

AGENDA ITEM # 5
August 6, 2013

5. APPROVAL OF MINUTES:

Regular Meeting held July 9, 2013.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JULY 9, 2013 – 9:31 A.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; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Trudy Futch, Board Reporter, Deputy Clerk.

INVOCATION: Claretha N. Harris, Chief Deputy Clerk.

PLEDGE OF ALLEGIANCE: Commissioner John Morroni.

PRESENTATIONS AND AWARDS:

Presentation of a proclamation in recognition of Social Enterprise Week to Joseph Cuenco, Executive Director, Science and Technology Education Innovation Center.

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 HEARING – COUNTYWIDE PLANNING AUTHORITY (CPA)

1 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 13-15 approving Case CW 13-4, the proposal by the City of Gulfport to amend the Countywide Future Land Use Plan from Community Redevelopment District to Institutional, re 0.6 acre m.o.l., located at 1601 49th Street South (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

2 Sitting as the Countywide Planning Authority, the Board continued Case CW 13-5, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Estate (2.3 acres) and Residential Low Medium with Resort Facilities

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Overlay (11.5 acres) to Residential High, re 13.8 acres located at 2098 Seminole Boulevard and the contiguous southern parcel (regular amendment) to August 6, 2013.

One petition with 196 signatures in opposition to the proposed ordinance has been received. Pinellas Planning Council (PPC) recommended approval of the application, subject to the following conditions, and staff concurred:

1. The restrictions contained in the Development Agreement.
2. The submission of a Countywide Plan Map adjustment to Preservation for the resulting on-site wetlands following approval of the Development Order by the City of Largo.
3. The secondary access point on 20th Terrace SW will be used for emergency vehicles only.

PPC Council Executive Director Michael Crawford provided an overview of the case, indicating that the current designation of Residential Low Medium with Resort Facilities Overlay allows ten units per acre and is the only designation that allows travel trailers; and that the request is to change the designation to Residential High, which allows 30 units per acre, with a Development Agreement that will restrict the property to 19 units per acre overall once the Preservation comes into play.

Providing background information, Mr. Crawford stated that the project was heard as Case 12-16 at the PPC meeting in December 2012, and was deferred to the January 9, 2013 PPC meeting in order for the wetland areas to be clearly identified and for the Annexation Agreement to be replaced with a Development Agreement; and that subsequent to the December meeting, the City of Largo withdrew the case and the withdrawal was approved at the January PPC meeting. Mr. Crawford indicated that the case came back before the Council at the June 12, 2013 meeting as Case CW 13-5, at which time the case was approved as recommended by staff with the conditions stated above.

Mr. Crawford related that at the December PPC meeting, many people from the neighborhoods around the project appeared in objection, but only the internal residents of the Briarwood Recreational Vehicle (RV) Park appeared at the June meeting.

Mr. Crawford related that the property is located in the City of Largo's local activity center and is close to two transit corridors that will be part of the updated Countywide Plan; and that the traffic impact to the present level of service would be poor, but the level of service would be acceptable once the improvements to Ulmerton Road are

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completed. He related that the Development Agreement provides for setbacks, limits where buildings can be placed, limits building heights, provides for an emergency access road, and carries a 30-year term wherein the developer is required to provide a yearly report demonstrating his consistency with the Development Agreement.

Mr. Crawford discussed the identification of the wetlands and the proposed mitigation plan, noting that Condition No. 2 addresses the configuration and designation of the wetlands as Preservation.

Referring to an aerial photograph, Mr. Crawford pointed out the surrounding areas, and indicated that Council's recommendation of approval at the June 12, 2013 meeting was heavily based on the accompanying Development Agreement and the secondary access road; whereupon, Gordon Beardslee, Pinellas County Planning Department, related that staff supports the PPC recommendation with the three associated conditions.

Carol Stricklin, Community Development Director, City of Largo, stated that the City of Largo strongly supports the application. She related that the City is trying to concentrate development within the activity centers that have the appropriate infrastructure and services; that the Briarwood project is located within the Largo Mall activity center; that a 2008 Largo Mall Special Area Plan study identified an opportunity for a Residential High designation in the area; that following the annexation of this property in 2012, the potential of the property was recognized for a Residential High designation to provide multi-family housing in the Largo Mall activity area; and that, subsequently, the Comprehensive Plan and Comprehensive Development Code were amended to create the designation.

Ms. Stricklin indicated that this is the first time the Residential High designation has been used in the City of Largo; that, initially, the surrounding neighborhoods opposed the project; and that following a PPC public hearing in which concerns were expressed as to the compatibility of the designation with the surrounding neighborhoods, the application was withdrawn and the compatibility issue addressed, resulting in the adoption of the Development Agreement.

Ms. Stricklin indicated that both the City of Largo and the developer are committed to the relocation of the Briarwood RV Park residents; whereupon, she requested that the Board approve the application.

In response to query by Chairman Welch, Ms. Stricklin indicated that the property was annexed in August of 2012; that the developer intends to discuss the relocation plan later;

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that upon the advice of the City Attorney, the relocation commitment was not memorialized in the Development Agreement, but is addressed in the relocation letter, which has been filed and made a part of the record; and that the City Attorney does not consider the relocation letter binding, as he feels it is the City's commitment; whereupon, she indicated that if the BCC, acting as the Countywide Planning Authority, approves the case, Largo will ensure, during the site plan review process, that the commitments by the developer are honored.

Commissioner Seel expressed her concerns about the increase in traffic, especially relating to cars stacking up in the left turn lane at the Seminole Boulevard and Ulmerton Road intersection, noting that it usually takes two to three red-light cycles to make a left turn. Ms. Stricklin stated that as part of the site plan review, the developer would be responsible for any turn lane or median-opening improvements necessary to make sure it is safe and adequate.

Addressing the traffic concerns, Robert Pergolizzi, Gulf Coast Consulting, Inc., stated that he is the development consultant and traffic engineer for the project, and presented to the Clerk letters in support of the application, which have been filed and made a part of the record. He indicated that the Florida Department of Transportation (FDOT) is currently implementing dual left-turn lanes southbound to eastbound at the Seminole Boulevard and Ulmerton Road intersection; that, after construction is completed, a traffic study would be conducted to ascertain the left-turn lane length needed to enter the site; and that an application would be submitted to FDOT for a driveway permit to modify the access to the property.

Thereupon, at the request of Commissioner Latvala, Largo Commissioner Harriet Crozier confirmed that the City Commission is committed to ensuring that the residents of the RV Park are taken care of, and discussed various steps the City and the developer are taking to address the issue.

Commissioner Morroni indicated that he would not support the development until he feels comfortable that all of the residents of the RV Park are taken care of, noting that a few years ago the Board allowed many mobile home parks to be razed, which probably contributed to the homeless problem in the County today.

Commissioners Long and Seel expressed concern that residents cannot pay the utility deposits, rent, application, and moving fees, and suggested that the residents receive the same monetary consideration that is demanded of Florida mobile home park owners. Ms. Stricklin, with input by Commissioner Crozier, indicated that there are places the

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residents can go that are less expensive; that some of the places are willing to waive some of the fees; and that everyone is working hard to relocate the residents.

E.D. Armstrong, attorney for the developer, stated that the Board is supposed to judge the Land Use Plan Amendment based upon the goals, objectives, and policies of the Comprehensive Plan. He stated that the problem being discussed relates to the residents of the RV Park; and that, although there is no legal obligation, the developer has gone to extreme efforts to help the residents relocate.

Tina Harper, Asset Manager, Dockside Investors Briarwood Properties, provided details of the commitment the developer has shown to the relocation of the residents, and, responding to queries by Commissioners Justice and Seel, related that there are 36 RVs, or approximately 50 people, left in the park; agreed that the annual campers are actually annual residents; and stated that she would feel safe living in the mobile home parks she referenced in which background checks are not required, as rents are on a month-to-month basis and troublesome tenants can be asked to leave with a 15-day notice.

During the Citizens to be Heard portion of the meeting, Attorney Jonathan Damonte explained that many people remaining at Briarwood will be difficult to place, as they are unable to pass a background check. He indicated that Briarwood RV Park is inferior and more expensive than some of the relocation sites suggested by Ms. Harper; and that the Briarwood residents are being refunded the last month's rent to assist with application fees and deposits if they agree to move into these accommodations.

Chairman Welch expressed his concern for the residents; whereupon, Mr. Armstrong reiterated that, although irrelevant, the Board appears to have a problem with the social issue, not the land use amendment; and that the developer has earned the approval of the Board, as he has worked diligently with the City of Largo to address that underlying social issue.

In response to queries by Chairman Welch and Commissioner Morroni regarding vacancy and market rental rates, Tom Moore, Housing Finance Specialist, City of Largo, discussed what is meant by "market rate" and indicated that the new apartment units are not subsidized or Section 8 housing, and would rent for the standard rental rates in the community. Ms. Stricklin indicated that the vacancy rate is 6.3 percent; that the average rental market rate is \$825.00 a month, and approximately \$1,000.00 a month for a two-bedroom, two-bath apartment; and that Largo is largely built out, and only two sites have been identified as multi-family development sites.

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Commissioner Seel stated that under the State Mobile Home Ordinance, residents receive monetary funds for relocation; that fees are paid to the Florida Mobile Home Relocation Corporation; and that, although Briarwood is an RV Park, the same type of people are being impacted. She suggested that, rather than the County spending approximately \$5,000.00 per individual per month in homeless services, the developer make a tax-deductible donation to the County and the City to help the residents.

Attorney Christine Allamanno, Affordable Housing Project, Gulfcoast Legal Services, discussed the difficulty in finding affordable housing for the residents of the Briarwood RV Park and the moving expenses involved, and pointed out that the City of Largo waived impact fees for this developer, increased the density on the site, and determined that there will be no affordable housing on this property for 30 years.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in favor of the proposed amendment:

Tom Morrisette, Economic Development Committee, Central Pinellas Chamber of Commerce
Kathy Netshau, Economic Development Committee, Central Pinellas Chamber of Commerce
Debra Jones, Central Pinellas Chamber of Commerce Board of Directors
Robert Klute, Assistant Community Development Director, City of Largo
Jonathan Damonte, Largo

The following individuals spoke in opposition to the proposed amendment:

Jessica Emr, Pinellas Park
Larry Quarles, Seminole
Rick Smith, St. Petersburg
Jasmina K. Forcan, Clearwater
Christine Allamanno, Affordable Housing Project, Gulfcoast Legal Services (spoke on behalf of four individuals in attendance)
Chuck Terzian, St. Petersburg

Thereupon, Chairman Welch closed the public hearing, and Commissioner Morroni noted the increase in apartment complexes being built in Pinellas County, and expressed concern that, due to improvements in the economy and the housing market, there will soon be an overabundance of apartments.

Chairman Welch queried as to why the Development Agreement stipulates that the site cannot operate as an affordable housing development or mixed-income development during the 30-year term of the agreement; whereupon, Ms. Stricklin stated that the City of Largo is a leader in the development of affordable housing projects; and reiterated,

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confirmed by Ms. Harper, that the surrounding neighbors, including the people in the mobile home parks and condominiums, were adamant about having market rate apartments and not subsidized or mixed income housing in their neighborhoods.

Mr. Armstrong stated that his client has demonstrated his good faith in dealing with the underlying social issues, even though he had no obligation to do so; whereupon, he requested that the matter be continued for 30 to 60 days in order to establish a relocation fund to be administered by County staff.

In response to query by Chairman Welch, Mr. Armstrong indicated that the developer would fund the relocation plan, noting that cooperation by the RV residents would be necessary for the plan to work; whereupon, Administrator LaSala agreed to administer the relocation fund.

Chairman Welch indicated that the consensus of the Board seems to be that it would favor the development if the remaining residents can be relocated.

Commissioner Latvala stated that the developer is taking a bold act that would set a precedent in the County; that the development would be a huge improvement in the City of Largo; and that this is the type of neighborhood the Board strives to improve.

Commenting on the underlying issues that need to be addressed, Commissioner Latvala stated that many people in Pinellas County who are homeless today could have benefited from the solution suggested by Mr. Armstrong. She pointed out that while the developer will be taking care of the people in this RV park, there are certain people who are living in the shelters and on the street that would not qualify to live in an apartment complex no matter how much money is expended; and that these are the people and this is the underlying problem no one wishes to talk about, but the BCC needs to address; whereupon, Commissioner Seel related that her mobile home task force did address the problem somewhat.

Chairman Welch indicated that one positive outcome of the discussion today is that a future developer who comes to the Board with this type of land use amendment will recognize that he must do his homework and provide a solution for the relocation of the residents.

Thereupon, Commissioner Long moved that Item No. 2 be continued for 30 days while the relocation fund is being developed.

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During discussion and in response to query by Mr. Armstrong, Attorney Bennett advised that as the public hearing is presently closed, the case can be continued as such; whereupon, Commissioner Long moved, seconded by Commissioner Morroni, that the case be continued to the meeting of August 6, 2013, with the public hearing closed. Upon call for the vote, the motion carried unanimously.

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

Thereupon, Commissioner Seel suggested that staff update the Mobile Home Task Force report published in 2002 to include RV Parks, and bring it back before the Board.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

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At this time, 11:24 A.M., Commissioners Morroni and Long left the meeting.

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- # 3 Resolution No. 13-61 adopted approving the Pinellas County Consortium's Fiscal Year 2013-2014 Consolidated Annual Action Plan and authorizing submittal to the U.S. Department of Housing and Urban Development (HUD); authorizing the signing and filing of documents pertaining to administration and operation of the Community Development Block Grant (CDBG), Emergency Shelter Grant, and HOME Investment Partnership Program grant programs; and authorizing Community Development to hold a public hearing in the first quarter of 2014 to initiate the Fiscal Year 2014-2015 Annual Action Plan process. No correspondence has been received. No one appeared in response to the Chairman's call for persons wishing to be heard.

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

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At this time, 11:25 A.M., Commissioner Long returned to the meeting.

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- # 4 Resolution No. 13-62 adopted granting approval of the proposed replacement of 19 existing 50W Sebring Post Top Decorative Lighting Fixtures on 14-foot Fiberglass Poles with 19 100W Ocala Post Top Decorative Lighting Fixtures on 16-foot Colonial Concrete Poles in the Barrington Oaks West Subdivision Street Lighting District; authorizing funds for administrative expenses directly incidental to replacing inventory in said District; and authorizing collection of expense reimbursement by an increase in the Special Assessment currently levied and shared by the property owners within the District. No correspondence has been received. No one appeared in response to the Chairman's call for persons wishing to be heard.

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

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At this time, 11:26 A.M., Commissioner Morroni returned to the meeting.

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- # 5 Ordinance No. 13-16 adopted amending Chapter 86 of the Pinellas County Code regarding high prescribers. Staff recommends adoption of the ordinance. No correspondence has been received.

Justice and Consumer Services Director Tim L. Burns, with input by Administrator LaSala and Attorney Bennett, provided the following information:

- The ordinance would continue the moratorium on pain clinics, subject to pending further action by the State Legislature.
- Recent newspaper articles regarding prescription overdose support extension of the moratorium.
- The number of deaths due to prescription drug overdose has declined since Pinellas County enacted the moratorium.
- Pinellas County continues to have drug addiction problems, as seen by the number of newborns exposed to prescription drugs.
- There have been no changes in the regulation of prescribing physicians or prescription drugs by the Legislature.

In response to queries by the members, Mr. Burns stated that the Prescription Drug Monitoring Program (PDMP) database is operational, but not mandated; and that the State is concerned about the accessibility and use of the database information. He

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indicated that some pharmacies and a few physicians are utilizing the database; and that the ordinance in Pinellas County allows for 20 narcotic prescriptions per physician per day; whereupon, Commissioner Justice expressed his concern, stating that a balance needs to be met between regulating physicians and interfering in the business of physicians.

Commissioner Latvala stated that she supports the extension of the moratorium, indicating that the average doctor has difficulty writing 20 prescriptions a day for narcotics when seeing, evaluating, and treating patients, whereas a pill mill distributes narcotic prescriptions to each patient that walks into the office; whereupon, Mr. Burns related that there are exemptions for offices that have a majority of cancer and surgical patients, and Commissioner Long provided input.

Responding to the Chairman's call for citizens wishing to be heard, Dr. George Kamajian, Indian Shores, expressed his concern, indicating that his practice is excluded from being a pain management clinic and high prescriber under Florida Statutes since it is a teaching facility, but is not excluded under Pinellas County Code; and that, with the enactment of the new State statute, the County ordinance is redundant and interferes with his ability to practice medicine.

In response to queries by Chairman Welch and the concerns of Commissioner Long, Attorney Brody, with input by Attorney Bennett and Mr. Burns, indicated that the Advisory Group expressed concerns about high prescribers employing interns in order to be considered teaching establishments; and that the ordinance was amended to reflect the concerns of the Advisory Group. He indicated that a teaching facility must register with the County; that the exemptions do not apply to Dr. Kamajian; and that he will be subject to the 20 prescription limit; whereupon, Mr. Burns related that the process of requiring a registration number on the prescription pad is being revisited as it could place an undue burden on the clinics.

Following discussion and noting that the County Ordinance expires in July, Attorney Bennett recommended that the Board pass the ordinance; that staff continue to explore exemptions for teaching facilities with Dr. Kamajian; and that when all of the information is gathered, it be brought before the Board with any suggested amendments to the ordinance, and Commissioner Morroni concurred.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Morroni, that the ordinance be approved; and that Dr. Kamajian be contacted for follow-up information.

Upon call for the vote, the motion carried unanimously.

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

In response to query by Commissioner Latvala, Mr. Burns indicated that approximately 20 percent of the pharmacies and even fewer physicians utilize the PDMP database; whereupon, Commissioner Latvala urged everyone to write their legislators to continue the PDMP funding, and Commissioner Justice expressed his concerns regarding regulation of physicians.

- # 6 Ordinance No. 13-17 adopted amending Chapter 34 of the Pinellas County Code relating to the Order of Succession Designated by the County Administrator for a State of Emergency. No correspondence has been received.

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

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

- # 7 Resolution No. 13-63 adopted granting the petition of Aaron and Deanna Betton to vacate a portion of a drainage and utility easement located in Lot 8, Feather Sound – Custom Home Site Unit 1 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.

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

- # 8 Resolution No. 13-64 adopted granting the petition of Betty Rodriguez to vacate a portion of a utility easement in Lot 27, Block 42, Newport Unit No. 1 Subdivision (deferred from June 4, 2013 Meeting) (Quasi-Judicial Hearing). Authority granted for the 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. Three emails in opposition to the application have been received.

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No one appeared in response to the Chairman's call for persons wishing to be heard.

Questioning why the variance was not corrected before bringing the vacation before the Board, Chairman Welch expressed concerns that the Board is being asked to approve a vacation on property that is already in violation of the Code and will require a variance even if the vacation is approved.

Attorney Bennett, with input by Mr. Cueva and Director of Real Estate Management Paul Sacco, explained that the Board's concern is whether the vacation easement would interfere with the County's interest in the easement. He indicated that the vacation would establish the property line; and that if the shed meets the building code, the owner would then seek a setback variance from the Board of Adjustment, using the newly established property line, noting that the Board of Adjustment is unable to approve a variance in an easement, as anything in an easement may have to be removed.

Mr. Cueva indicated that the Board of Adjustment has been receiving many after-the-fact variance requests; and that it is usually sympathetic to owners who buy property that already has an unpermitted structure, but is apt to view a self-created hardship unfavorably; whereupon, he discussed the limitations the Board of Adjustment could put on the variance, including the height and appearance of the shed.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Long and carried, that the vacation be granted

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	4 – 2 (Chairman Welch and Commissioner Seel dissenting)

CITIZENS TO BE HEARD

Greg Pound, Largo, re families

Lenore Faulkner, Madeira Beach, re Pinellas County Schools - excellent education

David Ballard Geddis, Jr., Palm Harbor, re Boston Tea Party was the British

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At this time, 12:10 P.M., the meeting was recessed and reconvened at 12:52 P.M. with all members present, except Commissioner Roche.

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CONSENT AGENDA ITEMS NOS. 9 THROUGH 21 – APPROVED, WITH THE EXCEPTION OF ITEM NO. 19, WHICH WAS PULLED FROM THE AGENDA AND WITHDRAWN, AND ITEM NO. 20, WHICH WAS PULLED FROM THE AGENDA AND TEMPORARILY DEFERRED

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

9 Minutes of regular meeting of June 4, 2013 approved.

#10 Reports to be Received for Filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-19 dated June 13, 2013 – Follow-Up Audit of Utilities GMD Internal Controls of Inventories and Supplies.
- b. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-20 dated June 13, 2013 – Investigative Follow-Up Report of Community Development's \$3.4 Million State Housing Initiatives Partnership Loan to Crest Capital LLP.
- c. Palm Harbor Special Fire Control and Rescue District Annual Financial Report for the Fiscal Year ended September 30, 2012.
- d. Dock Fee Report for the month of May 2013.

#11 Vouchers and Bills Paid

Period May 19 through May 25, 2013

Payroll

ACH – \$2,906,630.39

Checks – \$28,935.57

Third Party ACH – \$15,534.78

Third Party Checks – \$2,778.61

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Accounts Payable

Checks – \$8,593,312.67

ACH Transfers – \$3,246,499.24

Wire Transfers – \$734,459.16

#12 Miscellaneous Items to be Received for Filing:

- a. City of Clearwater Notice of Amendment to the Clearwater Community Development Code regarding proposed Ordinance No. 8431-13; public hearing to be held August 14, 2013.
- b. City of Dunedin Notices of Public Hearings regarding proposed Ordinance No. 13-16 to be held August 1, 2013, annexing two parcels of property.
- c. City of Pinellas Park Notices of Public Hearings re proposed Ordinances Nos. 3845 and 3846 held June 13 and 27, 2013, voluntarily annexing certain property.
- d. City of St. Petersburg Notice of Public Hearing on Blight Study for the proposed Southside St. Petersburg Community Redevelopment Area held June 20, 2013.
- e. City of Safety Harbor Resolution No. 2013-08 adopted May 20, 2013, re marketing of tobacco products to the youth population.
- f. Pinellas Suncoast Fire and Rescue District Resolution No. 2013-03 adopted May 21, 2013, amending the 2012/2013 budget as approved by Resolution No. 2012-07 for the purpose of transferring unassigned fund reserves for the pre-payment option of the BB&T lease obligation for Engine 27.

#13 Amendment No. 2 to the Joint Participation Agreement with the Florida Department of Transportation for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System project improvements from Druid Road to Klosterman Road (PID No. 000116A [1626]; FDOT Financial Project No. 420628 1 53 01; Contract No. AP648) approved; Chairman authorized to sign and the Clerk to attest (Companion Items Nos. 14a and 14b).

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

#14a Supplemental Agreement No. 5 to the Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System project for redistribution of funds (PID No. 000116A [1626]; FDOT Financial Project No. 420628 1 38 01/03, 420628 1 58

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01/02/03; Contract No. AOU01) approved; Chairman authorized to sign and the Clerk to attest (Companion Item 13).

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

- #14b Supplemental Agreement No. 6 to the Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System project (PID No. 000116A [1626]; FDOT Financial Project No. 420628 1 38/58 01/02/03/04; Contract No. AOU01) approved; Chairman authorized to sign and the Clerk to attest (Companion Item No. 13).

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

- #15 Plats, Guaranties, Sureties, and Agreements:

Countryside Cove – plat accepted and approved for recording; private street sign installation guarantee and sidewalk guarantee from Deeb Family Homes, LTD accepted for recording.

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

- #16 Plats, Guaranties, Sureties, and Agreements:

Wentworth Club Homes – plat accepted and approved for recording; sidewalk guarantee from Deeb Family Homes, LTD accepted for recording.

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

- # 17 Bid of Olympic Painting Contracting, Inc., rejected on the basis of being non-responsive to bid requirements; award of bid to Kimszal Contracting, Inc. for painting services, interior – countywide (Bid No. 123-0260-B) approved for an estimated 24-month expenditure not to exceed \$552,550.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; contract is for a period of 24 months from the date of award with one 24-month extension to be exercised only if all terms and conditions remain the same and the County Administrator grants approval; term extensions will allow for price adjustments (increases/decreases) in an amount not to

exceed the average of the Consumer Price Index (CPI) for Urban Consumers, Not Seasonally Adjusted, for the 12 months prior to extension; County Administrator authorized to amend the contract for future additions/deletions of product specifications or requested services during the contract term.

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

- # 18a Declaration of one County-owned trailer (Asset No. 42520) as surplus and authorization for sale of same to the Pinellas County Sheriff's Office for a lump sum of \$1,000.00 approved; distribution of proceeds of the sale from Governmental Funds to the Water Enterprise Fund to offset the replacement cost of future equipment purchases, approved.

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

- #18b Declaration of miscellaneous County-owned equipment as surplus and authorization for sale of the Animobile (Asset No. 38211) and all contents including, but not limited to, a portable generator (Asset No. 35023) and a surgical light (Asset No. 34945) to the highest responsible bidder in accordance with Florida Statutes 274.05 and 274.06, and Board Surplus Disposition Procedures, approved.

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

- #19 See Item No. 22

- #20 See Item No. 22.

- #21 Sitting as the Countywide Planning Authority, the Board received for filing the Composite Annexation Report for Pinellas County for Fiscal Years 2000/01 – 2011/12.

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

#22 Items for discussion from Consent Agenda:

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Items Nos. 19 and 20 were initially approved with the Consent Agenda. Later in the meeting, the items were addressed together and a single vote was taken for both items, as follows:

* * * *

- #19 Amendment No. 1 to the Interlocal Agreement between Pinellas County and the Constitutional Officers (Clerk of the Circuit Court and Comptroller, Property Appraiser, Sheriff's Office, Supervisor of Elections, Tax Collector, Chief Judge of the Sixth Judicial Circuit, Public Defender of the Sixth Judicial Circuit, and the State Attorney of the Sixth Judicial Circuit) regarding the ability to terminate participation and withdraw from the agreement and the ability to re-sign as a Board member by any Constitutional Officer with 30 days written notice, withdrawn.

Administrator LaSala indicated that at a special meeting of the Business Technology Services (BTS) Board yesterday, changes were made to the position title and salary range of the Director position; and that because of the changes, it will be necessary to further amend the BTS Interlocal Agreement; whereupon, he recommended that Agenda Item No. 19 be removed from the agenda.

and

- #20 Sole source purchase contract for the maintenance and support of Global 360 software licenses with Open Text, Inc. for a total estimated 12-month expenditure of \$325,664.81, temporarily deferred to the July 23, 2013 meeting.

Administrator LaSala recommended that the item be continued for further discussion with the Clerk and the Business Technology Services (BTS) Board; whereupon, Chairman Welch indicated that the Consolidated Justice Information System (CJIS) Board needs to address some imaging and work flow issues.

Later in the meeting, Clerk of the Circuit Court and Comptroller Ken Burke queried as to why the Global 360 software license contract is being continued. He indicated that the Clerk's Office must maintain the Global licensing for the

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coming year, pointing out that it is not a County Commission expense, as funding is provided through the BTS Enterprise License and Maintenance Budget.

Clerk Burke expressed concerns about the BTS costing plan, noting that the Clerk's Office received a greatly reduced cost allocation this year based on the amount of work it did. He related that the Clerk's Office had always paid for its own licenses, but agreed to cooperate when the BTS and the BCC asked the Constitutional Officers to pool all the license funding so payments could be made from the BTS budget, with the costs allocated back to the Constitutionals; whereupon, Clerk Burke stated that he may have to reconsider joining the pool, as what was promised when the license pool concept was being advocated is not the way the cost is being allocated.

Chairman Welch assured the Clerk that the funding for the Global 360 contract is not in jeopardy. He indicated that he is concerned whether the move to use Tyler Technology (Odyssey) is moving forward, which would allow the Global 360 product to be retired, or whether two separate imaging and work flow systems are being built. He stated that a clearer picture of the coming costs is needed, as there would be significant costs for an interface if Tyler cannot meet the Clerk's business requirements; whereupon, Clerk Burke stated that he, too, has concerns about funding two different imaging and work flow systems.

During discussion, Commissioner Latvala confirmed that the CJIS Board discussed the \$1.6 million Tyler product at its most recent meeting; and related that since Clerk Burke was not in attendance, the Board was uncertain whether the Clerk would be able to use Odyssey; whereupon, Chairman Welch stated that, hopefully, the CJIS meeting next week would clarify the path forward.

Clerk Burke indicated that he has consistently stated that if Tyler can provide the work flow functionality required by his office to perform its statutory duties, he will go with the Tyler product; that Tyler, itself, is saying it cannot provide the functionality and cannot give a concrete time as to when it can; and that while Tyler thinks it eventually will be able to, the Clerk's Office does not work in the world of "eventually," it works in the world of "here and now."

Clerk Burke discussed the work flow technology that Global 360 provides in the Probate and Criminal Courts, and stated that the software issue is much more involved than simply imaging, as the work flow technology affects the approximately 40,000 telephone calls and the many walk-in requests for

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information received each month. He indicated that the Clerk's Office has identified the work flow; that a go-live date will be determined; and that it will be up to Tyler as to whether it can meet the work flow by the go-live date, noting that not meeting the go-live date is not a workable solution.

Chairman Welch indicated that he sees no harm in delaying approval of the contract; whereupon, Clerk Burke stressed the importance of the Global 360 licensing, and suggested that the Purchasing Department or BIS would be the entities to determine whether a delay would affect the renewal.

Thereupon, Chairman Welch related that the contract would be brought back at the next BCC meeting.

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

- #23 Third amendment to the agreement with Advanced Disposal Services Solid Waste Southeast, Inc. for the Bridgeway Acres Landfill operation (Contract No. 078-0117-P) approved. Original approved amount for seven year contract term, \$80,000,000.00 (total estimated annual increase not to exceed \$600,000.00); revised total not to exceed \$80,600,000.00. Chairman authorized to sign the amendment and the Clerk to attest after proper execution by the contractor (Department of Environment and Infrastructure/Purchasing).

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

- #24 Other Administrative Matters – None.

- #25 County Attorney authorized to initiate litigation on behalf of Sunstar against Lee A. Bauld, as Personal Representative of the Estate of Patricia A. Merz – Unpaid Ambulance Bill.

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

- #26 County Attorney – Miscellaneous – None.

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- #27 Final negotiated contract with Crowe Horwath, LLP, for Auditing Services (Contract No. 123-0229-P) approved for a maximum annual expenditure in the amount of \$325,000.00 for two years commencing with the fiscal year ending September 30, 2013 and continuing until completion of the fiscal year audit ending September 30, 2017. After the second year, price adjustments are allowed at 12 months and thereafter for the life of the contract based on the average of the Consumer Price Index (CPI) for all Urban Consumers, Not Seasonally Adjusted, in effect on June 1st, or three percent, whichever is less; Chairman is authorized to sign the agreement and engagement letter, and the Clerk to attest.

Later in the meeting, Ken Burke, Clerk of the Circuit Court and Comptroller, indicated that the auditing contract which was approved is \$90,000.00 less than what is currently being paid for auditing services; that it is a reflection of the change in the market; and that staff deserves credit for the proposal that is saving taxpayers of Pinellas County money.

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

- #28 Sitting as the Emergency Medical Services Authority, the Board approved the appointments to the Pinellas County Emergency Medical Services (EMS) Advisory Council, as delineated in the Board memorandum dated July 9, 2013.

Motion	-	Commissioner Morroni
Second	-	Commissioner Seel
Vote	-	6-0

- #29 Acting as the Emergency Medical Services (EMS) Authority, the Board appointed Dr. Stephen Feilinger to the EMS Medical Control Board, filling the Emergency Physician position vacated by Dr. Cecile Murphy.

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

- #30 Department of Environment and Infrastructure Unification Council Report

Alan Bollenbacher, Department of Environment and Infrastructure, Water and Sewer, and Bob Taylor, Transportation Stormwater, gave a PowerPoint presentation titled *Unification Council Savings Update*, a copy of which has been filed and made a part of the record.

* * * *

Deviating from the agenda, Chairman Welch indicated that Item No. 31, FY 2014 Proposed Budget would be heard later in the meeting.

* * * *

- #32 Appointment and reappointments to the Pinellas County Economic Development Council, as delineated in the Board memorandum dated July 9, 2013, for two-year terms ending July 31, 2015, approved.

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

- #33 Debra Johnson appointed to the WorkNet Pinellas Board of Directors to serve the term of July 30, 2013 through June 30, 2015.

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

- #34 County Commission Miscellaneous

- a. Keisha A. Bell, Esquire, appointed to the Pinellas County Health Facilities Authority, filling the position vacated by Mark Marquardt.

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

- b. Chairman Welch distributed a memorandum, a copy of which has been filed and made a part of the record, and announced that a vacancy exists on the Tourist Development Council (TDC), as Robert Longenecker is no longer with the Jolly Trolley and is, therefore, not eligible to serve; whereupon, he requested a motion to remove Mr. Longenecker and declare a vacancy on the Council.

In response to query by Commissioner Morroni, Attorney Long related that Mr. Longenecker is no longer a principal in the business that supported his appointment; that Mr. Longenecker has not formally resigned, as a letter of

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resignation has not been received; and that before another member can be recruited, it will be necessary to confirm the vacancy exists.

Discussion ensued, and in response to query by Commissioner Morroni, Chairman Welch indicated that the TDC has not met to discuss the matter; whereupon, Attorney Long related that unless the vacancy is confirmed, there would be a delay in finding a replacement; and that, ultimately, the decision lies with the Board.

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

#31 County Administrator Fiscal Year 2014 Proposed Budget

Mr. LaSala referred to a PowerPoint presentation titled *Proposed Fiscal Year 2014 Annual Operating and Capital Budget*, a copy of which has been filed and made a part of the record, provided background information, and indicated that given the Board's direction about service priorities based on the citizen service preference surveys and its deliberations about service priorities, there will not be an opportunity for dramatic wholesale reductions as in the last several years.

Mr. LaSala discussed the Service Level Stabilization Account, noting that it has been successful; and that there is over \$10 million in the account; whereupon, he recommended that the money remain in the account to address future needs.

Mr. LaSala reviewed the budget strategy in general, and recommended that it be continued into the future as it has proved sound. He stated that by using a variety of techniques, the ability to secure legitimate input from the public about services, priorities, and expectations going forward should be successful. He discussed some of the unfunded mandates from the state, including increased costs related to the Florida Retirement System.

Mr. LaSala explained the budget forecast, indicating that it would be continually updated, enabling the Board to make adjustments for improvements in the economy and in the revenue base, noting a very modest rate of growth is expected over the next three years; whereupon, he recommended awarding a general pay increase to County employees, across the board, suggesting at least a 2.8 percent increase.

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Referring to the General Fund, Mr. LaSala indicated that current levels of service are not sustainable; that a significant increase in revenue or additional deep cuts in services will be necessary; and that the largest sources of revenue are property taxes, sales taxes and user fees, with two-thirds of general revenue coming from the property tax collected. He related that the original forecast for property tax revenue was about a 2.5 percent increase for Fiscal Year 2014; and that the proposed countywide millage is 5.2755 mills, an increase of 0.2650 mills, with no change to the Municipal Service Tax Unit (MSTU) millage for the coming fiscal year; whereupon, he discussed the general fund non-recurring expenditures.

Reviewing the EMS fund, Mr. LaSala indicated that the fund is not balanced through the forecast period; that Fiscal Year 2014 and 2015 are balanced based on an increase in EMS millage from .9158 to .9890; and that the proposed budget shows a 25 percent reserve, which is in keeping with the Board's policy. Mr. LaSala recommended that reserves be maintained at 25 percent, noting that the *Government Finance Officers Association Best Practices* has not come out with a recommended EMS reserve percentage; whereupon, Commissioner Morroni confirmed that the reserve set by the Board at one time was 33 percent; and that it was lowered to the current level several years ago.

Mr. LaSala indicated that the primary driver for the increase in EMS expenditures is the cost of labor; that the overall system costs of first responders will increase about five percent per year; and that recommendations for change to the system and stabilization of the EMS fund will be discussed going forward; whereupon, Chairman Welch noted that the Board needs to find ways to reduce costs and increase revenue to balance the fund. In response to queries by the members, Mr. LaSala stated that seven-tenths of an EMS mill is approximately \$3 million.

During discussion and in response to query by Commissioner Morroni, Mr. LaSala stated that expenditures are much more than the revenues for the 2014 budget year due to capital outlay; and that capital outlay is not a consistent flat line; whereupon, Commissioner Morroni stated that it appears that revenues will increase in 2015; and that money can be set aside at that point.

Mr. LaSala recommended a new Service Level Continuation Account, which would be an extension of the existing Service Level Stabilization Account and would allow the Board to transition from recession to expansion in the future. He discussed how the new

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account could also sustain the County through another recession, if needed, without having to raise taxes, and discussion ensued.

Commissioner Latvala expressed concern about getting the message out to citizens that a new tax is being considered, pointing out that no one wants new taxes, even though, long term, it would be a good move and the right thing to do for the citizens and the County; whereupon, Commissioner Long noted that protecting future generations through solid leadership is of great importance.

Responding to queries by Commissioner Seel, Mr. LaSala indicated that he will provide information on the amount of new countywide construction and the value of that construction, as well as new construction and its value in the MSTU areas; that the 5.2755 proposed millage does not include the Service Level Continuation Fund; and that the non-recurring projects are not included in the millage. Commissioner Seel requested a list of projects and the millage needed to fund each project; whereupon, she recommended that the Board review each project, line item by line item, before a decision is made to move forward with the increase.

Responding to further query by Commissioner Seel, Mr. LaSala, with input by Assistant County Administrator Mark S. Woodard, stated that the non-recurring projects are from non-recurring dollars and do not require millage; and that they are an ongoing commitment to infrastructure; whereupon, Commissioner Seel requested that staff report back to the Board what the tax impact would be on the average home, pointing out that the unincorporated MSTU budget reserves fund is increased from \$19.9 million to \$23.7 million; and that a request to address unpaved roads is not included in the fund, noting that a dedicated millage for paving roads by ordinance could be considered.

Discussion ensued, and in response to query by Chairman Welch as to the funding, Commissioner Seel suggested that money from the MSTU reserve fund could be utilized; and that citizens expect certain things that are basic to the quality of life, and roads without potholes is one of them; whereupon, Chairman Welch concurred, stating that the County has cut too deeply in some cases; and that even with a half-mill increase, service levels would not be back to where they were.

In response to query by Chairman Welch, Mr. LaSala confirmed that the budget includes the four percent increase in salaries that the Sheriff is requesting for his deputies and staff.

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Mr. LaSala encouraged members of the public to visit the Citizen's Guide to the Budget on the County website to access the proposed *Fiscal Year 2014 Annual Operating and Capital Budget* presented today, including the *Budget Message*, videos of budget related meetings, and the presentations and handouts from those meetings; whereupon, Mr. LaSala thanked the Board members for their support and direction leading to the proposed budget and expressed special appreciation to Office of Management and Budget staff for their efforts involved in preparation of the budget and the Budget Message.

#34 County Commission Miscellaneous - Continued

c. Commissioner Long re County's federally qualified health center status (update forthcoming).

d. Commissioner Morroni re Moffitt Cancer Center.

#35 Meeting adjourned at 3:24 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk