

AGENDA ITEM # 1
June 18, 2013

1. APPROVAL OF MINUTES:

Regular Meeting held May 21, 2013.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MAY 21, 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; Charlie Justice; Janet C. Long; and John Morroni.

Others Present: James L. Bennett, County Attorney; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Board Reporter, Deputy Clerk.

INVOCATION: Pastor Pat Glenn, Clearwater First Nazarene Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Roche.

PRESENTATIONS AND AWARDS:

1. Presentation of the President's Call to Service Award
2. Presentation of National Public Works Week Proclamation

CITIZENS TO BE HEARD

David Ballard Geddis, Jr., Palm Harbor, re reclaimed water/fee simple.

Darlene Kavanagh, Belleair Bluffs, re City issue and ordinance.

➤ Attorney Bennett to have conversation with city attorney.

Wanda Rusinowski, Belleair Bluffs, re fire station.

Mark Klutho, Largo, re stupidity and waste.

Greg Pound, Largo, re Pinellas County government.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 13 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 5 AND 12a, WHICH WERE CONSIDERED UNDER ITEM NO. 14.

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

1 Minutes of regular meeting of April 23, 2013 approved.

2 Reports received for filing:

- a. Juvenile Welfare Board Monthly Financial and Investment Report dated March 31, 2013.
- b. Dock Fee Report for the Month of April 2013.

3 Vouchers and Bills Paid

Period April 14 through April 20, 2013

Payroll – None.

Accounts Payable

Checks – \$5,457,652.82

ACH Transfers – \$2,649,735.08

Wire Transfers – \$2,442,067.10

Period April 21 through April 27, 2013

Payroll

ACH – \$2,889,733.04

Checks – \$28,776.38

Third Party ACH – \$15,714.76

Third Party Checks – \$1,613.63

Accounts Payable

Checks – \$9,373,563.14

ACH Transfers – \$4,030,935.98

Wire Transfers – \$726,573.39

4 Miscellaneous Items Received for Filing:

- a. City of Clearwater Notice of Public Hearings regarding Annexation, Land Use Plan, and Zoning Atlas amendments for proposed Ordinances Nos. 8395-13 through 8397-13 to be held June 6, 2013.
- b. City of Dunedin Notice of Public Hearing regarding proposed Ordinance No. 13-13 to be held June 6, 2013, annexing certain property.
- c. City of Largo Notice of Public Hearing regarding proposed Ordinance No. 2013-46 to be held June 4, 2013, annexing certain property.
- d. City of Oldsmar Notice of Public Hearing regarding proposed Ordinance No. 2013-12 to be held May 21, 2013, voluntarily annexing certain property.
- e. City of Oldsmar Resolution No. 2013-09 adopted April 16, 2013, urging the administration and Congress of the United States to preserve the current tax-exempt status of municipal bonds.

- f. City of St. Pete Beach Resolution No. 2013-06 adopted April 23, 2013, requesting the Board of County Commissioners to proceed with funding the installation of permanent rock structures on Upham Beach in 2013.

5 See Agenda Item No. 14.

- # 6 Installation of two multi-way stops to be located on North Jasmine Avenue as a three-way stop at North Jasmine Avenue and Mary Lane, and a three-way stop at North Jasmine Avenue and Sail Harbor Circle in accordance with the Residential Traffic Management (RTM) program adopted pursuant to Resolution No. 97-291 dated October 14, 1997 and revised June 4, 2002 and June 7, 2005 approved (Department of Environment and Infrastructure).

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

- # 7 Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the construction of the Sunset Point Road Safe Routes to School Sidewalk Improvements Project – Douglas Avenue to Kings Highway – Sandy Lane Elementary School (Contract No. FDOT FPN: 430246 1 58 01; County PID No. 000327A), approved in the amount of \$100,000.00; Chairman authorized to sign and the Clerk to attest (Department of Environment and Infrastructure).

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

- # 8 Award of bid to E-One, Inc., for Airport Fire Protection Truck (Bid No. 123-0133-B) approved for an estimated total expenditure in the amount of \$535,396.00 (FAA Grant (90%), \$481,856.00; Airport Reserves (10%), \$53,540.00), on the basis of being the lowest responsive, responsible bid received meeting specifications; County Administrator authorized, within delegated authority, to amend the contract for future additions/deletions during production if required (Airport).

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

May 21, 2013

9 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>
Airport	Operating Permit for Non-Exclusive Commercial Ground Transportation with:		
	(a) Hilton St. Petersburg-Carillon Park	(a-d) \$600.00 each; Revenue	5.1.13
	(b) LaQuinta Inn & Suites		5.1.13
	(c) Homewood Suites by Hilton		4.29.13
	(d) Holiday Inn		4.22.13
Airport	Airline Operating Permit with Sunwing USA, Inc. for Airport Rights and Privileges	\$74,095 Revenue	4.10.13
Airport	State of Florida Department of Transportation Supplemental Joint Participation Agreement for Phase I Pavement Rehabilitation	\$209,999.00 Revenue	4.1.13
Convention and Visitors Bureau	Sponsorship Agreement with St. Petersburg Clearwater Film Society	\$1,500.00	4.30.13
Convention and Visitors Bureau	Approval of Indemnification Provisions for Event Contract with Bright Business Media, LLC for the Smart Meeting Event	N/A	4.4.13
Department of Environment and Infrastructure	Partial Release of Cash Completion Surety for Sunset Crossings	N/A	4.12.13
Department of Environment and Infrastructure	County Incentive Grant Program Agreement with the Florida Department of Transportation (FDOT) for the Design Activities of the Belcher Road and Belleair Road Intersection Improvement Project	\$126,000.00 FDOT Funding, Equal County Match	3.21.13
Department of Environment and Infrastructure	Notice of Liens (51)	N/A	3.18.13
Department of Environment and Infrastructure	Release of Liens (23)	Liens have been paid in full	3.14.13
Department of Environment and Infrastructure	Notice of Liens (13)	N/A	3.12.13

May 21, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Department of Environment and Infrastructure	Notice of Liens (6)	N/A	3.8.13
Department of Environment and Infrastructure	Release of Liens (13)	Liens have been paid in full	3.7.13
Department of Environment and Infrastructure	Notice of Liens (9)	N/A	3.5.13
Department of Environment and Infrastructure	Release of Liens (11)	Liens have been paid in full	2.26.13
Department of Environment and Infrastructure	Notice of Liens (17)	N/A	2.25.13
Department of Environment and Infrastructure	Release of Liens (14)	Liens have been paid in full	2.21.13
Economic Development	Cost Reimbursable Subagreement with the University of South Florida for "Florida Small Business Development Center 2013" Grant Support	\$59,810.00 Revenue	4.10.13
Economic Development	Memorandum of Understanding with Enterprise Florida, Inc. for Job Creation Opportunities	N/A	11.13.12
Emergency Management	Memorandum of Understanding with the School Board of Pinellas County for Design and Retrofit Enhancements at Two Elementary Schools for Hurricane Risk Shelter Space	\$88,200.00	4.22.13
Emergency Management	Memorandum of Understanding with the School Board of Pinellas County for Design and Construction Enhancements for Medical Services at Gibbs High School, a Risk Shelter for Evacuations	\$17,876.00	4.1.13
Health and Human Services	Amendment No. 2 to the Mobile Medical Unit Mental Health Services Agreement with Directions for Mental Health, Inc. for Health Care Services to Homeless Indigent Citizens	\$75,000.00	4.15.13

May 21, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Health and Human Services	Amended and Restated Managed Pharmacy Benefit Services Agreement with National Association of Counties and CaremarkPCS Health, LLC for a Prescription Discount Card Program	Estimated Revenue up to \$20,000.00	2.20.13
Justice and Consumer Services	Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program Financial and Progress Reports	N/A	4.29.13
Justice and Consumer Services	Grant Application with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for Substance Abuse Treatment	\$325,000.00 Grant Revenue	4.16.13
Justice and Consumer Services	First Amendment to the Agreement with Pinellas Ex-Offender Re-Entry Coalition for Case Management and Employment Training	N/A	4.10.13
Parks and Conservation Resources	Amendment No. 3 to the Contract with Orange County, Florida for Lab Analysis for Volatile Organic Compounds	\$18,090.00 Revenue	3.27.13
Real Estate Management	Easement with Family Dollar Stores of Florida, Inc. for Public Roadway, Sidewalk, Drainage and Utility Purposes	N/A	4.30.13
Real Estate Management	(a) License Agreement with the Pinellas County School Board for Construction of a Parking Area on Lakeview Road in Clearwater	(a) N/A	4.25.13
	(b) Agreement Regarding Release of Easements with the Donaldson Family Partnership LLLP for termination of easement	(b) \$750.00 Revenue	
Real Estate Management	Internal Revenue Service Form 8283 Non-Cash Charitable Contribution for a Conservation Easement	N/A	4.12.13
Real Estate Management	Renewal of Limited License Privilege Agreement with Progress Energy Florida at Weedon Island	N/A	4.5.13

May 21, 2013

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Real Estate Management	Sovereignty Submerged Lands Easement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Honeymoon Island	\$606.00	3.14.13
#10	Resolution No. 13-39 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (Paul Coverdell Forensic Sciences Improvement Grant to the Medical Examiner) (Management and Budget).		
	Motion	- Commissioner Latvala	
	Second	- Commissioner Morroni	
	Vote	- 7 – 0	
#11	Resolution No. 13-40 adopted accepting the Quit Claim Deed with Linger Longer Mobile Home Park, LLC (Property Address: Anclote Road, Tarpon Springs) for a portion of right-of-way conveyance (Real Estate Management/Department of Environment and Infrastructure).		
	Motion	- Commissioner Latvala	
	Second	- Commissioner Morroni	
	Vote	- 7 – 0	
#12a	See Agenda Item No. 14		
#12b	Notice of new lawsuit and defense of the same by the County Attorney in the case of Daniel Machado versus Pinellas County Board of County Commissioners and 21 st Century Centennial Insurance Company – Circuit Civil Case No. 13-003467-CI-015 – Allegations of Negligence Resulting in Personal Injuries.		
#13	Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the renewal of Certificates of Public Convenience and Necessity for providers of non-medical wheelchair transport, as follows, in accordance with Section 54, Pinellas County Code:		
	Care Ride, L.L.C.		
	Comfort Coach Wheelchair Transportation, Inc.		
	Express Medical Transporters, L.L.C.		
	Lifefleet Southeast, Inc., d/b/a American Medical Response (AMR)		
	Mac J Transport, Inc.		

MedFleet, Inc.

Tender Touch Transport Service, L.L.C.

The Crisis Center of Tampa Bay d/b/a TransCare Medical Transportation Services

Trinity Mobile, Inc., d/b/a A Trinity Wheelchair Transportation

Wheelchair/Stretcher Limo, Inc.

Wheelchair Transport Service, Inc.

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

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

- # 5 Award of bid to the following vendors: All About Hauling, Inc.; Angelo's Aggregate Materials, Ltd., d/b/a Angelo's Recycled Materials; Davis Concrete, Inc.; and Florida Dirt Source, LLC (Bid No. 123-0215-B) for Road and Landscape Material (Co-op) approved on the basis of being the lowest responsive, responsible bid received meeting specifications (total estimated annual expenditure not to exceed \$460,350.02; Co-op estimated annual expenditure not to exceed \$339,077.82; Pinellas County estimated annual expenditure not to exceed \$121,272.20); contract is for a period of 12 months with four 12-month extensions to be exercised only if all terms and conditions remain the same and the County Administrator or Director of Purchasing grants approval; term extensions will allow for price adjustments (increases/decreases) in an amount not to exceed the average of the Producer Price Index (PPI) for Nonmetallic Mineral Products, Not Seasonally Adjusted, for the 12 months prior to extension or three percent, whichever is less. County Administrator authorized to amend the contract pertaining to specifications, revision or additions/deletions (Department of Environment and Infrastructure/Purchasing).

Commissioner Roche queried as to why the County is purchasing mulch instead of using the mulch at the Solid Waste Facility; and, later in the meeting, County Administrator LaSala confirmed that mulch from the Solid Waste Facility is used by County departments, however, because the mulch is not of ornamental landscape quality, it is not suitable for landscaped decorative beds and outside sources are used; whereupon, Commissioner Roche moved, seconded by Commissioner Latvala and carried, that Agenda Item No. 5 be approved.

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

- #12a Notice of new lawsuit and defense of the same by the County Attorney in the case of Florida Gulf Coast Center for Fishing Foundation, Inc. versus Pinellas County, – Circuit Civil Case No. 13-3905CI-007 – Allegations of Breach of Contract.

In response to queries by Commissioner Roche, Attorney Bennett related that the Board authorized his office to file suit; and that after attempts to discuss the matter with the other party failed, suit was filed and is proceeding through a series of cross-claims; whereupon, Commissioner Roche moved, seconded by Commissioner Long and carried, that Agenda Item No. 12a be approved.

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

- #15 Resolution No. 13-41 adopted dedicating a portion of County-owned property in Section 32, Township 30 South, Range 16 East as public road right-of-way for the Lealman Area Drainage Improvement Project (PID No. 1628/000957A); Clerk authorized to record the resolution.

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

- #16 Resolution No. 13-42 adopted renaming the Pinellas County Criminal Justice Center to the Pinellas County Justice Center.

Motion	-	Commissioner Long
Second	-	Commissioner Latvala

In response to queries by Commissioner Roche, Administrator LaSala discussed the fiscal impacts associated with the name change, indicating that the budget estimate to replace a building sign, a monument sign, and several directional street signs is approximately \$15,000.00; that while the cost of purchasing new letterhead is nominal, the stakeholders have agreed to exhaust existing stationery supplies during the installation period; and that all of the costs, including the installation of signage, are operating expenses and not part of the \$225 million master plan.

In response to the Chairman's call for citizens wishing to be heard, Chief Judge J. Thomas McGrady appeared and spoke in support of the item. He indicated that changing the building name to eliminate the word "criminal" from the title best represents the proceedings taking place in the building; that the constitutional officers located in the facility are in agreement with the new name; and that all of the existing paper stock will be depleted prior to any new stock being used.

Vote - 7 – 0

- #17a Resolutions No. 13-43 (7321 3rd Avenue North) and No. 13-44 (405 Central Avenue, Suite 700) adopted granting ad valorem tax exemptions for historic properties located in the City of St. Petersburg; Chairman authorized to sign the Historic Preservation Property Tax Exemption Covenants for the subject properties.

Motion - Commissioner Latvala

Second - Commissioner Long

During discussion and in response to queries by Commissioner Roche regarding the historic property located at 405 Central Avenue, Kimberly Hinder, City of St. Petersburg Historic Preservation Planner, indicated that even though the facade of the entire building has been restored, a *Historic Preservation Property Tax Exemption Covenant* must be submitted for each condominium unit wishing to be considered for the tax exemption; and that requests for several other units have formerly come before the Board; whereupon, Commissioner Morroni thanked Ms. Hinder for her years of service on the Historic Preservation Advisory Board.

Vote - 7 – 0

- #17b Resolution No. 13-45 adopted granting an ad valorem tax exemption for a historic property located in the City of St. Pete Beach (104 7th Avenue); Chairman authorized to sign the Historic Preservation Property Tax Exemption Covenant for the subject property.

Motion - Commissioner Long

Second - Commissioner Morroni

Vote - 7 – 0

- #18 Revised Draft Interlocal Service Boundary Agreement with the City of Clearwater, City of Dunedin, Town of Kenneth City, City of Largo, City of Pinellas Park, City of Safety Harbor, City of St. Petersburg, City of Seminole, and City of Tarpon Springs approved as amended. Staff directed to prepare an ordinance for adoption of the amended agreement if it is found to be acceptable by the participating municipalities.

Motion - Commissioner Long

Second - Commissioner Roche

In response to queries by Chairman Welch and Commissioner Long, General Planning Division Manager Gordon R. Beardslee related that Type A enclaves are unincorporated areas that are enclosed on all sides by a single municipality; whereupon, referring to a map, he pointed out two Type A enclaves located within the City of St. Petersburg, noting that one is a commercial or industrial property and the other a mobile home park.

Vote - 7 – 0

Following the vote and in response to queries by Chairman Welch regarding next steps, Administrator LaSala related that staff will prepare an ordinance and return at a later date for Board approval.

Later in the meeting, Mr. Beardslee presented additional information regarding the Agreement, indicating that the cities are including a requirement beyond what is required in Chapter 171, Florida Statutes. He indicated that Section 6 of the Agreement is being amended to reflect that municipalities wishing to annex properties will notify property owners by certified mail prior to a public hearing.

In response to queries by Commissioners Roche and Long, Mr. Beardslee indicated that the revised wording clarifies that notice to the property owner by certified mail is in addition to what is currently required in Chapter 171, Florida Statutes; whereupon, he related that the City of Largo assisted in the revision process and is in support of the amended language.

Following brief discussion and upon advice by Attorney Bennett, Commissioner Long moved, seconded by Commissioner Morroni, that the item be approved as amended.

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

- #19 Staff authorized to pursue a request to rescind the Development Order for the Pinellas County Florida Quality Development (Criminal Courts Complex and Jail Expansion). Authorization granted to advertise a public hearing on July 23, 2013 to consider a request to the Florida Department of Economic Opportunity to rescind the Development Order.

Administrator LaSala reported that Pinellas County Government has met all of the requirements contained in the 1992 Development Order; and that it should be rescinded since current development review procedures duplicate the review process.

Motion - Commissioner Long

May 21, 2013

Second - Commissioner Latvala
Vote - 7 – 0

- #20 Non-Ad Valorem Assessment Agreement with the Pinellas County Property Appraiser to implement the provisions of Section 197.3632, Florida Statutes, governing the uniform method for the levy, collection, and enforcement of non-ad valorem assessments for the purpose of providing surface water services, facilities, programs, and management systems to property within the unincorporated areas of Pinellas County approved; Chairman authorized to sign the agreement and the Clerk to attest (Department of Environment and Infrastructure).

Administrator LaSala indicated that approval of the agenda item will establish an agreement with the Property Appraiser should the County Commission choose to create a stormwater benefit district and levy a special assessment within the unincorporated areas of Pinellas County.

Motion - Commissioner Latvala
Second - Commissioner Long

Commissioner Roche stated that he remains opposed to the course of action being pursued by the Board; and that he will present an alternative approach for consideration during the County Commission Miscellaneous portion of the meeting.

Commissioner Morroni indicated that he had recently met with Janet Rogers, Executive Director, Pinellas Park Water Management District (PPWMD); that Ms. Rogers is working with local residents and other stakeholders regarding the distinct role of the Water Management District versus the Surface Water Utility; and that a minimal number of unincorporated area residents live in the PPWMD.

Vote - 6 – 1 (Commissioner Roche dissenting)

- #21a Resolution No. 13-46 adopted approving Project B2101056719 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$250,000.00 to be paid over a series of fiscal years as determined by the State) (Economic Development).

In response to queries by Chairman Welch and Commissioner Long, Administrator LaSala, with input by Economic Development Director Mike Meidel, indicated that the total tax refund is projected to be \$2.5 million, which is calculated at \$12,500.00 per job with a total of 200 new jobs and based on pay scales at or above 200 percent of the

average annual wage; and that no funds will be disbursed until the company meets its job creation and wage commitments; whereupon, Commissioner Seel commented that the application is one of the best presented to the County in a long time.

Motion - Commissioner Seel
Second - Commissioner Latvala

In response to queries by Commissioner Roche, Mr. Meidel reported that because job creation will take place over a three-year period, the tax refund incentive will likely be distributed to the applicant over a period of seven years; and that the timeframe will be finalized upon conclusion of the negotiation process between the state and the company; whereupon, he related that the minimum distribution period for any tax refund incentive is four years.

Vote - 7 – 0

- #21b Resolution No. 13-47 adopted approving Project B3040845224 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$120,000.00 to be paid over a series of fiscal years as determined by the State) (Economic Development).

In response to queries by Chairman Welch, Administrator LaSala indicated that the total tax refund is projected to be \$1.2 million, which is calculated at \$6,000.00 per job with a total of 200 new jobs and based on pay scales at or above 150 percent of the average annual wage.

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

- #22 Extension and modification of an Interlocal Agreement between Pinellas County and the Sixth Judicial Circuit Court of Florida for County-funded court employees approved for execution (existing agreement expires June 30, 2013; term of this agreement extends an additional three years through June 30, 2016 with an additional four-year renewal period upon mutual agreement of the County and the Court); total value associated with the agreement is approximately \$1,750,635.00; Chairman authorized to sign the agreement and the Clerk to attest (Justice and Consumer Services).

Motion - Commissioner Seel
Second - Commissioner Latvala

May 21, 2013

In response to queries by Commissioner Roche, Justice and Consumer Services Director Tim L. Burns provided background information regarding the extension and modification of the interlocal agreement, indicating that no substantive changes have been made, and only the term of the original agreement has been amended; whereupon, following lengthy discussion, Administrator LaSala clarified that the agreement is for a three-year term, and can be renewed for one additional four-year term.

In response to queries by Chairman Welch regarding the correctness of the document language, Mr. Burns related that the wording of the terms had been proposed by the Court. Attorney Bennett indicated that Sixth Judicial Circuit General Counsel Elaine New and he would review the document language; whereupon, Commissioner Seel amended her motion to accept the document pending review by legal counsel, and Commissioner Latvala concurred.

In response to the Chairman's call for citizens wishing to be heard, Chief Judge J. Thomas McGrady appeared, spoke in support of the item, and presented additional background information; whereupon, Chairman Welch stated that Ms. New had provided a comment card expressing support for the item.

Vote - 7 – 0

#23 Other Administrative Matters – None.

#24 County Attorney Miscellaneous – None.

#25 County Administrator Report – Fallen Soldiers Memorial Recommendations

Administrator LaSala discussed a proposed policy for recognizing fallen soldiers from Operation Enduring Freedom and Operation Iraqi Freedom; whereupon, Commissioner Latvala moved, seconded by Commissioner Long and carried, that the policy be approved.

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

Following the vote, Chairman Welch thanked Administrator LaSala and his staff for their hard work on the item.

- #26 County Administrator Report – City of St. Petersburg Proposed Community Redevelopment Area (CRA) Tax Increment Financing (TIF) Districts – Consensus to proceed. Administrator LaSala to ask City of St. Petersburg to gather information to be presented to the Board; staff to work with City staffs on Healthy Communities Initiative Projects; workshop to be held in fall of 2013.

Administrator LaSala indicated that on April 24, 2013, the City of St. Petersburg met with Pinellas County staff and recommended a proposed CRA and two potential TIF districts; that the item has returned pursuant to Board direction provided at the October 16, 2012 BCC meeting; and that he would like guidance regarding how to proceed; whereupon, Chairman Welch reported that the item came forward subsequent to the Healthy Communities Initiative and a request from the Belleview Biltmore for a CRA; that St. Petersburg wants to ensure that the County remains supportive of moving forward; that St. Petersburg would need to return with specific projects that align with the goals stated in the Healthy Communities Initiative; that those projects would be subject to the County's normal fiscal and programmatic review for CRAs and TIF districts; and that he wants to proceed and utilize CRAs for their intended purpose of addressing issues of longstanding poverty and slum and blight.

Chairman Welch indicated that the members previously questioned whether Pinellas County should create Community Redevelopment Areas and Tax Increment Financing Districts in the communities of Greenwood, High Point, Lealman, and Tarpon Springs. He opined that CRAs and TIF districts should be created in those communities to address the various aspects of poverty as outlined in the *Economic Impact of Poverty Report*, and should include criteria that connect it to the Healthy Communities Initiative; whereupon, he indicated that even though the timetable of St. Petersburg and the County are not entirely aligned, he would like to move forward with the expectation that hard financial numbers will be provided; that he wants to ensure criteria will be established that places an upper limit on the financial impacts to the County; and that he is enthusiastic about doing something in the unincorporated area, and Commissioner Long expressed her support.

Chairman Welch discussed the synergies that can be attained by local agencies working together in a collaborative manner, and related that the Juvenile Welfare Board has a presence in the aforementioned communities; whereupon, he and Commissioner Morroni pointed out that no representative from the City of St. Petersburg is in attendance.

Commissioner Long pointed out that CRAs can be enacted for up to 40 years; and requested that a financial breakdown be provided regarding reduced tax revenues to the

May 21, 2013

County; that criteria and standards be submitted for the areas being developed; and that project activity updates be presented at regular intervals; whereupon, Chairman Welch indicated that the County Commission will be provided the opportunity to review CRA accomplishments.

Administrator LaSala referred to the *Economic Impact of Poverty Report*, and indicated that while staff has not reviewed the areas of Greenwood, High Point, Lealman, and Tarpon Springs, the proposed CRA is situated within Zone 5 and qualifies for the creation of a CRA and likely a TIF district. He discussed the potential for creating a City/County CRA, and related that besides addressing infrastructure needs, it would set a precedent in the involvement of economic development, job creation, and safety. The Administrator indicated that a joint CRA would be an attractive pilot program and would allow the various municipalities and the County to leverage their efforts in a collaborative manner, but that because it is a broad concept, significant time would be required to address governance, policy, priority, program, project, financial, and legal issues; whereupon, Administrator LaSala requested that before his staff embarks on a major undertaking with respect to the other four zones, the members provide direction regarding how they wish to proceed, and discussion ensued.

In response to queries by Commissioner Morroni, Chairman Welch indicated that meetings have taken place between St. Petersburg, Pinellas County, and local residents; that St. Petersburg is interested in exploring the concept of creating a TIF district and/or a CRA in the Healthy Communities Initiative area; and that even though the TIF districts are small and require minimal funding, the concept is precedent setting; whereupon, Commissioner Morroni discussed the benefits of local governments entering into collaborative partnerships, indicating that he wants to further explore the concept of a City/County CRA as proposed by the Administrator; and Commissioner Roche agreed, but reminded the members that while 45 percent of poverty is located within the five communities, 55 percent is located elsewhere in the County.

Commissioner Latvala expressed concern regarding the Healthy Communities Initiative, and related that she is uncomfortable in not knowing where the entire program is headed, what projects are going to be targeted, and how the funding will operate; whereupon, she indicated that collaboration needs to take place so the stakeholders are moving in the same direction; and that she wants to see the bigger picture. Chairman Welch noted that no projects are currently programmed; that the County has yet to fund the Healthy Communities Initiative; and that stakeholders working together in close collaboration will determine a set of projects which must tie back to the Healthy Communities Initiative.

Administrator LaSala presented additional background information regarding the Healthy Communities Initiative, indicating that it includes department reorganizations and community partnerships and is a collaborative effort with the Health Department. He discussed the specific goals of the program, such as enhanced code enforcement, expansion of the volunteer dental network, and juvenile justice system reform, relating that those goals correlate well within a CRA and offer an opportunity for collaboration. He presented detailed information regarding program funding, relating that many of the projects would be undertaken with existing resources. Chairman Welch indicated that a Community Redevelopment Area and a Tax Increment Financing District can help to address the impacts of poverty and associated problems; and that he wants to allow the City of St. Petersburg to move forward, continue with the process, and return with financial information; whereupon, he asked for consensus for St. Petersburg to proceed.

Commissioner Seel opined that a critical juncture has been reached regarding the Healthy Communities Initiative; and suggested that a meeting or meetings be held with the stakeholders to determine the kinds of initiatives which are appropriate to fund with TIF dollars, and to explore additional resources which may be available to fund improvements. Commissioner Seel suggested that a letter be sent to the other four zones, regardless of today's decision, to explain the future plans of the County and to obtain input from those communities; and again pointed out that this is precedent setting, as past CRAs have only funded infrastructure, and human capital type investments are now being considered.

In response to queries by Commissioner Seel, Administrator LaSala indicated that only two small TIF districts are proposed within the St. Petersburg CRA; that one is intended to promote the growth of small business through an economic development initiative; and that the other is to fund the assembly of land for future development and redevelopment; whereupon, following brief discussion, Commissioner Seel reiterated her proposal for a joint meeting, relating that she is in favor of collaboration between local governments, and Commissioner Long agreed.

Responding to queries by Chairman Welch, Commissioners Morroni, Justice, and Long indicated that they were in support of a work session regarding CRAs and TIF districts in St. Petersburg and also the communities of Greenwood, High Point, Lealman, and Tarpon Springs with regard to financial considerations, countywide impacts, and governance issues; whereupon, Commissioner Roche reiterated that because poverty exists throughout the county and is not limited to the those five areas, he wants to focus on the county as a whole.

Administrator LaSala related that staff has conducted initial presentations regarding the Healthy Communities Initiative to the cities involved in the five zones; and that comprehensive follow-up discussions are currently taking place to determine the strategies and priorities of those communities; whereupon, following lengthy discussion, and in response to queries by Chairman Welch, Mr. Harness indicated that in order to allow sufficient time to consolidate the information obtained from the various meetings, early autumn would be an appropriate time to conduct a work session.

Chairman Welch confirmed that there was consensus among the members to proceed; whereupon, he directed the Administrator to communicate to the City of St. Petersburg that it can begin to establish projects, determine costs, and return with that information at a later date. He related that, in the interim, County staff will continue to work with city staffs on the Healthy Communities Initiative projects; and that a work session will be subsequently held to discuss the governance of the St. Petersburg CRA as well as the potential for the other communities.

#27 County Commission Miscellaneous:

- a. Commissioner Roche distributed document proposing alternative approach to stormwater issue for discussion at a later date.
- b. Commissioner Latvala reported that she had attended a RESTORE Act meeting and discussed associated costs to the County.
- c. Commissioner Justice announced that a reception would take place prior to the evening portion of the meeting and invited the members to stop by and say hello to the graduating class of Youth Advisory Council members.

inquired re further consideration of the Property Assessed Clean Energy (PACE) program, and Mr. LaSala indicated that further consideration would take place at a June workshop.
- d. Commissioner Long related that she had attended the Drug Court graduation ceremony and discussed the importance of the program.

reminded Board of Public Policy Institute meeting

May 21, 2013

tomorrow re guns and their effect in Pinellas County.

e. Commissioner Morroni wished veterans, their families, and all County residents a safe and happy Memorial Day weekend.

f. Commissioner Seel echoed Commissioner Morroni's comments and thanked veterans for their service.

g. Chairman Welch referred to a memorandum re the Pinellas County Construction Licensing Board (PCCLB); whereupon, Commissioner Long moved, seconded by Commissioner Morroni and carried, to appoint Stephen Lee to the PCCLB to fill the vacancy resulting from the resignation of Patrick Murphy.

related that he had attended the Pinellas Association for Retarded Children (PARC) Autism Behavioral Center grand opening; congratulated PARC on 60 years' service to the community.

thanked County Attorney for work on term limits issue and Board for retaining its focus during the litigation process.

* * * *

At this time, 3:36 P.M., the meeting was recessed and reconvened at 6:00 P.M. with all Commissioners in attendance.

* * * *

YOUTH ADVISORY COUNCIL (YAC) PRESENTATION

Commissioner Justice and YAC Advisor Ramona Madhosingh-Hector presented certificates of appreciation to Council members, with remarks by YAC Chairman, Adam Bentley.

SCHEDULED PUBLIC HEARINGS

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

- #28 Ordinance No. 13-11 adopted amending the Pinellas County Code by adding Article XI establishing a Municipal Services Taxing Unit (MSTU) to provide library services and facilities in the area comprising the East Lake Tarpon Special Fire Control District, and amending Section 78-2 removing the area of the East Lake Library Services District from the boundaries of the Pinellas County Library Services District. Three letters in favor of and one letter in opposition to the proposed ordinance have been received.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals appeared in support of the proposed ordinance:

Marcus Harrison, Palm Harbor, representing Palm Harbor Community Services Agency
Barbara Schultz, Tarpon Springs
Marcia J. Giza, Palm Harbor
Ronald J. Schultz, Sr., Tarpon Springs
Roger Johnson, East Lake Advisory Board– *spoke on behalf of four other persons present*

Motion	-	Commissioner Latvala
Second	-	Commissioner Morroni

In response to queries by Commissioner Roche, Attorney Bennett related that, while the Board has the authority to set the millage rate at any amount it deems appropriate, the MSTU could not be used as a vehicle to create a reserve fund for recreational facilities, as the ordinance as advertised is strictly for library services, and Commissioner Latvala provided input; whereupon, Commissioner Morroni acknowledged an e-mail from Mr. Johnson relating that the East Lake Library Advisory Board had voted unanimously not to support adding a recreation component to the ordinance.

During discussion and responding to query by Commissioner Long regarding governance, Chief Assistant County Attorney Dennis R. Long related that the Board would have two options, as follows:

- Continue the Library's existing relationship with the Palm Harbor Community Services Agency, which would require an agreement formalizing the services to be provided.
- Create an independent not-for-profit agency or utilize an existing agency to operate the East Lake Library.

Commissioner Long questioned the disparity between the millage rate of 0.25 for the proposed MSTU and 0.4 for other unincorporated residents, and Commissioner Latvala explained that the unincorporated residents pay for access to all the municipal libraries in the county; that the 0.4 mill covers Pinellas County Library Cooperative overhead; and that the remainder is divided among the member libraries.

Commissioner Justice noted that the ordinance clearly states that the Board of County Commissioners is the governing body for the library, indicating that it is important for staff to proceed with clarification of the operational governance issue.

Vote - 7 – 0

- #29a Resolution No. 13-48 adopted approving the application of Maaser ELWI I, LLP, through Katherine E. Cole, Johnson, Pope, Bokor, Ruppel & Burns, LLP, Representative, for a change of zoning from A-E-W, Agriculture Estate-Wellhead Protection Overlay, to RPD-2.5 (7.9 acres of uplands)-W, Residential, Multiple Family, 2.5 units per acre - Wellhead Protection Overlay and PC, Preservation Conservation (3.3 acres), with a Development Agreement to allow a 12 lot single family subdivision with a maximum height of 45 feet (revised to 30 feet) and a setback variance for Lot 9 to allow a five-foot setback where a 7.5-foot side setback is required (Z-8-4-13), re a parcel containing approximately 11.23 acres located at the southern terminus of Lesley Lane, Palm Harbor. The Local Planning Agency recommended approval of the application based on the staff report. Notices and letters with 188 signatures in opposition to the application have been received.

Referring to aerial photographs and the zoning and land use map, Planning Department Zoning Manager John F. Cueva identified the subject site and described surrounding land uses, noting that the site carries an Institutional land use designation, as it was originally proposed for a school; and that it is surrounded by single- and multi-family subdivisions zoned Residential Planned Development, 2.5 and 5.0 units per acre. Referring to the concept plan, Mr. Cueva discussed the provisions of the Development Agreement, noting that 12 single-family lots are proposed; that the requested variance will provide further separation between the home and the wetlands area; that landscaping will provide

May 21, 2013

substantial buffering from the residential neighborhood to the south; and that staff is of the opinion that the request is consistent with the development patterns in the area and the policies set forth in the Land Development Code and the Comprehensive Plan.

Responding to queries and concerns of the members, Mr. Cueva indicated that previous applications for rezoning of the property included clustering of units and numerous variances; that the applicant has received preliminary site plan approval without any red flags being raised by the Department of Environment and Infrastructure regarding stormwater management and drainage; that the proposal will be subject to full site plan review by the County and the Southwest Florida Water Management District (SWFWMD) permitting process; that site plans are reviewed and approved administratively by staff, not the Board of County Commissioners; and that the process will either continue or terminate based on the Board's approval or denial of the request at tonight's hearing, noting that the site plan will not receive final approval unless all issues are satisfactorily addressed; whereupon, he responded to queries by the members pertaining to the concept plan and allowable uses under the current A-E zoning.

Indicating that he represents the applicant at tonight's hearing, E. D. Armstrong, Esquire, Hill Ward Henderson, stated that the request is to rezone the property and approve a Development Agreement and setback variance; that no change to the land use map is proposed; and that a number of concerns voiced by the surrounding property owners are site plan related and not legally relevant to the Board's analysis and deliberation regarding the zoning request and Development Agreement; whereupon, he assured Commissioner Long that the applicant will not be issued a development permit if it cannot comply with each and every criterion of the site plan review.

Mr. Armstrong indicated that previous applications involved a different developer and consultant, a greater number of units, and a drainage plan that was not well thought-out; whereupon, he noted that the request is for 12 single-family homes on over 11 acres of land, the majority of which is uplands; that residential properties to the north and south have a higher density; and that comments from the County and SWFWMD indicate that site plan issues are very manageable. Responding to query by Commissioner Morroni, Mr. Armstrong indicated that he is unaware of the reason for the 45-foot height stipulation, and discussion ensued wherein he indicated that the intention is to allow for two habitable floors; and that the applicant would be amenable to a maximum height of 30 feet. In response to queries by Commissioner Roche, he stated that the developer has easement rights to allow access to Lesley Lane, which is common to two subdivisions;

May 21, 2013

and that he has agreed to mitigate any financial impact resulting from use of the road for development of the subject site.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals appeared in opposition to the application:

Karen Long, Oldsmar
Maureen M. Hourigan, Oldsmar
Candy Ryan, Oldsmar
David Feller, Oldsmar
David Kirby, Oldsmar
Katherine Knabel, Oldsmar - Vice President of Woodlands Estates Association
Robin Johnson, Oldsmar
Valerie Jablonowski, Oldsmar - President of Woodlands Estates Association
Frank Spagnola, Oldsmar
Nancy Walthen, Oldsmar* - Vice President of Quail Forest Board of Directors
John Schaefer, Esq., Oldsmar*

** spoke on behalf of four other persons present*

Concerns expressed by the objectors included the following:

- previous actions of the applicant relating to development of the property
- protection of the wetlands, including adherence to uplands buffer requirements
- maintenance of waterway owned by Woodland Estates Homeowners Association
- flooding
- destruction of wildlife habitat
- vehicular traffic
- noise mitigation
- density
- ingress/egress
- proposed 45-foot building height
- granting of access to private roads
- loss of trees
- additional burden on existing infrastructure
- the need to balance the rights of the developer with the public interest

Commissioner Latvala noted that tonight's hearing is a quasi-judicial proceeding and inquired as to the appropriateness of certain aspects of the testimony, stating that the

May 21, 2013

majority of the concerns will be addressed during the site plan review process; and Attorney Bennett confirmed that the Board must restrict its consideration to whether the requested zoning is consistent with the surrounding area and with the provisions of the Comprehensive Plan; whereupon, he noted that the Local Planning Agency has recommended that the application is consistent with the Comprehensive Plan.

Responding to queries by the members, Mr. Cueva related that access to private roads is a private matter between the developer and the Homeowners Association; that site access, noise, stormwater, and other issues are addressed during site plan review; that code requirements are much more restrictive than at the time Tarpon Woods was developed; and that if all code requirements are not met, the developer will not be issued a construction permit. Commissioner Seel inquired as to whether the Development Agreement could specify that the zoning revert to the previous classification if it is not developed within a set time period, and Attorney Bennett confirmed that it could.

Following discussion and upon the Chairman's call for rebuttal by the applicant, Alex Deeb, New Port Richey, appeared and indicated that he is under contract to purchase the property but does not own it yet, which is why the applications are in the name of the former developer. He related that Pinellas County Planning Department staff had provided him with the history of the property, suggested 12 units with a Development Agreement, and stressed the importance of meeting with neighboring homeowners, noting that four meetings have been held to date. Alluding to comments by the objectors pertaining to the integrity of the applicant, Mr. Deeb stated that his family is the oldest homebuilder in the state of Florida, having been in business for 81 years; that he has developed multiple properties in the Tampa Bay area, including four in East Lake Woodlands; that his commitments are in writing; and that he has never failed to follow through on a commitment.

Mr. Deeb indicated that he has submitted a complete set of plans to SWFWMD and received comments back; that an agreement with the Quail Forest subdivision board is currently under review by its attorney; and that he has made a written commitment to Quail Forest and Woodlands Estates to repair any roadway damage resulting from construction traffic.

In summary and responding to comments by the objectors, Mr. Armstrong stated that the testimony was given by non experts; that it primarily related to manageable site plan issues; and that the fact of the matter is that the requested zoning is compatible with the surrounding area. He related that steps are being taken to address the actions of the previous developer, which were unfortunate but do not reflect on the current development team; that he believes the applicant has the ability to access the roadways; that the Board

May 21, 2013

is not in the position to address roadway access, wetlands compliance, and other issues which will be subject to rigorous review by County staff and other permitting agencies; that restrictions are set forth in the Development Agreement; and that unless all matters are resolved, the site plan will not be approved.

Responding to queries by Chairman Welch, Mr. Armstrong reiterated his belief that the roadway access issue is decided, although there is disagreement among the neighbors, and project engineer Jaime Girardi, New Port Richey, provided information regarding the 100-year floodplain, indicating that a model has been submitted to SWFWMD for review; whereupon, Attorney Bennett provided historical information related to compensatory storage requirements in East Lake Woodlands, noting that the issue will be addressed at the site plan level.

In response to query by Commissioner Morroni, Mr. Armstrong confirmed that revision of the not-to-exceed height, as set forth in Section 6.1.3.2 of the Development Agreement, from 45 to 30 feet would be acceptable to the applicant.

Commissioner Roche expressed frustration regarding the County's process, stating that it appears nonsensical to approve a change of zoning before the other issues are worked out and that he cannot, in good conscience, support the change; whereupon, responding to his query, Attorney Bennett indicated that a vote for denial without prejudice would allow the applicant to return immediately with the same plan or a revised plan; however, denial of the rezoning on the basis of site plan issues would not be legally supportable.

Commissioner Latvala indicated that Mr. Deeb does not currently own the property; that he would not spend the money he has offered without some assurance that he will be able to build on it; that the cost to resolve the site plan issues will be substantial; and that the zoning change does not guarantee that anything can be developed on the property; whereupon, she moved approval of the zoning change and Development Agreement, stating that she wishes to resolve the matter once and for all by determining what could reasonably be built on the property that would meet all the applicable criteria. Confirming that the motion includes acceptance of the 30-foot height restriction, Commissioner Morroni seconded the motion.

Motion	-	Commissioner Latvala
Second	-	Commissioner Morroni

Discussion continued wherein Commissioner Long concurred with comments by Commissioner Latvala, expressing confidence in staff's ability to satisfactorily resolve all issues and requesting that the County Administrator report back to the Board as to the

final outcome in the matter. Commissioner Seel confirmed that the Development Agreement contains the termination clauses she referred to earlier in the meeting; and Commissioner Welch indicated that he supports the motion as one step in the process; that something will eventually be built and he believes protections are in place to support 12 units; and that access, stormwater, and other issues are yet to be resolved.

Vote - 6 – 1 (Commissioner Roche dissenting)

- #29b Resolution No. 13-49 adopted approving the application of Pinellas Community Housing Foundation, Inc., Trustee, Pinellas County Community Housing Program Land Trust, through John D. Carr, Contemporary Housing Alternatives of Florida, Inc., Representative, for a change of zoning from R-6, Mobile Home Parks and Subdivisions, to RM-12.5, Residential, Multiple Family, 12.5 units per acre, and a Special Exception to allow a 50-percent affordable housing density bonus (Z-9-4-13), re a parcel containing approximately 1.7 acres located on the west side of 31st Street North, 80 feet south of Haines Road in the unincorporated area of St. Petersburg.

The Local Planning Agency (LPA) recommended approval of the application based on the staff report. A letter of no objection has been received from the City of Pinellas Park. No citizens appeared to be heard.

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

#30 COUNTY ADMINISTRATOR MISCELLANEOUS

Follow up to discussion on Item No. 5

Administrator LaSala reported that staff has confirmed that mulch from the Solid Waste Facility is used extensively at the Botanical Gardens and in some park settings, but because the mulch is not ornamental landscape quality, mulch for landscaped decorative beds is purchased from outside sources.

Update on Reliable Septic & Sewer, Inc. Site Plan and Odor Control Issues

Director of Strategic Planning and Initiatives Larry Arrington reported that the Site Plan for the proposed Fat, Oil, and Grease (FOG) facility has been approved; however, the odor control issue remains; that fines have been imposed for violation of the Air Quality ordinance; and that staff is continuing to negotiate with the owner in pursuit of a Consent Order that will set forth an acceptable solution to the problem.

May 21, 2013

Lengthy discussion ensued wherein the members expressed frustration at the lack of progress to date in addressing the odor control problem. Responding to their queries and concerns, Mr. Arrington, Attorney Bennett, and Senior Assistant County Attorney David S. Sadowsky indicated the following:

- There have been six confirmed violations in February and March which have resulted in the assessment of \$3,000 in fines; payment is due to the County by June 10.
- Additional valid complaints will result in additional fines of up to \$500 per day.
- County staff are responding to continued complaints and are monitoring the site on a regular basis.
- A sufficient number of citations would be grounds for a nuisance violation, which could result in an injunction and shut the company down.
- The company's existing permit relates to the water quality pretreatment program, and the materials discharged into the sewer system meet the program requirements. The odor issue is an operational concern, not a performance concern, and would not constitute a basis for revoking the permit.
- The company recently experienced a leak at the entry to the Pinellas Park sewer system, contributing to the odor problem, and the matter is being resolved with the City.
- The Consent Order will not guarantee performance and can only acknowledge whether the odor control plan has a reasonable chance of success, as there is no way to guarantee the functioning of technology. There is no effective monitoring equipment for odors, other than the human nose.
- The zoning issue was corrected in January of this year, the site plan was issued last week, and the next step will be to pull permits to construct what is in the site plan, which is the course of action the County has asked the company to pursue.

Commissioner Long pointed out that, in January, the owner promised to be in compliance within three weeks; and suggested that the County "bump it up a notch" and pursue whatever legal remedies may be available; whereupon, she stated that the bottom line of the matter is that the business is located on a piece of property that is too small to sustain it.

May 21, 2013

Noting that he is not happy with how long it has taken to get to this point, Attorney Bennett indicated that the owner now has an approved site plan that will require him to invest money in order to meet regulatory and performance standards; and estimated that it will take approximately three weeks to bring the site into conformance with the site plan. He stated that, while he would be the last person to defend the owner's performance, he believes he was naïve in proposing a three week timeframe given the realities of the site plan process and the fact that the property straddles the jurisdictions of the City of Pinellas Park and Pinellas County, requiring him to deal with multiple agencies.

Chairman Welch inquired as to the County's options in the event that the matter is not resolved quickly, and Attorney Bennett related that it could continue to refer violations to the Magistrate and assess fines or pursue a nuisance injunction through the Criminal Court system, which could extend the timeframe considerably; whereupon, Attorney Sadowsky stated that staff has been working with the owner on an odor control plan and a facility management plan, and the parties are fairly close to incorporating the plans into a Consent Order that will require installation of equipment within a certain time period, which should remedy the problem; and if it does not, the Board could then pursue other options. Responding to comments by Commissioner Roche, Attorney Sadowsky stressed that the County's object is not to collect the money from the fines, but to remedy the odor problem.

Commissioner Roche stated that the Board has an obligation to the citizens to resolve the odor control issue; that it needs to put some "meat" in its codes to ensure compliance; and that he would be open to discussing an ordinance that would use the power of the Board to shut the business down.

Noting that the Commission feels it has been patient long enough, Chairman Welch suggested that Attorney Bennett come back to the Board with a progress report following the June 10 fine deadline; and that he be prepared to advise the members of their options should further action be necessary, and no objections were noted.

May 21, 2013

#31 Meeting adjourned at 8:40 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk