presentation and in response to query by Chairman Welch, Administrator LaSala related that staff will use the survey results, trend line data, and key driver analysis to improve and fine-tune delivery of services, community engagement, community out-reach, and policy recommendations to the Board. He stated that the survey data will be analyzed and aligned with the five target areas and the Economic Impacts of Poverty; that the data will be refined for precise analysis of census information by census tract that examines socioeconomic factors and the availability and delivery of services; and that the survey results will be distributed to each mayor and each city manager for their review.

#17 County Administrator Annual Performance Review

Chairman Welch indicated that the results of County Administrator Robert S. LaSala's annual performance review are included in the agenda package. Noting that the Administrator's job is always a challenge, made even more difficult in times such as this, the members thanked him for his hard work; whereupon, Administrator LaSala thanked the Board for their encouragement and support, and acknowledged staffs' commitment and dedication that make him successful.

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

#18 County Commission Miscellaneous:

- a. Property Appraiser Pam Dubov provided information re proposed additional property tax exemption for low income seniors; Board consensus not to take up the issue at this time (heard earlier in the meeting).
- b. Commissioner Long expressed appreciation for the work of Commissioner Latvala on the free dental clinic for citizens who cannot afford care; requested a presentation by one of the participating dentists on how the clinic came about and regarding ongoing services on a volunteer basis.
- c. Commissioner Morroni reported that he attended the groundbreaking ceremony for the Secrets of the Sea Marine Exploration Center and Aquarium, and noted that Executive Director Howard Rutherford mentioned funding from the fifth cent tax.
- d. Commissioner Seel related her interest in pursuing the Pinellas Park plan for fire coverage in the High Point area. Commissioner Welch indicated that the Board will proceed with the Request for Proposals while analyzing the Pinellas Park plan; and that he is not sure whether the Cities of Largo and St. Petersburg intend to bid, and Administrator LaSala concurred; whereupon, Attorney Bennett noted that there is a budget timing constraint.
- e. Commissioner Justice reported that he attended a Honor Flight Welcome at St. Petersburg-Clearwater Airport for World War II veterans.

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f. Commissioner Latvala requested that the Board reconsider the Property Assessed Clean Energy (PACE) initiative, noting that the administering agency has been chosen and funding secured. Board agreed that a workshop will be scheduled with presenters from all interested groups, with local municipal officials invited to attend.

noted email referencing an amendment to prevent local governments from restricting fertilizer use and urged the Board to contact elected officials on the committee.

g. Commissioner Roche related that he attended the services for the passing of community and veterans' advocate Bill Hutton.

discussed *Bay Soundings* article relating to Tampa Bay water pollution.

h. Chairman Welch extended thoughts and prayers to the family of Clerk's employee Robert Woodall.

acknowledged a gift from the Board and the Administrator to the Police Athletic League on behalf of past Chairman Morroni. Related the Sheriff's offer to make the Forfeiture Fund available to the Board for attendance at public safety events, for which the Board expressed appreciation and agreed to accept.

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At this time, 5:04 P.M., the meeting was recessed and reconvened at 6:01 P.M. with all members present.

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#19 Resolution No. 13-34 adopted approving the application of Joseph G. Offerman and Stephen E. LoJacono for a change of zoning from R-2, Single Family Residential, to A-E,

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Agricultural Estate Residential, and a variance to allow the keeping of livestock as an accessory use without establishment of a primary use (i.e., single family home) (Z-5-2-13), re approximately 12 acres located on the east side of Jasmine Way, 365 feet south of Mary Lane in the unincorporated area of Tarpon Springs. The Local Planning Agency (LPA) recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Roche

Responding to query by Chairman Welch, Lisa L. Offerman, Tarpon Springs, indicated that the applicant is in agreement with the seven conditions included in the LPA recommendation; whereupon, in response to queries by Commissioners Long and Morroni, Planning Department Zoning Manager John F. Cueva related that notices had been sent to surrounding property owners and to the Homeowners' Association; that no phone calls or letters have been received; and that the LPA held two hearings, as the applicant had been unable to attend the first one.

Vote	-	7 – 0
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#20 MISCELLANEOUS

Administrator LaSala related that he has been approached by Pasco County regarding the possibility of its acquiring the Crossbar Ranch property, currently owned by Pinellas County; whereupon, he provided historical background information, indicating that previous discussions regarding the matter were discontinued when anticipated Florida Forever funding from the state became unavailable. Noting that nearly five years have passed, Mr. LaSala indicated that Pasco County has accumulated Penny for Pasco money and wishes to revive discussions; that he believes the proposal warrants a review and discussion by the Board; and that staff is in the process of preparing a memorandum and fact sheet regarding the matter. At the direction of Chairman Welch, Mr. LaSala indicated that he will schedule a workshop for the earliest possible date.

Commissioner Morroni indicated that he has been approached by former State Representative Mark Ogles to determine the Board's interest in pursuing a Sister City/Sister County affiliation with the City of Berlin, Germany. Discussion ensued wherein the members indicated a willingness to consider the proposal following receipt of detailed information, including identification of the sponsoring organization.

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Commissioner Seel noted that Countywide Planning Authority land use Case No. CW 13-02, a proposal by the City of Safety Harbor, is scheduled for a 9:30 A.M. public hearing at the May 7, 2013 County Commission meeting, and pointed out that the case is likely to be controversial, questioning whether the hearing might be continued until the next evening meeting to allow for greater public participation. Commissioner Morroni indicated that the Safety Harbor City Commission voted 3 to 2 in favor of the request and the Pinellas Planning Council recommended approval by a vote of 8 to 5, with a request that additional information be provided; whereupon, responding to comments by Commissioner Seel, Attorney Bennett indicated that a continuance at the May 7 meeting would not require an additional advertisement; and that staff will discuss the proposed continuance with the applicant prior to the scheduled May 7 hearing.

#21 Meeting adjourned at 6:13 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk