

AGENDA ITEM # 1  
September 5, 2013

1. APPROVAL OF MINUTES:

Regular Meeting held August 6, 2013.

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**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, AUGUST 6, 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; Norm Roche; Susan Latvala; Charlie Justice; Janet C. Long; and John Morroni.

**Others Present:** James L. Bennett, County Attorney; Mark S. Woodard, Assistant County Administrator; Ken Burke, Clerk of the Circuit Court and Comptroller; and Laura M. Todd, Board Reporter, Deputy Clerk.

**INVOCATION:** Dr. John Thompson, Countryside Christian Church, Clearwater.

**PLEDGE OF ALLEGIANCE:** Ken Burke, Clerk of the Circuit Court and Comptroller.

**PRESENTATIONS AND AWARDS:**

1. Law Day Poster Contest Presentation.
2. Palm Harbor Park and Recreation Summer Camp Kids Presentation.

**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 – BOARD OF COUNTY COMMISSIONERS (BCC)**

- # 1 Resolution No. 13-73 adopted granting the petition of Capon Corporation to vacate a portion of a right-of-way lying west of Lots 21, 22, 23 and east of Lot 1 in Section 23-27-15 and 24-27-15, Tampa and Tarpon Springs Land Company, Plat Book H1, Page 116; vacation of a portion of right-of-way lying north of Lots 21, 22, and 23 in Section 24, Township 27, Range 15, and that portion lying north of Lot 1, in Section 23, Township 27, Range 15, Tampa and Tarpon Springs Land Company, as recorded in Hillsborough Plat Book 1, Page 116 of which Pinellas County was formerly a part, deferred to the August 20, 2013 BCC meeting (Legislative Petition). 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.

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Chairman Welch indicated that the two cards submitted are for representatives of the development and are in support of the petition and, seeing that no one else wanted to speak on the item, closed the public hearing; whereupon, Commissioner Latvala moved, seconded by Commissioner Seel, that the vacation be granted.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

In response to query by Commissioner Roche, Director of Real Estate Management Paul S. Sacco confirmed that the applicant owns Lot 1, 21, 22 and 23; and that the actual petition request is across Lot 1 and through Lot 21, and the portion between Lot 1 and Lot 23.

Administrator LaSala announced that a letter has been received from the City of Tarpon Springs, a copy of which has been filed and made a part of the record, strongly objecting to vacating the portion of right-of-way lying north of Lots 21, 22 and 23 and a portion lying north of Lot 1. He related that the basis of the objection is that the rights-of-way proposed to be vacated may be a potential future road corridor on the City's 2025 Future Traffic Lanes Map and used as a corridor for a bike and pedestrian connection; and that the rights-of-way may be needed for future expansion of City utilities, including drainage improvements; whereupon, Mr. LaSala indicated that the City does not object to the proposed vacation of that portion of the line west of Lot 23 and east of Lot 1.

In response to query by Chairman Welch, Mr. LaSala confirmed that the letter from the City of Tarpon Springs is dated July 30, however, it is unknown when it was received; whereupon, Assistant County Attorney Michael Zas indicated that it is believed that the letter was received by Real Estate Management sometime yesterday.

No one appeared in response to the call of Chairman Welch for anyone from the City of Tarpon Springs to come forward. Chairman Welch indicated that he had been under the impression that there was no opposition to the vacation; whereupon, he requested that staff make a presentation and reopened the public hearing.

Referring to a site plan, Mr. Sacco pointed out the location of the subject property, provided a brief overview, and indicated that the vacation request is for a 15-foot right-of-way vacation across the northern portion of Lots 21 and 22, as well as a 30-foot vacation between Lot 23 and Lot 1; and that his department is still researching whether the north side of the right-of-way has been previously vacated.

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In response to query by Chairman Welch, Mr. Sacco indicated that the area that the City is opposed to is the 15-foot east-west vacation along the northern section; whereupon, Mr. Sacco opined that it is his belief that the area had been previously vacated because a platted right-of-way is usually larger than 15 feet.

In response to query by Commissioner Long, Mr. Sacco stated that his Department's recommendation would remain the same; that he has not had an opportunity to talk to the City since receipt of the letter yesterday; and that his Department would need to complete research and report back to the Board; whereupon, Mr. LaSala suggested that the Board continue the east-west vacation along the northern section.

Katie Cole, Esquire, Clearwater, indicated that she represents the property owner, Capon Corporation; that it is requesting to vacate the entire length of the right-of-way, as well as the north-south portion that intersects the property. Ms. Cole provided an aerial photograph and pointed out the 15-foot right-of-way, and indicated that in her conversation with the City of Tarpon Springs, it is believed that the northern portion of the right-of-way was vacated some 70 or 80 years ago.

In response to query by Commissioner Seel, Ms. Cole indicated that her client would be developing the land in the future and will be seeking a Development Agreement.

Responding to query by Commissioner Roche, Ms. Cole indicated that the Development Agreement will be coming before the Local Planning Agency in September, and that staff has requested that the property be vacated before the LPA hearing.

Discussion ensued wherein it was determined that the deferred portion of the petition could be heard at the next public hearing scheduled for August 20<sup>th</sup>.

In response to query by Commissioner Latvala, Ms. Cole indicated that the total land area is 54 acres, with 47.8 acres of wetlands, and 6.357 acres of uplands; and that the proposed area to be vacated is .94 acres of wetlands and .38 acres of uplands.

Commissioner Latvala indicated that it would be very expensive for the City of Tarpon Springs to build a trail over the wetlands or even a walking path.

Mike Gaylor, Engineer, Lutz, referred to an aerial photograph of the subject property and clarified the area of mature wetlands; whereupon, he concurred with Commissioner Latvala that, if the City were to move forward with plans for a pedestrian pathway, there

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would be over 1,000 feet of straight boardwalk that would have to be built through very mature wetlands, noting that from a maintenance and safety standpoint, it would make no sense to build an unlighted trail with no road access; whereupon, he discussed drainage issues associated with the golf course.

Responding to query by Chairman Welch, Attorney Zas stated that since the resolution and advertisement was for the full vacation, if the Board decides to split the request, a new resolution for the piece that the Board approves will be forthcoming; whereupon, Chairman Welch closed the public hearing.

Commissioner Long moved that the vacation be approved; whereupon, Mr. Burke indicated that a motion by Commissioner Latvala and a second by Commissioner Seel are already on the floor, and Commissioner Seel withdrew her second. Commissioner Latvala indicated that her original motion included the entire package; and Commissioner Long seconded the motion.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long

Citing the need to maintain good relations with the City of Tarpon Springs, Commissioner Roche indicated that he could not support the request as there are too many loose ends and not enough information, noting that the issues can probably be resolved.

Commissioner Seel suggested that the northwest corner be approved today, as outlined by Mr. LaSala; and that a letter of agreement be worked out between the City and the County clarifying the location of the vacation; whereupon, she offered a substitute motion to vacate between Lots 1 and 23, the northwest to the southeast corner between the two lots, seconded by Commissioner Morroni. In response to query by the Chairman, Commissioner Seel confirmed that the intent of her motion is to approve the north-south portion and defer the east-west portion to the August 20 BCC meeting. In response to query by Commissioner Roche, Attorney Zas indicated that there would be separate resolutions.

Thereupon, upon call for the vote, the motion carried unanimously.

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

- # 2 Resolution No. 13-74 adopted granting the petition of Robert E. and Judith W. Patrick to vacate a portion of a right-of-way located on Bayshore Drive in the Oakhurst Shores Fifth Addition (Legislative Petition). 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 Morroni  
Second - Commissioner Seel

Commissioner Seel, commented that the reason for the vacation is usually indicated on the agenda memorandum, and in response to her query, property owner Robert Patrick clarified that his current plans for the vacated right-of-way will be to continue to mow and maintain the property.

Vote - 7 – 0

Commissioner Roche requested that the agenda memorandums continue to indicate the purpose for the vacations.

#### **SCHEDULED PUBLIC HEARING – COUNTYWIDE PLANNING AUTHORITY (CPA)**

- # 3 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 13-19 approving Case No. CW 13-6, the proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from Residential Medium to Commercial General, re 0.3 acre m.o.l., located at 1418 Carnation Drive (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 Seel

In response to query by Chairman Welch, Commissioner Morroni confirmed that the Pinellas Planning Council unanimously approved the proposal.

Vote - 7 – 0

- # 4 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 13-20 approving Case No. 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 Overlay (11.5) to Residential High (deferred from July 9, 2013 meeting) (regular amendment), re 13.8 acres m.o.l., located at 2098 Seminole Boulevard and the contiguous southern parcel (regular amendment). One

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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 20<sup>th</sup> Terrace SW will be used for emergency vehicles only.

Chairman Welch indicated that the item was continued from a previous meeting, with the public hearing portion closed; that several people have turned in blue cards indicating they would like to speak on the item; and that he is going to start the process over, beginning with a staff presentation.

Referring to an aerial photograph, PPC Interim Director Michael Crawford pointed out the location of the subject property and provided a brief overview of the proposal. He related that after deferring the case in order for the developer and the City of Largo to alleviate concerns of the surrounding neighborhoods, the PPC recommended unanimous approval at its second hearing of the case, subject to the conditions; that the case is consistent with the Countywide Rules; that it meets the purpose and locational characteristics of the Residential High category; and that, coupled with the Development Agreement, the potential residential density was limited significantly.

Mr. Crawford indicated that the Development Agreement locks in market rate housing; that the developer is required to start construction within 36 months; that there is a 30-year term with an annual review by the City, which is unusual; and that once the wetland areas are clearly identified and it is determined where the development should occur, the City of Largo will adjust the preservation area to match the wetlands that are on site, noting that some mitigation is involved.

Referring to a conceptual plan, Mr. Crawford indicated that at 20<sup>th</sup> Terrace SW, there will be a secondary access point for emergency vehicles only; that there will be no secondary access for residents; and that the Council is requiring significant setbacks along the southern boundary and especially along the northern boundary and to the west.

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Carol Strickland, Community Development Director, City of Largo gave a brief update, and indicated that the City is requesting that the Countywide Planning Authority approve the Land Use Map amendment based on its consistency with the Countywide Plan Rules; that City staff has been very proactive in working with the developer on the relocation efforts of the residents of Briarwood Park; that the developer provided relocation counseling and assistance to the residents; and that the funds provided by the developer to fund the relocation are continuing to be administered to assist in the relocation effort.

Commissioner Morroni expressed appreciation to the City of Largo for its willingness to delay approval for 30 days.

Attorney E. D. Armstrong, Clearwater, indicated that he represents the owner/applicant; that subsequent to the last Countywide Planning Authority meeting, his client entered into an agreement with the Community Services Foundation; that his client funded and the Foundation is administering the program to relocate residents of the Park; and that the application for the amendment is worthy of the Board's approval.

In response to query by Commissioner Roche, Attorney Armstrong clarified that the funding amount is \$30,000.00; that the \$30,000.00 is over and above what had already been done; and that the \$30,000.00 is new funding for relocation efforts subsequent to the last Countywide Planning Authority meeting, which was four weeks ago.

Tina Harper, Asset Manager, Dockside Investors Briarwood Properties, Largo, related that there are 31 families remaining in the park and provided information regarding the residents who have received assistance since the last meeting, noting that the Community Services Foundation, as of yesterday, has met with 15 families and continues to meet with families in an effort to relocate all the residents to new locations.

Robert Pergolizzi, Gulf Coast Consulting, Inc., Clearwater, and Attorney Jonathan Damonte, Largo, indicated that they are available to answer questions; whereupon, in response to query by Chairman Welch, Attorney Damonte indicated that he is general counsel for the developer; that he personally paid the \$30,000.00 into an escrow account under the control of the Foundation, which is disbursing funds to some of the residents in the amounts of \$1,375.00 per park model home and \$1,200.00 per person for moving expenses; and that the amounts were suggested by Attorney Christine Allamanno, Affordable Housing Project, Gulf Coast Legal Services.

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Matthew Anderson, City of Largo Housing Manager, indicated that he is available for questions; whereupon, in response to query by Commissioner Roche, Attorney Damonte provided more information regarding the disbursement of the \$30,000.00, and indicated that the purpose of having Community Services Foundation meet with each resident was to individually assess their needs; that each one has different needs and requirements; and that there is a file and checklist that is reviewed and approved by the City of Largo on every family.

In response to the Chairman's call for individuals in opposition to the ordinance, Ms. Allamanno, expressed her concerns about the amount and disbursement of the relocation fund.

In response to query by Commissioner Roche, Ms. Allamanno indicated that she does not know the amount of money remaining in the fund to relocate families, or how many families have been relocated to date, or how many remain at the park, as she believes she was provided an outdated list. She indicated that according to the agreement, Community Services Foundation receives \$300.00 for each family successfully placed and \$150.00 for each family they talk with, but is not placed; and that she does not know how much commission they have received to date, and discussion ensued regarding the list.

Responding to further query by Commissioner Morroni, Ms. Allamanno related that one of the parks that was originally going to forego deposits and background checks has since reneged on the deal, and expressed concern that her clients are being treated differently than the other park residents.

In response to query by Commissioner Justice, with input by Chairman Welch, Ms. Strickland indicated that the next step in the process will be the second reading of the amendment to the City's Future Land Use Map; and that following that public hearing, the developer would apply for a site plan review, which is an administrative process and does not require a public hearing.

Responding to query by Commissioner Roche regarding the residents of the RV park, Ms. Strickland clarified that everyone is working from the same list, which was accurate as of July 24; that the City of Largo is not a party to the performance agreement, but is heavily involved in terms of being present at the meetings; that Mr. Anderson is reviewing the relocation plans and making recommendations; and that the City would be happy to address Gulf Coast Legal Services' concerns throughout the process.

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In response to query by Chairman Welch as to what the City's plans are should the \$30,000.00 be less than is needed to relocate the residents, Ms. Strickland clarified that the City of Largo is taking responsibility for oversight of the relocation effort, and will ensure that all the residents are relocated.

Discussion ensued, and in response to query by Chairman Welch, Ms. Strickland indicated that the City is making information available to the residents regarding all relocation resources; that the funding provided by the developer is only one source; and that all other available means have been brought to the table to assist in the relocation effort; whereupon, Commissioner Justice related that the City of Largo has requested the amendment; and as this development will be a significant improvement to the City, it falls on the City's shoulders to ensure that the residents are taken care of.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Seel, that the proposal be approved; whereupon, Chairman Welch confirmed that the motion includes the three conditions. Upon call for the vote, the motion carried unanimously.

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

## **CITIZENS TO BE HEARD**

Richard N. Shott, Clearwater, re affordable housing vs. "reits."

Lenore Faulkner, Madeira Beach, re education excellence.

Greg Pound, Largo, re justice.

## **CONSENT AGENDA ITEMS NOS. 5 THROUGH 15 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 11 AND 15, WHICH WERE CONSIDERED UNDER ITEM NO. 16.**

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

# 5 Minutes of regular meeting of July 9, 2013 approved.

# 6 Reports received for filing:

Juvenile Welfare Board Monthly Financial and Investment Report dated June 30, 2013.

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# 7      Vouchers and Bills Paid

Period June 2 through June 8, 2013

Payroll

ACH – \$2,909,652.95

Checks – \$51,386.18

Third Party ACH – \$15,365.05

Third Party ACH – \$2,622.61

Accounts Payable

Checks – \$10,918,065.17

ACH Transfers – \$27,058,612.77

Wire Transfers – \$523,210.09

Period June 9 through June 15, 2013

Payroll – None

Accounts Payable

Checks – \$4,960,090.69

ACH Transfers – \$2,621,696.62

Wire Transfers – \$688,059.81

Period June 16 through June 22, 2013

Payroll

ACH \$3,179,546.32

Checks \$54,038.03

Third Party ACH \$15,287.12

Third Party Check \$3,548.98

Accounts Payable

Checks \$10,281,247.10

ACH Transfers \$2,729,205.18

Wire Transfers \$3,914,369.97

Period June 23 through June 29, 2013

Payroll – None

Accounts Payable

Checks \$6,847,874.48

ACH Transfers \$7,943,417.98

Wire Transfers \$482,452.31

# 8 Miscellaneous Items Received for Filing:

- a. City of Largo Notice of Public Hearings regarding proposed Ordinances Nos. 2013-54, 2013-55, and 2013-57 to be held September 3, 2013, annexing certain property.
- b. City of Pinellas Park Notice of Public Hearing re proposed Ordinance No. 3848 held July 25, 2013, voluntarily annexing certain property.
- c. City of Seminole Notice of Public Hearings re proposed Ordinances Nos. 05-2013 through 07-2013 held July 23, 2013, voluntarily annexing certain property.

# 9 Resolution No. 13-75 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated Department of Homeland Security grants revenue to the Emergency Management Department in the amount of \$10,000.00).

#10a Resolution No. 13-76 adopted supplementing the Fiscal Year 2013 Tourist Development Council (TDC) Fund to appropriate earmarked receipts for a particular purpose (unanticipated grant revenue in the amount of \$375,000.00) and to appropriate funds to the Convention and Visitors Bureau for Marketing/Advertising activities.

#10b Resolution No. 13-77 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenue to the Parks and Conservation Resources Department in the amount of \$34,850.00).

#11 See Item #16.

#12 First Amendment to the contract with EQ Florida, Inc. for Waste Collection Services – Household Chemical (Contract No. 123-0139-B) approved, adding Department of

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Transportation shippable lab packing boxes (\$21.00 each) as a pay item; no increase in funds is required through the end of the contract period of February 15, 2016; (original approved 36 month expenditure: \$1,960,383.00) (Department of Environment and Infrastructure/Purchasing).

- #13 Lease Agreement between Pinellas County and Eric Bennett of a County owned studio apartment located at 113 10<sup>th</sup> Avenue, St. Pete Beach approved in the amount of \$800.00 per month for a term of twelve months; contract shall automatically renew for four successive additional terms of one-year, unless either party notifies the other in writing 30 days prior to the end of any term of its intent not to renew. The rate will increase five percent each year on the lease anniversary date. Chairman to sign and the Clerk to attest (Real Estate Management/Purchasing).
- #14 Quarterly report of claim settlements for April 1 through June 30, 2013 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$50,000.00) received for filing (County Attorney/Risk Management).
- #15 See Item #16.
- #16 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller).
- #11 Fiscal Year 2014 Elite Event Funding Recommendations from the Tourist Development Council approved to fund the following Fiscal Year 2014 Elite Events for a total cost of \$982,500.00: Honda Grand Prix of St. Petersburg, The Outback Bowl/Clearwater Beach Day, Beef O'Brady's Bowl St. Petersburg, Tampa Bay PGA Championship, Clearwater Jazz Holiday, Bright House Clearwater National Super Boat Championship Festival, East-West Shrine Game, and the Women's Running St. Petersburg Half Marathon. Funding for Elite Events is provided through the Convention and Visitors Bureau (CVB) Annual Operating Budget; source of funding is through the Tourist Development Tax. Elite Event funds that are not allocated to an event will be returned to the CVB Advertising Budget (Convention and Visitors Bureau).

In response to query by Commissioner Seel, Assistant County Attorney Dennis Long related that the Antiwarpt Festival was not funded because the event did not meet either the attendance or the room night criteria.

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Responding to further query by Commissioner Seel, Attorney Long indicated that all reports were filed timely by Elite Events, with the exception of the events that were given 75 days to file reports after the committee met; and that in reviewing the reports, all reporting requirements were satisfied; whereupon, Commission Seel expressed concern about the documentation requested from the events, noting that going forward the Board should be very specific as to what documentation is required, in order to keep the process fair for all events when applying for funding, and discussion ensued.

Commissioner Welch related that there was quite a bit of information that was provided in the Tourist Development Council's (TDC) Elite Event Committee meeting at the EpiCenter regarding terms of overnight visits and immediate exposure; that the Committee spent most of the morning going over each application; and that extra copies of the information could be provided; whereupon, Attorney Long related that one of the criteria to qualify for funding is attendance; and that a number of events provided attendance figures that satisfied the funding criteria.

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

- #15 Sitting as the governing body of the Lealman Solid Waste Collection and Disposal District, the Board adopted the non-ad valorem assessment roll for the period January 1 through December 31, 2013; Chairman or his designee authorized to certify the roll to the Tax Collector prior to September 13, 2013.

In response to query by Commissioner Seel, Division of Solid Waste Director Bob Houser related that the Lealman District assessment has been \$14.00 per month since its inception; that the contract has two more years before it must be rebid; that one extension has been used; that it is projected that there will be sufficient funds at \$14.00 per month to carry the district through the term of the contract; that when the contract is rebid, there will not be much left in reserves; and that the rates will probably be affected at that point.

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

- #17 Funding agreement between Pinellas County and 2-1-1 Tampa Bay Cares, Inc. approved; total funding not to exceed \$325,000.00 during the term of the contract; agreement term is October 1, 2013 through September 30, 2014, with one 12-month option of renewal; Chairman authorized to sign the agreement and the Clerk to attest.

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

- #18 Master Pinellas County Health Plan Provider Agreement between the Pinellas County Board of County Commissioners and local Pinellas County hospitals approved and execution of individual agreements authorized pursuant to matrix which has been filed and made a part of the record; total funding under the agreement not to exceed \$3,000,000.00 for the period October 1, 2013 through September 30, 2014.

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

- #19 Community Home Care Medical Services Agreement between the Pinellas County Board of County Commissioners and Baycare Home Care, Inc., approved for execution; agreement effective October 1, 2013 through September 30, 2014; total amount of funding is not to exceed \$550,000.00 during the term of the agreement; Chairman authorized to sign and the Clerk to attest.

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

- #20 Pinellas Hope Project Agreement between Pinellas County and Catholic Charities Diocese of St. Petersburg (DOSP), Inc. for funding not to exceed \$500,000.00 during the term of the agreement (October 1, 2013 through September 30, 2014) approved for execution; funding authorized by the Board in non-recurring funds from the Department of Health and Community Services budget for FY 2013-2014; Chairman authorized to sign and Clerk to attest.

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

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- #21 Designation of the Executive Director, Department of Environment and Infrastructure (DEI) position (retroactive to hire date of May 14, 2012) and four positions in the new job classification Executive Director, County Administration (effective October 1, 2013) approved for inclusion within the Senior Management Service Class of the Florida Retirement System pursuant to Chapter 121, Florida Statutes.; fiscal impact is approximately \$2,600.00 relative to retroactive inclusion of the DEI position (County Administrator).

Administrator LaSala related that, due to a scrivener's error, the published Agenda for today's meeting indicated that the item included a proposed resolution; and that the Board Memorandum is correct in that a resolution is not required. He further related that the action does not increase the number of members of the Senior Management Class in Pinellas County.

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

- #22 Fiscal Year 2013 Board Budget Amendment No. 5 was approved, filed, and made a part of the record; amendment realigns appropriation from the Convention and Visitors Bureau's Reserves Program for various purposes (Management and Budget).

Motion	-	Commissioner Long
Second	-	Commissioner Latvala

Responding to query by Chairman Welch, Administrator LaSala reviewed the accounts to which the transfers would be made, indicating that such an action would be considered normal, given the need for additional vehicles and the level of activity that has been taking place this year; whereupon, in response to comments by Commissioner Seel, Administrator LaSala indicated that the transfers represent Fiscal Year 2013 expenses; and Assistant County Administrator Mark Woodard related that the items in question have been fully annualized in the proposed Fiscal Year 2014 budget; that the transfers will "tee up" expenses anticipated for next year; and that, although the two additional staff positions will not be filled until the beginning of the new year, the vehicles will be ordered now in hopes that they will be available by October 1.

Vote	-	7 – 0
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Later in the meeting, Administrator LaSala noted a scrivener's error in the Amendment document, indicating that the proper title for Center No. 381250 is Convention Services.

- #23 Resolution No. 13-78 adopted dedicating a portion of County owned property as public right-of-way for North Belcher Road and Sunset Point Road. Clerk authorized to record the resolution.

Motion - Commissioner Latvala  
Second - Commissioner Long

Responding to query by Commissioner Roche as to the purpose of the request, Director of Real Estate Management Paul S. Sacco related that the City of Dunedin initiated the request; that there are plans to develop the Webb's Nursery property; that the property was obtained by the County through eminent domain for public road access; and that the purpose of the request is for a clearing or cleansing of the area.

Vote - 7 - 0

- #24 Other Administrative Matters – None.

- #25 County Attorney Miscellaneous – None.

- #26 Authorization granted to advertise a public hearing to be held on August 20, 2013 at 6:00 P.M. regarding a proposed ordinance prohibiting gender identity discrimination under Chapter 70 of the Pinellas County Code relating to Human Relations (Office of Human Rights).

Office of Human Rights Director Paul V. Valenti referred to his memorandum dated July 19, 2013, a copy of which has been filed and made a part of the record, noting that the document includes some frequently asked questions which arise when legislative bodies address the issue.

Mr. Valenti related that the Human Rights Chapter is designed to mirror the federal laws currently in place, in order that the County can receive reimbursement for investigations done by his office; whereupon, he provided an overview of the proposed ordinance, as follows:

- Would protect persons from being discriminated against because of their gender identity in employment, housing, and places of accommodation to the same extent as other groups protected under Chapter 70.
- Nothing in the proposed ordinance would change what is already found in Chapter 70.
- The same exemptions and exclusions would apply to the additional protected group.
- The Office of Human Rights does not have jurisdiction to investigate allegations of discrimination by employers with less than five employees.

- In each instance where protected groups are enumerated, the proposed ordinance replaces the term “sex” with the term “gender.”
- The proposed ordinance includes a definition of the term “gender.”
- Enforcement would be through the Office of Human Rights; investigations would be consistent with how all other discrimination investigations are performed.
- Because there is no state or federal protection for the proposed group, a finding in favor of the person raising an allegation would be handled by the Department of Administrative Hearings. Recovery would be limited to actual damages and reasonable attorney’s fees; no punitive or exemplary damages are recoverable.

Responding to queries by the members, Mr. Valenti confirmed that the Cities of Dunedin and Gulfport have adopted similar protections; and indicated that City of Largo protection is limited to City employment and any city-owned housing; that his research shows there are a lot of concerns in anticipation of the passage of such a protected class, yet there is no indication that the scenarios envisioned have come to fruition; that there is no evidence of widespread problems relating to single-sex facilities; that incidents of improper conduct in such facilities can be addressed regardless of whether the person is in a protected class; that the ordinance does not require the provision of separate facilities; and that persons would be allowed to utilize the facility that aligns with their gender identity or expression; whereupon, he discussed the reasoning behind replacing the word “sex” with “gender.”

Commissioner Morroni indicated that the Board had addressed the issue several years ago during the tenure of Mr. Valenti’s predecessor; and that the members had expressed concerns related to employment and businesses, which may have been why the proposed amendment failed; whereupon, he suggested that Mr. Valenti review the tape of the meeting prior to the August 20 public hearing to ensure that all issues are addressed and all questions answered.

Chairman Welch noted that the proposed amendment does not apply to the School District; and Mr. Valenti concurred.

Responding to the Chairman’s call for citizens wishing to be heard, the following individuals presented their comments and concerns:

Todd Richardson, St. Petersburg, Greater St. Petersburg Development Officer,  
Quality Florida – *in support*  
Michel Keeffe, St. Petersburg, Executive Director, Transaction Florida – *in support*  
Greg Pound, Largo – *in opposition*

August 6, 2013

Commissioner Justice thanked Mr. Valenti for his research regarding the issue, related that a letter in support has been received from the St. Petersburg Area Chamber of Commerce, and indicating that the issue is about looking out for the rights of others, moved that authority be granted to advertise a public hearing for August 20.

Motion	-	Commissioner Justice
Second	-	Commissioner Latvala

Chairman Welch concurred with comments by Commissioner Justice, stating that all citizens should be treated fairly; that fear mongering has occurred throughout history; and that he supports moving forward as adults to hold the conversation. He indicated that he had asked questions regarding procedures to be taken by businesses, which have been partially answered in Mr. Valenti's memorandum; and that Sheriff Gualtieri should be consulted as to how he handled a situation that was encountered last year at Safe Harbor.

Commissioner Roche stated that he supports the motion in that he wishes to receive more public input, particularly from the business community, before a decision is made. He acknowledged challenges that transgendered individuals face with regards to employment; and stated that he is in favor of protecting everyone's rights; whereupon, he expressed serious concerns regarding use of the terms "expression" and "behavior" and requested that Mr. Valenti work with the County Attorney's Office to remove any ambiguity from the wording of the ordinance.

Mr. Valenti responded to various queries and concerns of Commissioner Roche; and Commissioner Long requested that the Chairman call the question.

Thereupon, Chairman Welch stated that the vote today is to schedule a public hearing; that staff can address the issues and bring back proposed changes to the ordinance; and that there will be an opportunity for continued discussion at the August 20 hearing.

Vote	-	7 - 0
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#### #27 County Administrator Reports:

Administrator LaSala distributed a memorandum from Health and Community Services Executive Director Gwendolyn C. Warren dated August 6, 2013, a copy of which has been filed and made a part of the record, and indicated that Ms. Warren is prepared to address Commissioner Long's questions pertaining to her July 22 memorandum regarding recommendations for program-level changes and implementation of performance-based contracting.

August 6, 2013

Commissioner Long related that, in deference to time and her fellow Commissioners, she would be happy to review the answers and ask any further questions at a later date; whereupon, Chairman Welch suggested that the Board set aside time to address the matter during its August 13 Budget Workshop; and thanked Mr. LaSala, Office of Management and Budget Director Eric Naughton, and members of their staff for their efforts in preparation of the responses.

Thereupon, Chairman Welch related his plans to cancel the workshop scheduled for August 15; and no objections were noted.

#28 County Commission Miscellaneous:

- a. Commissioner Long related that her son had received an award for assisting a homeless family.
- b. Commissioner Justice thanked Parks and Recreation Director Paul A. Cozzie and Park staff for giving him a tour of north county parks.  
  
announced upcoming Youth Advisory Committee Open House on August 21 at 3:00 P.M. at the Courthouse and encouraged the Board to spread the word.
- c. Chairman Welch Wished Administrator LaSala a happy birthday.

#29 Meeting adjourned at 11:49 A.M.

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Chairman

ATTEST: KEN BURKE, CLERK

By \_\_\_\_\_  
Deputy Clerk