

AGENDA ITEM # 8
October 8, 2013

8. APPROVAL OF MINUTES:

Regular Meetings held August 20, 2013 and September 5, 2013

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, AUGUST 20, 2013 – 2:05 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Pastor Clarence Williams, The Greater Mount Zion AME Church, St. Petersburg.

PLEDGE OF ALLEGIANCE: Commissioner Norm Roche.

PRESENTATIONS AND AWARDS:

Presentation of the Federal Aviation Administration Airport Safety Mark of Distinction Award to the St. Petersburg-Clearwater International Airport.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County Schools education excellence

Sheila Skinner, St. Petersburg, re ESG – Help for temporarily disabled

- Chairman Welch indicated that the Pinellas Opportunity Council is not a direct County department; that some programs are outside the scope of the County; and that staff would follow up to assist Ms. Skinner.

Greg Pound, Largo, re Families in Pinellas

JoAn Totty, Palm Harbor, BCC May

- Responding to comments by Ms. Totty regarding courtesy to other Commissioners, Chairman Welch related that Commissioner Long had “called the question” under Roberts Rules of Order, which ends the debate immediately.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 9 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 7 AND 8, WHICH WERE CONSIDERED UNDER ITEM NO. 10.

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

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

2 Reports Received for Filing:

City of South Pasadena Comprehensive Annual Financial Report for the year ended September 30, 2012, together with (1) the Auditor's Letter highlighting revenue and expenditures of the South Pasadena Fire Department and (2) the Fire District Ad Valorem 2012 Budgetary Comparison Schedule.

3 Vouchers and Bills Paid – None.

4 Miscellaneous Items Received for Filing:

- a. City of Clearwater Ordinance No. 8409-13 adopted August 1, 2013, annexing certain property.
- b. City of Oldsmar proposed Ordinance No. 2013-13 annexing real property; public hearing held August 6, 2013.
- c. City of Pinellas Park Notices of Public Hearings re proposed Ordinances Nos. 3850 through 3852 held August 8, 2013, voluntarily annexing certain property.
- d. City of Safety Harbor Ordinance No. 2013-15 adopted July 15, 2013, voluntarily annexing certain property.

5a Award of bid to Traffic Control Devices, Inc. for South Fiber Loop ATMS/ITS Installation Phase 1 – Alternate U.S. Highway 19 (Bid No. 123-0352-CP; Project No. 000196A) approved for an estimated total expenditure in the amount of \$1,953,067.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; funding is provided by the Florida Department of Transportation County Incentive Grant Program Agreement (50%) and the Ninth Cent Local Option Gas Tax (50%); all work is expected to be fully completed within 270 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest (Department of Environment and Infrastructure/Purchasing).

5b Award of bid to PCL Construction, Inc. for an Aeration Blower Upgrade at the South Cross Bayou Water Reclamation Facility (Bid No. 123-0316-CP; Project No. 000781A/2083) approved in the amount of \$2,098,921.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; funding is provided by the Department of Environment and Infrastructure Utilities Capital Sewer Fund; all work is expected to be fully completed within 240 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest (Department of Environment and Infrastructure/Purchasing).

- # 6a Award of bid to Air Mechanical & Service Corp. for Rooftop Air Handling Units (12) Installation – Detention Center (Bid No. 123-0321-CP; Project No. 001401A) approved in the amount of \$268,000.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; funding is provided by the Local Infrastructure Sales Tax (Penny for Pinellas): Public Safety Functional Area Detention and/or Correction Activity, and is part of the \$225 million earmarked for court and jail projects; all work is expected to be fully completed within 90 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest (Real Estate Management/Purchasing).
- # 6b Award of bid to Chinchor Electric, Inc. for Emergency Generator Installation – Pinellas County EMS (Re-Bid) (Bid No. 123-0376-CP; Project No. 000898A) approved for an estimated total expenditure in the amount of \$870,282.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; funding is provided by the Local Option Sales Tax (Penny for Pinellas): Public Safety Functional Area; all work is expected to be fully completed within 150 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest (Real Estate Management/Purchasing).
- # 7 See Item No. 10.
- # 8 See Item No. 10.
- # 9 Grant Funding Agreement between Pinellas County and Boley Centers, Inc. for maintenance of certain housing projects in an amount not to exceed \$317,480.00 during the term of this agreement (October 1, 2013 through September 30, 2014) approved; agreement may be renewed for an additional 12-month period; funding is provided by the Department of Health and Human Services; Chairman authorized to sign the agreement and the Clerk to attest (Health and Community Services).
- #10 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller):
 - # 7 Ranking of firms and authorization for staff to negotiate an agreement with the number one ranked firm, Peter R. Brown Construction, Inc., for Professional Design Build Services – Pinellas County Health Facility (Contract No. 123-0276-NC) denied. Staff authorized to negotiate agreement with the number two ranked firm, Creative Contractors, Inc. Final negotiated contract to be presented to the Board for consideration at a future date (Real Estate Management/Purchasing).

1. Peter R Brown Construction, Inc.
2. Creative Contractors, Inc.
3. Charles Perry Partners, Inc.

Pointing out that the members have made it clear since the economy plummeted that the consensus of the Board is to provide jobs for people in the Pinellas community and to distribute whatever work is available among different companies, Commissioner Latvala questioned whether the Board's direction has been made known to the bid evaluators. Noting that she understands that a process is followed for the ranking of bids and that staff discourages any Board discussion regarding the rankings, she related that she is concerned that the recommendation is to award the bid to Peter R. Brown Construction, Inc., which is no longer a local company and was recently awarded a very large contract for the parking garage at the Pinellas County Justice Center, when Creative Contractors, Inc., the second ranked company, is a local company and the scoring was very close; whereupon, she asked whether the members would support becoming involved in at least setting some rating parameters moving forward.

In response to query by Chairman Welch as to whether she is proposing changes to this particular recommendation, Commissioner Latvala pointed out that the item would not have come before the Board for action if they did not have authority to change the recommendation for the award of the bid; and stated that she would like to award the bid to Creative Contractors, Inc.

Administrator LaSala indicated that the bid process is conducted under the Consultants Competitive Negotiation Act (CCNA); and recommended that a work session be scheduled if the Board wants to explore what discretion it has under the Act. He indicated that in this particular situation, the Board can either approve the rankings and authorize staff to negotiate with Peter R. Brown Construction or start the process afresh with a new Request for Proposals (RFP); whereupon, in response to query by Chairman Welch as to whether the Board's options would include changing the ranking, Attorney Bennett stated that he is not aware of a legal basis that would allow such a change.

Commissioner Long discussed the process the Seminole City Council followed regarding bids when she was a member, and related that she has been concerned with the County process since joining the Board, noting that the City of St. Petersburg is developing a plan that would allow it to employ Pinellas County companies; whereupon, she expressed her support for Commissioner Latvala's

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position, stating that the Board has an obligation to employ people within the county and to award bids to local companies whenever possible.

In response to queries and comments by Commissioner Seel, Purchasing Director Joseph Lauro related that the bidding process is per State Statute 287.055; that the statute is written in such a way that it is open to interpretation; and that Florida counties differ in the methods used, although at least three other counties use the method used by Pinellas County. He indicated that the Board previously approved the process and point structure used by staff to award bids; that the volume of work previously awarded is considered during the rankings, although Peter R. Brown Construction being awarded the parking garage was not mentioned during the oral presentation process; and that the points awarded and the minority status of the businesses are included in the packet received by the Board.

Mr. Lauro discussed the two-step CCNA process and how the points are awarded, and stated that the same process has been used for approximately ten years and has worked well; that the individuals on the bid evaluation committees are trained to evaluate CCNA contracts; and that the same CCNA evaluation process is used for all RFPs; whereupon, discussion ensued regarding the scoring for this project wherein Commissioner Seel related that she is a proponent of doing business with local companies.

* * * *

At this time, 2:39 P.M., Agenda Item No. 8 was heard while Mr. Lauro located the criteria for the oral presentation. Discussion resumed at 2:41 P.M.

* * * *

Mr. Lauro displayed the criteria for the oral presentation process on the overhead, and explained the point system, noting that the criteria is per state statute, although the actual weighting is not.

Commissioner Roche indicated that he, too, has received complaints and comments from constituents that after going through the costly oral presentation process, the same companies and consultants are awarded the bids; that he concurs that a work session is needed; and that he is in agreement with Commissioner Latvala and is on the record in other meetings maintaining that if

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an item comes before the Board for final action, the Board retains authority and control and has the duty to verify it, no matter the issue; whereupon, he stated that while he, too, supports a local option, he does not support making the change today due to legal issues.

Commissioner Latvala stated that she does not support local preference and considers it problematic; and that her issue is whether the Board has the authority to change staff's recommendation, noting that when she served on the School Board, spreading the jobs around was a definite consideration.

In response to query by Commissioner Justice, Mr. Lauro indicated that the Board previously addressed the issue of local preference; and that extra points are awarded if a company has a business office within the four counties contiguous to Tampa Bay: Hillsborough, Manatee, Pasco, and Pinellas; whereupon, Commissioner Justice indicated that he has concerns with switching the award "on the fly," noting that it could be construed as favoritism to make a change without criteria being set beforehand. He indicated that the Board already had the discussion and decided against reopening and looking into the details of a staff recommendation or evaluation; and that if the Board intends to do that, parameters need to be set, or the length of meetings will become intolerable.

Chairman Welch commented that he is in partial agreement with most points made today; that local hiring has some definite problems, but he supports considering an incentive, such as St. Petersburg does, to support the local economy; and that he has concerns about the minority hiring process, noting that when he was on the Board of Trustees of St. Petersburg College, the trustees had a significant role in selecting contractors; whereupon, Chairman Welch stated that he supports scheduling a workshop to look at all the issues if the Board decides to become more active, but shares the concerns of Commissioners Roche and Justice about changing the award of bid today.

Commissioner Roche pointed out that the parking garage award is funded by the local Penny for Pinellas tax, and the health facility construction award is funded by federal grants.

Responding to query by Commissioner Long as to whether the item could be deferred until after the work session, Administrator LaSala, with input by Director of Health and Human Services Gwendolyn Warren, related that the Board has no legal obligation to act on the item today. He related and later confirmed that the

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federal government requires the facility to be built and the doors to be open by early 2015; that the facility will be administered by Real Estate Management and staffed by the Department of Health and Human Services, the County Health Department, Baycare Health Systems, All Children's Hospital, the Juvenile Welfare Board, and a behavioral health services provider; that there is no tie-in to a federally certified 330-E qualification; and that the project is in support of homeless families and children, which has been emphasized by the Board; whereupon, Administrator LaSala reiterated that the Board needs to decide whether it will reject all bids and request resubmission or re-evaluate the bids under a new set of criteria.

Commissioner Morroni indicated that he supports holding a work session to consider changing the criteria, and expressed his concern about the legal ramifications if the Board makes a change after Peter R. Brown Construction has won the bid, indicating that it is an established policy to award the bid to the number one ranked firm. Administrator LaSala stated that no one has yet won the bid; and Attorney Bennett related that there might be legal complications with regard to re-evaluating this particular RFP under a new set of criteria; and that the first ranking firm might choose to challenge the award, although the point spread is very small. Commissioner Latvala reiterated that the issue is not regarding the process, but whether the Board has the authority to choose the second ranking company; whereupon, Attorney Bennett advised that the Board does have that authority.

In response to queries and comments by Commissioner Seel, Mr. Lauro discussed the automatic awarding of minority points if the business is certified by the State of Florida, and related that Peter R. Brown Construction did not receive points for being minority owned. Commissioner Seel agreed with Commissioner Long's comments regarding staffing of the building; whereupon, she stated that she will not approve a contract with anyone until specific information is received about how much it will cost the County going forward; and Commissioner Roche concurred, and confirmed with Ms. Warren that the federal guidelines specify that the money must be spent and the building complete by the 2015 timeline.

Commissioner Roche stated that if the Board votes to change the award of bid, it would set a far-ranging precedent.

Thereupon, Commissioner Latvala reiterated that she is not changing the process; and that final approval of the contract will come back before the Board;

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whereupon, she moved, seconded by Commissioner Morroni, that staff be authorized to begin negotiations with the second ranked firm, Creative Contractors, Inc.

Commissioner Morroni indicated that the confirmation by Attorney Bennett that the Board has the authority to choose the second ranking company relieved his concerns as to the legal ramifications; that he supported local preference when the Board held hearings on the issue in response to the demands of the community; and that he hopes the message staff takes away today is that when the point count is close during the ranking of firms, the Board's direction on providing jobs in the Pinellas community and spreading the work among the companies must be taken into account.

During discussion, Chairman Welch noted that he would not be supporting the motion, as the process does matter; and agreed that it would set a precedent going forward. Commissioner Seel stated that the Board had already sent a strong message that the Board puts a high priority on spreading the work around to different businesses in the community. Mr. Lauro reiterated that staff followed state statute; whereupon, Commissioner Latvala stated for the record that the County policy was followed; and that her issue is not with the policy but about spreading the work around; and Commissioner Roche indicated that while he agrees with the concept, he would not support the motion because more information is needed.

Following discussion and upon call for the vote, the motion to award the bid to Creative Contractors, Inc. carried by a vote of 4 to 3, with Chairman Welch and Commissioners Roche and Justice dissenting.

Motion	-	Commissioner Latvala
Second	-	Commissioner Morroni
Vote	-	4 – 3 (Chairman Welch and Commissioners Roche and Justice dissenting)

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

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Business Technology Services	First Amendment to the Interlocal Agreement with the Juvenile Welfare Board Children's Services Council of Pinellas County for Business Technology Services	\$270,756.00 Annual Revenue (Agreement between two independent agencies)	7.9.13
Business Technology Services	Amendment No. 1 to the Enterprise License Agreement with Environmental Systems Research Institute, Inc. to add One Online Account Subscription	N/A	10.1.12
Community Development	Specific Performance Agreement with the City of Clearwater for the Neighborhood Stabilization Program Round II	\$5,000.00 U.S. Department of Housing and Urban Development Grant Revenue	7.17.13
Community Development	(a) Release of Liens (2) (b) Satisfaction of Mortgage (2)	(a – b) Liens have been paid in full	6.18.13
Community Development	Release of Lien (1)	Lien has been paid in full	6.12.13
Convention and Visitors Bureau	Indemnification Provision with Bright Business Media, LLC for Three Smart Meeting Events	N/A	7.17.13
Department of Environment and Infrastructure	Agreement with Ridgecrest YMCA for Volunteer Group Project	N/A	7.29.13
Department of Environment and Infrastructure	Preliminary Engineering Agreements with CSX Transportation, Inc. for the Design of Crossing Improvements at: a) 49 th Street and C.R. 611 b) Hercules Avenue, Clearwater	(a – b) \$15,326.00 Each	7.25.13
Department of Environment and Infrastructure	Release of Lien (1)	All liens have been paid in full	6.28.13
Department of Environment and Infrastructure	Notice of Liens (10)	N/A	6.24.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Department of Environment and Infrastructure	(a) Release of Liens (16)	(a) All liens have been paid in full	6.19.13
	(b) Notice of Liens (8)	(b) N/A	
Department of Environment and Infrastructure	(a) Release of Liens (10)	(a) All liens have been paid in full	6.12.13
	(b) Notice of Liens (7)	(b) N/A	
Department of Environment and Infrastructure	Notice of Liens (16)	N/A	6.10.13
Department of Environment and Infrastructure	Release of Liens (9)	All liens have been paid in full	6.6.13
Department of Environment and Infrastructure	Release of Liens (25)	All liens have been paid in full	6.4.13
Department of Environment and Infrastructure	Notice of Lien (24)	N/A	5.29.13
Emergency Management	(a) State-Funded Subgrant Agreement with the State of Florida, Division of Emergency Management for Emergency Management Program Enhancements	(a) \$105,806.00 Grant Revenue, in-kind Match	7.1.13
	(b) Federally Funded Subgrant Agreement with the State of Florida, Division of Emergency Management for Emergency Management Programs	(b) \$199,670.00 Grant Revenue, In-Kind Match	
Emergency Management	Subgrant Agreement and Award Letter with the State of Florida, Division of Emergency Management for Planning, Training and Exercises	\$17,750.00 Grant Revenue, No Match	5.14.13
Health and Human Services	Master Health Program Specialty Provider Agreements, Second and Final Option of Renewal with:	Resolution 10-209 waived purchasing ordinance allowing HHS authority to negotiate specialty health care services. \$3,715,000.00	7.31.13
	West Florida Cardiovascular Center, Inc.		7.18.13
	Gateway Radiology Consultants, P.A.		
	Alan R. Lustig, M.D., P.A.		
	Mark L. Ritch, D.O.		
	Nabila Niaz, M.D.		
	Gerald J. Rizzo, M.D., P.A.	FY 2014 Master Agreement Pool	7.17.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	Allergy Asthma Associates, P.A. Coastal Pulmonary and Critical Care, PLC Neurointerventional Associates, P.A. Bayside Urology, P.A.		
Health and Human Services	Agreement with Pinellas Suncoast Transit Authority for the Disadvantaged Transportation Program	\$10,000.00	7.2.13
Justice and Consumer Services	(a) Memorandum of Understanding with the Chief Judge of the Sixth Judicial Circuit Court of Florida for Joint Adult Drug Court Program Activities	(a) N/A	7.31.13
	(b) Edward Byrne Memorial Justice Assistance Grant Applications with the Florida Department of Law Enforcement, Office of Criminal Justice Grants, FY2014	(b) \$296,256.11 Grant Revenue, No Match	
Justice and Consumer Services	Revised Interlocal Agreement with the Sixth Judicial Circuit Court for Administration of Drug Court Services	N/A	7.18.13
Justice and Consumer Services	Grant Agreement with the State of Florida, Office of the Attorney General for Crime Stoppers of Pinellas County	\$245,392.70 Grant Revenue, No Match	7.3.13
Justice and Consumer Services	Contractual Services Agreement with the Office of the State Courts Administrator for Adult Post-Adjudicatory Drug Court Expansion	\$236,336.74 Grant Revenue, No Match	6.25.13
Justice and Consumer Services	Memorandum of Agreement with the Florida Department of Corrections for Reentry Programs and Services	N/A	5.13.13
Parks and Conservation Resources	Temporary Waiver Permits for Alcoholic Beverages with Water Cross International, Inc. for: Florida Beach Halfathon & 5K Race Florida Halloween Halfathon & 5K Race Florida Holiday Halfathon	N/A	7.30.13
Parks and Conservation Resources	First Amendment to the Agreement with Bodaca Timber, Inc. for Time Extension of Timbering of Pine Trees at Heritage Village	\$4,000.00 Revenue	7.8.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Public Safety Services	Subrecipient Agreement with the State of Florida Dept. of Financial Services for the Hazardous Materials Response Team Training and Equipment	\$14,999.00 State Homeland Security Grant Revenue	6.11.13
Real Estate Management	General Utility Easement Agreement with Regal Palms Limited Partnership for a portion of Lot 2, Palms of Largo	N/A	7.30.13
Real Estate Management	Temporary Access & Use License Agreement with Palm Harbor Community Services Agency for the Rheba Sutton White Chapel and Harbor Hall	N/A	7.29.13
Real Estate Management	(a) Residential License Agreement with Albert E. Roller for Mobile Home at Cross Bar Ranch (b) Second Amendment to Recreation License Agreement with The Kiwanis Horses for Handicapped Foundation of Pinellas County, Inc. for Five Year Term Renewal	(a – b) N/A	7.23.13
Real Estate Management	First Amendment to the Recreation License Agreement with Cross Bayou Little League, Inc. for Recreational Fields at 10150 98 th Street North	N/A	7.16.13
Real Estate Management	License Agreement with Bikepath Country Florida, LLC for pilot signage program on Pinellas Trail	\$45,600.00 Revenue	7.9.13

In response to requests by Commissioner Roche, Administrator LaSala agreed to provide the members with detailed information regarding line item No. 16, and an update on new construction in downtown Palm Harbor.

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

- #11 Fiscal Year 2013-2014 Alcohol and Drug Abuse Trust Fund disbursement of funds totaling \$50,000.00 approved for selected agencies as outlined in the Agenda Memorandum dated August 20, 2013, which has been filed and made a part of the record, and in accordance with the recommendation of the Substance Abuse Advisory Board (Health and Community Services).

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

- #12 Recommendation of the Substance Abuse Advisory Board for distribution of \$296,256.00 in Edward Byrne Memorial Justice Assistance Grant funds for Fiscal Year 2013-2014 approved providing for distribution among nine applicants, as outlined in the attachment to the Board Memorandum dated August 20, 2013; County Administrator authorized to execute all subsequent agreements and documents related to the funding (Health and Community Services).

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

- #13 Interlocal Agreement between Pinellas County and the Juvenile Welfare Board approved for funding of a Senior Research Assistant, and to provide technology and support for joint projects for a total amount not to exceed \$130,000.00 during the term of the agreement through September 30, 2014; funding is provided by a County settlement with Palms of Pasadena Hospital (\$125,000.00) and the Department of Health and Community Services anticipated Fiscal Year 2013-2014 appropriation of \$5,000.00; Chairman authorized to sign and the Clerk to attest (Health and Human Services) (Companion Agenda Item No. 14).

Motion - Commissioner Roche
Second - Commissioner Latvala

Commissioner Seel related that the Health and Human Services Coordinating Council (HHSCC) was never formally disbanded by the HHS Policy Board, which created it; that the Administrative Forum, which serves as a way for the cities and funders to come together to discuss issues, will continue; and that the Juvenile Welfare Board will create a white paper, and the Policy Board will meet and formally decide the process going forward, noting that the Honorable Bernie McCabe, State Attorney, has indicated an interest in this issue.

Vote - 7 – 0

- #14 Conditional Funding Agreement between Pinellas County and the Juvenile Welfare Board (JWB) approved; funding is provided by a County settlement with Palms of Pasadena Hospital (JWB shall receive \$125,000.00 from Palms of Pasadena Hospital); Chairman authorized to sign and the Clerk to attest (Health and Human Services) (Companion Agenda Item No. 13).

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

- #15 Resolution No. 13-79 adopted establishing the Fiscal Year 2014 schedule of fees for services to be rendered by non-proprietary and enterprise departments, the Airport, and the Department of Environment and Infrastructure – Utilities effective October 1, 2013.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

In response to query by Chairman Welch, Public Safety Services Director Bruce Moeller indicated that the fee for an intact animal is more costly, as the animal is sterilized upon impoundment.

Commissioner Seel, with input by Pinellas County Health Department Director Dr. Claude Dharamraj, noted that cutbacks in Medicaid reimbursements by the federal and state governments have required a \$25.00 dental service fee to be imposed on uninsured, low-income children; that the fee is based upon a sliding scale by income; and that a hardship policy exists wherein fees can be waived.

Vote	-	7 – 0
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- #16 Fiscal Year 2014 Board Budget Amendments Nos. 7, 8, and 9 approved, realigning appropriation from the Reserves program to the Sewer program within the Sewer Revenue and Operating Fund (Management and Budget).

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

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

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Richard Coates, Division Director, Department of Environment and Infrastructure, provided a brief update on the Truth in Millage (TRIM) notices relating to the surface water and utility fee. He indicated that staff found some minor errors relating to notices to the approximately 1,200 protected addresses in the County and to some mobile home complexes and condominium parcels, noting that most of the errors were caught and corrected before the TRIM notices were distributed to the public.

In response to queries by Chairman Welch regarding a hardship provision as part of the surface water assessment, Kelli Hammer Levy, Section Manager, Department of Environment and Infrastructure, referred to her memorandum dated August 7, 2013, a copy of which has been filed and made a part of the record, and indicated that only one county in the State of Florida (Bay County) has a hardship policy, which is for senior citizens who qualify, and none of the cities in Pinellas County have a policy. She indicated that a funding source, such as the Municipal Service Taxing Unit (MSTU) Contingency Fund, would be required to replace any exemptions provided, as the Service Water Assessment Fund would need to be reimbursed for all exempted parcels; and that for Pinellas County to have a senior citizen hardship policy such as Bay County's would require a reimbursement of approximately \$670,000 to \$750,000, as Pinellas County has 1,000 more parcels; whereupon, she stated that staff is requesting Board direction prior to the Surface Water Assessment Fee public hearing on September 10, 2013 on whether to move forward with a hardship policy.

Chairman Welch expressed surprise that none of the cities in the County have a hardship policy, as it is provided for in the ordinance; whereupon, Ms. Levy related that exemptions are not usually offered for services such as water and sewer, pointing out that the assessment is not a tax, but a surcharge.

In response to query by Chairman Welch, Chief Assistant County Attorney Dennis Long, with input by Attorney Bennett, related that an assessment resides on the tax bill, which must be paid in full; that taxes are governed by state statute; and that, if unpaid, a tax certificate is issued and the property is sold at a tax deed sale. In response to query by Commissioner Seel, he indicated that state statute would not allow the Board to establish a policy that would prevent property from going to tax deed sale; and that the only viable option for a hardship program is reimbursement from the MSTU or the General Fund; whereupon, Ms. Levy reiterated that it is not a tax, but a service fee.

Following discussion about ways to offer hardship funding, Chairman Welch confirmed that it is the wish of the Board to have a checkbox placed on the tax statements so the community can donate funds.

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Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	6 – 1 (Commissioner Roche dissenting)

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At this time, 3:30 P.M., Commissioner Seel left the meeting.

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- #18 Resolution No. 13-80 adopted declaring a portion of County-owned land surplus, authorizing a private sale to the adjacent property owner, and establishing a sale price of \$2,585.81; Clerk authorized to record the resolution. Contract for Sale and Purchase approved and Chairman authorized to execute and the Clerk to attest the contract and the County Deed (Real Estate Management).

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

- #19 Resolution No. 13-81 adopted approving Project B1092159153 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$42,900.00 to be paid over a series of fiscal years as determined by the State) (Strategic Planning and Initiatives).

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

- #20 Other Administrative Matters:

- a. Federal Department of Health and Human Services Grant

Administrator LaSala announced receipt of a Federal Department of Health and Human Services Grant in the amount of \$600,000.00; and indicated that the Grant will assist in guidance of the residents through Affordable Health Care; and that delegates of U.S. Representative Kathy Castor will be meeting with staff regarding the direction of the Healthy Communities program.

b. Employee Pay Increases

Administrator LaSala indicated that he is amending his recommendation for a 2.8 percent general increase to Pinellas County employees, effective October 1, 2013, to 3.0 percent; whereupon, in response to queries by Chairman Welch, Administrator LaSala indicated that, although there would be a change to the current budget, there would be no change to the millage rate.

- #21 County Attorney authorized (amended recommendation) to initiate litigation in the case of Pinellas County versus Environmental Research & Design, Inc. and Tampa Contracting Services, Inc. – Recovery of Damages.

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

- #22 Settlement authorized in the case of Bright House Networks, LLC versus Pinellas County, et al. – Circuit Civil Case No. 10-5384-CI-7 – in accordance with the confidential memorandum from County Attorney James L. Bennett dated August 20, 2013.

Attorney Bennett presented background information regarding the item, and related that although the members retain the option of taking public comment, there is no legal requirement to do so on every item; whereupon, he recommended that the members not engage in discussion or answer questions regarding the confidential memorandum, and Chairman Welch provided input.

* * * *

At this time, 3:38 P.M., Commissioner Seel returned to the meeting.

* * * *

Responding to the Chairman's call for citizens wishing to be heard, Michael Markham, Johnson, Pope, Bokor, Ruppel & Burns, LLP, Clearwater, representing Bright House Networks, appeared and stated his concerns regarding the agreement, the settlement, and the overall process; whereupon, in response to queries by Chairman Welch, Attorney Bennett related that a final agreement has been reached with all of the defendants and is in accord with the confidential memorandum that has been provided to the members.

During discussion and in response to queries by Commissioner Long, Attorney Bennett, with input by Senior Assistant County Attorney Jack A. Powell, related that during the legal process, Bright House will have the opportunity to voice its objections before a judge; and that the contents of the settlement agreement will be made public once the litigation has concluded.

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

#23 County Attorney Miscellaneous – None.

#24 First Amendment 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) providing a process for any Constitutional Officer to terminate participation and withdraw from the agreement or to resign as a Board member with 30 days written notice, and changing the position title of the Business Technology Services Director to Chief Information Officer (CIO) approved; Chairman authorized to sign and the Clerk to attest.

Commissioner Latvala briefly discussed the ongoing national search for a Business Technology Services Director, and indicated that because the initial advertisement and position title did not effectively communicate the duties and magnitude of the position, few qualified individuals applied; whereupon, she related that once the position was re-posted as Chief Information Officer, a standard title used throughout the private sector, many applications were received from highly-qualified candidates.

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

#25 Acting as the Emergency Medical Services (EMS) Authority, the Board approved the appointment of Dr. Dominique Thuriere to the EMS Medical Control Board, filling the Hospital Administrator position vacated by Mr. Keith Neeley.

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

- #26 Resolution No. 13-82 adopted directing the Clerk and the Tax Collector, on behalf of the Board, to defer making application for deeds on all County-held tax certificates sold in 2011 and maturing in 2013 for an indefinite period of time on properties valued at less than \$5,000.00 on the Property Appraiser's most recent assessment roll, pursuant to Section 197.502(3), Florida Statutes (2012).

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

#27 County Administrator Reports

Discussion and Recommendations on Social Action Funding and Homeless Initiatives

Administrator LaSala referred to a memorandum titled *Proposed Fiscal Year 2014 Funding Recommendations for Social Action Funding and Homeless Initiatives*, which has been filed and made a part of the record, and indicated that at the last meeting, the members had instructed staff to develop a process to prioritize funding for community agencies previously funded through Social Action Funding and New Homeless Initiatives; and that the following services have been prioritized for funding by the Board:

- Meals for homebound seniors provided by Neighborly Care Network, Inc. Funding was prioritized in order to reduce the impact of the federal sequestration and resulting budget cuts to the Meals on Wheels program.
- Emergency shelter for the homeless, including shelter beds for homeless families with children, which is a Board-approved core focus area for the Health and Community Services Department, and shelters for families fleeing a domestic violence situation.
- Food access services such as food pantries and food centers that provide essential food items and meals to homeless and at-risk individuals and families. Food distribution centers distribute food items in bulk to local food pantries or food centers for their use.
- The Board further indicated that the money provided to community agencies was to fund direct services only; and that special consideration was to be given to agencies that use County funding as a grant match requirement.

Administrator LaSala referred to a summary list of community agencies that currently receive Social Action Funding or receive funding for New Homeless Initiatives, and indicated that of the 19 funded programs, 17 provide direct services to families and individuals in need; whereupon, he recommended that current funding levels be

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maintained in Fiscal Year 2014 for agencies which provide direct services; and that discussions take place in Fiscal Year 2015 with regard to alternative funding and service delivery options. He reported that after receiving community input and BCC direction, staff would return with a formal recommendation regarding funding in Fiscal Year 2015.

In response to queries by Chairman Welch and Commissioner Seel, Administrator LaSala presented information regarding the overall financial support for Social Action Funding and New Homeless Initiatives, and clarified that Fiscal Year 2014 will be the final year those funds are allocated to non-governmental organizations; whereupon, he confirmed that emergency shelters for the homeless will assist families with children, families fleeing a domestic violence situation, and adults.

Commissioner Morroni related that even though he had not been present at the August 13 work session in which discussion had taken place regarding the Meals on Wheels program, he had watched the work session on television upon returning from vacation; and that he supports the program being a priority of the Board. He discussed the issue of public notice of items on the BCC agendas, and indicated that better notification needs to be provided to community partners for issues that affect their budgets, and Commissioner Seel agreed; whereupon, Chairman Welch indicated that although the August 13 discussion regarding the Meals on Wheels program had quickly escalated into a lengthy conversation, the various stakeholders were made aware that further discussion would take place today.

Responding to queries and comments by Commissioner Roche regarding the percentage of funding being allocated to direct services, Health and Community Services Director Gwendolyn Warren clarified how the funding dollars are spent within the categories of salaries, administrative, and direct services; whereupon, Commissioner Roche related that he wants most of the dollars to go toward helping people in need; and requested that Ms. Warren work toward raising the percentage of funding allocated to direct services.

In response to query by Commissioner Roche, Chairman Welch confirmed that the item requires a vote; whereupon, Commissioner Justice moved, seconded by Commissioner Long and carried, that the item be approved.

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

- #28 Appointment of Ms. Karla Leavelle to the WorkNet Pinellas Board of Directors for a current term through June 30, 2015 approved.

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

- #29 County Commission Miscellaneous:

- a. Commissioner Latvala reported that the RESTORE Consortium will meet at the Sheraton Sand Key on August 22, 2013 at 9:00 A.M.
- b. Commissioner Justice re tour of Pinellas County Health Department and Mobile Medical Unit.
- c. Chairman Welch noted the passing of Mark Marquardt and extended condolences to his wife, family, and friends.

- #30 Resolution No. 13-83 adopted appropriating earmarked transfer receipts in the Fiscal Year 2013 Sewer Interest and Sinking Fund for debt service payment and required reserves; and Fiscal Year 2013 Board Budget Amendment No. 6, which has been filed and made a part of the record, approved (Regular Agenda Item). One letter in opposition to the proposed surface water assessment fee has been received. No citizens appeared to be heard.

Motion	-	Commissioner Long
Second	-	Commissioner Morroni

In response to queries by Commissioner Roche, Chief Deputy Clerk Harris confirmed that one letter in opposition to the proposed surface water assessment fee has been received.

Vote	-	7 – 0
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- #31 Ordinance No. 13-21 adopted amending Chapter 70 of the Pinellas County Code relating to Human Relations to include prohibitions against discrimination on the basis of gender identity in employment, housing, and public accommodations. 147 emails in support of and 16 emails in opposition to the proposed ordinance have been received.

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Office of Human Rights (OHR) Director Paul V. Valenti referred to his memorandum dated August 9, 2013 titled "*Gender-Identity as a Protected Class under Chapter 70 of the Pinellas County Codes Relating to Human Relations*", a copy of which has been filed and made a part of the record, answered questions brought forward at the August 6 BCC meeting, and provided an overview of the ordinance, as follows:

- Would protect persons from being discriminated against because of their gender identity in employment, housing, and places of public accommodation to the same extent as other groups protected under Chapter 70.
- Nothing in the ordinance would change what is already found in Chapter 70.
- The same exemptions and exclusions would apply to the additional protected group.
- In each instance where protected groups are enumerated, the ordinance replaces the term "sex" with 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.

Thereupon, Mr. Valenti indicated that Chapter 70 does not apply to:

- The school district.
- Employers of less than five employees.
- Religious institutions and organizations as an employer when the employment relates to the principles, tenets, beliefs of the religion, or for preferences in hiring co-religionists.
- Housing which is owner-occupied with four or fewer units or living quarters.
- Individuals who own and sell three or fewer single family homes every two years without the assistance of a real estate professional, or are not in the profession of selling or renting housing.

- Housing owned, operated, or sponsored by religious organizations and institutions (except as it relates to race, color, and national origin), that may also accord preferences to co-religionists.
- Private clubs that are truly private in nature, that may also accord preferences to members.

During discussion and in response to queries by the members, Mr. Valenti indicated that the Cities of Dunedin and Gulfport have adopted similar protections; that the City of Largo limits protection to city employment and any city-owned housing; that Equality Florida statistics indicate that approximately 6.4 million persons are afforded protections in jurisdictions across the state; 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,” and Attorney Bennett provided input.

In response to queries by Commissioner Roche, Mr. Valenti provided detailed information regarding how complaints are filed and investigations conducted by the Office of Human Rights; whereupon, following brief discussion, Attorney Bennett discussed the terms “gender” and “gender-identity” as they pertain to the ordinance.

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

Barbara Terry, Seminole – Support
Toni Van Pelt, Seminole – Support
J. Beth Ciesielski, Dunedin – Support
Susan McGrath, St. Petersburg – Support
Thompson Kellett, St. Petersburg – Support
Katee Rully, Equality Florida, St. Petersburg – Support
Karen J. Melchionne, Clearwater – Support
Sharon Janis, St. Petersburg – Support
Andrew Citino, St. Petersburg – Support
Sasha Citino, St. Petersburg – Support
Michael Keffe, St. Petersburg – Support
Eunice Fisher, St. Petersburg – Support

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Nadine Smith, St. Petersburg – Support
Tristan Byrnes, St. Petersburg – Support
Lauren Johnson, Seminole – Support
Narda Enander, Clearwater – Oppose
Dorothy Bonds, Palm Harbor – Oppose
Bronson Oudshoff, Clearwater – Oppose
Deb Caso, Palm Harbor – Oppose
Nancy Davis, Seminole – Oppose
Linda Skempris, St. Petersburg – Oppose
Kathy Haddon, Largo – Oppose
Ronel Louise Anthony, Pinellas Park – Oppose
Tina Neuhauser, Largo – Oppose
Regina Brown, Largo – Oppose *
Thomas R. Beckwith, Seminole – Oppose
Brian Criner, Clearwater – Oppose
Glenn Pav, Largo – Oppose *
Jerry Grubba, Safety Harbor – Oppose
James Hollenback, St. Petersburg – Oppose
Eileen Smith, Palm Harbor – Oppose
Phil Azzolina, Clearwater – Oppose *
Anthony McDaniel, Largo – Oppose *
Greg Pound, Largo – Oppose *
Todd Richardson, St. Petersburg – Support
Mary Anne Lannon, Clearwater – Oppose *
Rex D. Brown, Largo – Oppose
Henry Gamez, Largo – Oppose
Tony Caso, Palm Harbor – Oppose *
Marg Baker, Palm Harbor – Oppose
John Treskovich, Palm Harbor – Oppose
Wendy Tai, Tampa – Oppose
JoAn Totty, Palm Harbor – Undecided
David Ballard Geddis Jr., Palm Harbor – Undecided

** Spoke on behalf of others in attendance*

Following public input, Chairman Welch related that the normal procedure for providing public notice was followed; and confirmed that the ordinance does not apply to the Pinellas County School District; whereupon, Commissioner Justice moved, seconded by Commissioner Long, that the item be approved.

Motion	-	Commissioner Justice
Second	-	Commissioner Long

In response to queries and comments made during the public comment portion of the item, Commissioner Justice related that Mr. Valenti brought forward the ordinance at the behest of the BCC; that the agenda item was properly advertised; and that coverage

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regarding the topic has been provided by local newspapers and television stations. He related that the County Commission is tasked with protecting the rights of all county residents; and that while it cannot legislate against the discrimination that is in the hearts and minds of people, it can enact and enforce policy to protect all its citizens; whereupon, Commissioner Justice indicated that he will be voting in favor of the ordinance.

During discussion and in response to queries by Commissioner Latvala, Mr. Valenti reiterated that the ordinance protects the rights of individuals with regard to employment and employment opportunities, housing and housing opportunities, and in places of public accommodation.

Referring to comments by the citizens, Commissioner Long related that good public policy is not made when decisions are based on fear; and that she will be voting in favor of the ordinance.

Commissioner Roche related that he is trying to completely understand transgender issues; and that while he is adamant that transgender individuals should not be discriminated against, he does not support the ordinance as written; whereupon, he related that the issue belongs at a state or federal level; that it could be an item for the Pinellas County Legislative Delegation; that it is not the role of County Government to redefine a word such as "gender"; and that the ordinance has morphed from its original objective of simply adding transgender to the list of protected classes.

Chairman Welch addressed some of the concerns that were brought forward during public comment, and provided additional information regarding the scope of the ordinance, indicating that illegal activities such as voyeurism, pedophilia, and inappropriate touching remain illegal. He related that there are individuals residing in Pinellas County who were born with both male and female characteristics; and that while the Board members are tasked with protecting the rights of the majority, they also need to protect the rights of those in the minority; whereupon, Chairman Welch discussed issues relating to privacy and the apprehension that arose regarding sexual orientation five years ago, and stated that he will be voting in favor of the ordinance.

Commissioner Morroni acknowledged that while change is never easy, women being given the right to vote, minorities seeing the end of racial segregation, and gay persons being allowed to marry, are some of the major changes that have occurred over the past 100 years; and related that while the members may not always agree with every speaker regarding an issue, they listen to both sides before rendering a decision; whereupon, he stated that he will be voting in favor of the ordinance.

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Commissioner Latvala stated that nothing in the ordinance jeopardizes public safety; that the ordinance will provide protection to a small group of individuals with regard to employment, housing, and public accommodations; that the topic has been discussed over the past couple of years by the members; that public input has been received and is appreciated; that transgender individuals already live among us; and that she will be voting in favor of the ordinance.

Commissioner Seel expressed her appreciation to all who spoke regarding the agenda item, and related that she has reflected at length regarding the ordinance. She provided information about the Pinellas County Code regarding Human Rights, indicating that it prohibits discrimination because of race, color, religion, sex, sexual orientation, national origin, age, marital status, or disability; and that gender is being added as a protected class; whereupon, Commissioner Seel related that the ordinance does not provide special treatment to any person; that the lives of many people are dictated by the circumstances of their birth; and that she will be voting in favor of the ordinance.

Vote - 6 – 1 (Commissioner Roche dissenting)

* * * *

At this time, 9:33 P.M., the meeting was recessed and reconvened at 9:44 P.M.

* * * *

- #32 Resolution No. 13-84 adopted granting the petition of Capon Corporation to vacate a portion of a right-of-way lying north of Lots 21, 22, and 23 and that portion lying north of Lot 1 in Section 24-27-15 and 23-27-15, Tampa and Tarpon Springs Land Company, Plat Book H1, Page 116, and reserving an easement over the vacated property (Legislative Petition) (Deferred from August 6, 2013 BCC meeting). 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. Two letters in opposition to the petition have been received from the City of Tarpon Springs.

Administrator LaSala indicated that the petition was previously heard by the BCC on August 6, 2013; that the City of Tarpon Springs objected to a portion of the requested vacation; that the BCC approved the request to vacate the portion of right-of-way not objected to by the City; and that approval of the remaining portion was deferred to this meeting; whereupon, he indicated that staff was asked to determine if a vacation of the adjacent northern 15 feet of right-of-way had previously occurred; that County staff and

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the City of Tarpon Springs had both determined that no such vacation happened; that upon further review of the plat, it appears that the 15 feet in question was never a part of the plat known as Tampa and Tarpon Springs Land Company; and that staff has no objection to the request.

Paul S. Sacco, Director, Real Estate Management, referred to a site plan, pointed out the location of the subject property, clarified the request, and provided a brief overview of the item; whereupon, he confirmed that even though the City may eventually want to construct a road over the right-of-way as indicated in its Comprehensive Plan, which has been in place for many years, the current plan is to utilize the right-of-way as a pedestrian walkway/bicycle path; and that no objections have been raised by County user departments regarding the vacation.

In response to queries and concerns by Commissioner Roche regarding an evacuation route for the local neighborhoods, Mr. Sacco related that the petition pertains to a 15-foot unimproved right-of-way; that it would likely never meet Department of Transportation road construction requirements; and that no pedestrian or vehicular traffic currently utilizes the right-of-way, which traverses approximately 1,000 feet of wetlands.

Katie Cole, Esquire, Clearwater, indicated that she represents the property owner, Capon Corporation; and reported that in her conversations with the City of Tarpon Springs, she had discussed the willingness of the applicant to offer a pedestrian walkway/bicycle path easement; and that because the Tarpon Springs Comprehensive Plan refers to a roadway, the City is not interested in pursuing an easement.

Attorney Cole provided a brief history of the property, discussed the concerns of local residents regarding traffic at the nearby intersection, and indicated that from a public use standpoint, County staff has determined that there is no public benefit in maintaining the right-of-way; and that the right-of-way could not be improved or expanded to the point it would meet the minimum code criteria for constructing a road; whereupon, Attorney Cole submitted a letter in support of the application from Brian L. and Diane M. Gengenbach, Tarpon Springs, indicating that they live at the adjacent intersection.

Mike Gaylor, Engineer, Lutz, related that the application pertains to an east-west right-of-way at the north end of the Capon Corporation property, and discussed the impact of building a roadway or a pathway across approximately 1,000 feet of mature wetlands. He related that constructing an actual roadway over the area would destroy over an acre of wetlands; and that building an unlighted trail with no road access would make no sense from a maintenance and safety standpoint.

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Renea Vincent, Planning and Zoning Director, City of Tarpon Springs, confirmed that the members had received a letter from the City titled *Petition to Vacate Submitted by Capon Corporation; Second Public Hearing on August 20, 2013*, a copy of which has been filed and made a part of the record; whereupon, she presented background information regarding the item, and emphasized that the corridor has been reserved in the Tarpon Springs Comprehensive Plan since 1980. Ms. Vincent related that because Tarpon Springs suffers from a lack of east-west connectivity, the strategic right-of-way should be set aside for additional roadway capacity and an alternate evacuation route; whereupon, she indicated that city taxpayers would face substantial costs if the right-of-way had to be repurchased in the future.

Ms. Vincent indicated that the burden of proof should be on the requestor regarding why a potentially valuable corridor would be given to a private party for the sole purpose of gaining a few units of density for a project the BCC has yet to review; and stated that any action to vacate the right-of-way is premature; whereupon, she indicated that Tarpon Springs can provide a mitigation plan for crossing the wetlands, and discussed a similar project which took place within the county.

Ms. Vincent related that the main priority of Tarpon Springs is to preserve the integrity of its Comprehensive Plan and to retain the right-of-way across the wetland area; and requested that if the members are committed to approving the item, they condition the application upon Tarpon Springs receiving an equal 15-foot utility and drainage easement and an easement for pedestrian/bicycle access; whereupon, Ms. Vincent requested that Pinellas County deny the vacation, and respect the City's Plan as they would their own.

Commissioner Seel related that she has been searching for a way to achieve the goals of both parties, and raised the possibility of Tarpon Springs allowing a transfer of density in order for the applicant to obtain the density he desires; whereupon, following brief discussion, Attorney Bennett related that the County Rules do not permit a transfer of density from a property that is not owned by the receiving parcel; and that there are cross-jurisdictional issues to be considered.

In response to queries and comments by Commissioner Latvala, Ms. Vincent clarified that while the City initially intends to explore the corridor as a pedestrian/bicycle connection, the Comprehensive Plan originally envisioned a roadway corridor; whereupon, she presented further information regarding how Tarpon Springs would engage in wetland mitigation, and acknowledged that such a project would not be inexpensive.

During further discussion and in response to queries and comments by Commissioners Roche and Seel regarding a potential map overlay, Ms. Vincent restated the concerns of Tarpon Springs; whereupon, Attorney Cole indicated that the applicant is willing to grant an easement for drainage and utilities; that the applicant has consistently offered that option to the City if it would remove its objections; and that, if necessary, it would grant an easement for a pedestrian/bicycle corridor.

Commissioner Seel moved, seconded by Commissioner Roche, that the request for a utility, drainage, and pedestrian/bicycle easement be granted to the City of Tarpon Springs over the vacated property; whereupon, following brief discussion and in response to queries by Attorney Bennett, Attorney Cole confirmed that the applicant had originally assented to those terms.

Vote - 6 – 1 (Commissioner Justice dissenting)

- #33a Resolution No. 13-85 adopted approving the application of Pinellas County for a change of zoning from R-R, Rural Residential, to 1L, Industrial Limited, and Ordinance No. 13-22 adopted approving a change in land use designation from Residential Low to Institutional (Z/LU-17-7-13), re a parcel of land containing approximately 3.3 acres located on the southeast corner of Nebraska Avenue and Riviere Road (street address: 1150 Riviere Road, Palm Harbor). The Local Planning Agency recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

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

- #33b Application of Berati #2, LLC through Housh Ghovae, Northside Engineering Services, Inc., and Todd Pressman, Pressman & Associates, Inc., Representatives, for a Conditional Use to allow an outdoor solid waste facility for vegetative debris only in a C-3 zoning district (CU-3-1-13) denied, re three parcels of land containing approximately 5.06 acres located on the west side of U.S. Highway 19 at the western terminus of Whitney Road (street address: 16604 U.S. Highway 19 North, Clearwater). Three letters in support of and three letters in opposition to the application have been received.

Referring to an aerial photograph and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the subject property, described surrounding land uses, and indicated that the applicant operates a landscape contracting business. Mr. Cueva indicated that the applicant was before the Board of County Commissioners

(BCC) in November 2012 when the previous conditional use permit for an outdoor vegetative solid waste facility was rescinded due to noncompliance with the conditions previously applied. He indicated that the new request limits the height of the stored debris to six feet; that size 57 gravel will be installed in the southwest portion of the site to help reduce fugitive dust; that the vegetative debris will be stored 324 feet from residential properties to the west; that Conditions Nos. 9, 13, and 14 are in direct response to concerns expressed by the neighbors; that the current request prohibits public use of the facility; and that even though the applicant has the right to reapply, the members retain the ability to rescind the conditional use in the event the conditions are not met; whereupon, he recommended approval of the application based on the staff report and the Local Planning Agency Recommendation, subject to the following conditions:

1. Full site plan review and approval shall be required consistent with the submitted concept plan as it pertains to the conditional use before the outdoor solid waste facility begins operation.
2. Hours of operation for the conditional use portion of the site only shall be Monday through Friday, 7:00 A.M. to 7:00 P.M., Saturday 8:30 A.M. to 5:00 P.M., and closed on Sunday.
3. There shall be no “grinding or mulching type of machinery” utilized in conjunction with the conditional use permit or on the entire property.
4. The “vegetative debris” shall be stored in the 100-foot by 120-foot bin located 324 feet east of the western property line.
5. The height of “vegetative debris” shall not exceed six feet.
6. The “vegetative debris” shall be removed every five days, and the area shall be sprayed to control fugitive dust.
7. Only “vegetative debris” shall be collected and transferred from the site.
8. Any type of solid waste permits associated with this use shall be obtained by the applicant (i.e., Florida Department of Environmental Protection Solid Waste permit).
9. A six-foot-high opaque fence shall be placed along the west property line of the subject property and shall be maintained in good condition.
10. The portion of the site being used for the conditional use shall not be available to the public.

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11. No. 57 size gravel shall be placed on the southern half of the property, set back 70 feet from the west property line as shown on the concept plan.
12. The millings that are existing along the west property line within the required 20-foot setback area adjacent to the residential area shall be removed prior to the operation of the conditional use permit.
13. No plantings shall occur within the drainage ditch, which runs along the south half of the western boundary.
14. A landscape buffer shall be provided along the south half of the western property line that is comparable to the thickness, density, and opacity of the existing landscape buffer to the north.
15. In the event one of more of the listed conditions are not met, the BCC will rescind the conditional use permit.

Todd F. Myers, Director, Environmental Code Enforcement, provided a status update regarding the subject property, indicating that the applicant has made considerable progress in cleaning up the property since November 2012; and that further progress has been made over the past six weeks with the involvement of Mr. Pressman; whereupon, Mr. Myers discussed the following outstanding issues associated with the property:

- Six fuel tanks are located on the subject property; only one fuel tank is allowed and should be placed on a concrete pad currently dedicated for that use.
- Unpermitted electrical work next to fuel tanks.
- Unpermitted signs on property.
- Loading ramp not approved on site at the present time.
- No spray booths or fire protective measures in place for painting of trucks.

Division Chief Tim Wedin, Fire Marshall, Largo Fire Rescue, related that his department has jurisdiction over the subject property, and provided a detailed account of his August 13, 2013 site visit. Chief Wedin indicated that the site visit was prompted by a complaint received from Pinellas County Code Enforcement regarding the spraying of combustibles and flammables; that a previous violation was issued in April 2012 for the same activity; and that in response to questions regarding the complaint, the business owner became angry and refused access to the site.

During discussion and in response to queries by the members, Chief Wedin expressed his concerns about the spraying of combustibles, the location and number of fuel tanks, and the unpermitted electrical work, and related that he has never before been refused access to a site; that his department will pursue an inspection warrant to gain access to the property; and that after the warrant is obtained, Pinellas County Sheriff's Deputies will accompany him to the site. Commissioner Seel stated that she could not even consider the application because of the outstanding Code Enforcement violations and potential fire violations, and Commissioner Morroni concurred; whereupon, Attorney Bennett related that the members need to determine if the applicant meets the criteria for the conditional use prior to other considerations.

Responding to the Chairman's call for the applicant, Todd Pressman, Pressman & Associates, Inc., provided historical background information regarding the application and discussed the concerns brought forward by Chief Wedin and Mr. Myers, relating that although the owner is under citation for not complying with the site plan, he is submitting a new plan that will address the outstanding issues associated with the property; whereupon, referring to aerial and site photographs, Mr. Pressman presented information regarding the subject property and adjacent residential areas, and indicated that after speaking with local residents, the applicant has offered incentives and made concessions to address the concerns of the neighbors, including:

- Placement of a six-foot-high opaque fence along the west property line of the subject property.
- Use of No. 57 gravel to reduce dust.
- Storage of vegetative debris 375 feet from the western property line.
- Site shall not be available for public use.
- Substantial landscape buffering will be provided along the south half of the western property line.

During discussion and in response to queries and comments by the members, Mr. Pressman related that although the actions of the business owner were excessive and unwarranted, it has been a long and frustrating process for the owner due to numerous citations, accruing fines, and enforcement visits; that the owner has sent a letter of apology to Chief Wedin regarding his behavior during the aforementioned site visit; and that he was unaware of the April 2012 violation regarding paint spraying; whereupon, Mr. Pressman confirmed that the distance from the vegetative debris storage to the

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western property line has been increased to 375 feet on the concept plan; and that the concept plan will be submitted as the site plan.

In response to the Chairman's call for citizens wishing to be heard, Betty Richard, Clearwater, spoke in support of the proposed conditional use.

In response to the Chairman's call for citizens wishing to be heard, Patti DuVall, Sally Robinson, and Jessica A. Buchholtz, Clearwater, spoke in opposition to the proposed conditional use.

During discussion and in response to queries by Chairman Welch, Mr. Cueva presented additional information regarding the fuel tanks, and indicated that staff is recommending conditional approval of the application because it meets the general standards of County Code and because staff reviews applications on a case-by-case basis; whereupon, he related that because the conditions established for the previous conditional use were not met, the case was brought back before the Board and the application rescinded.

Administrator LaSala suggested that the case be continued in anticipation of a City of Largo report regarding compliance; and Chairman Welch commented that the members may be ready to vote this evening on the conditional use; whereupon, Mr. Pressman requested that the site plan be approved.

Motion	-	Commissioner Seel
Second	-	Commissioner Long

In response to queries by Commissioner Roche, Attorney Bennett indicated that denial without prejudice would allow the applicant to go through the entire process again; whereupon, Chairman Welch related that he would support the motion for denial.

Vote	-	7 – 0
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- #33c Resolution No. 13-87 adopted approving the application of David S. Schulenberg through Housh Ghovae, Representative, for a change of zoning from R-4, One, Two, and Three Family Residential (0.14 acre), and P-1, General Professional Office, to P-1, General Professional Office, and a variance to allow a 15-foot front setback and a 5-foot side setback where 25-foot and 15-foot setbacks are required, respectively; and Ordinance No. 13-23 adopted approving a change in land use designation from Residential Urban (0.14 acre) and Residential/Office General to Residential/Office General (Z/LU-18-7-13), re approximately 0.34 acre located at the northwest corner of U.S. Alternate Highway 19 (Alternate 19) and Magnolia Avenue, Palm Harbor. Approval of zoning change is subject to the conditions set forth in the resolution. The Local Planning Agency

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recommended approval of the application based on the staff report, subject to nine conditions. Petitions with 40 signatures in favor of and 70 signatures in opposition to the application were received in connection with the Local Planning Agency hearing.

Referring to an aerial photograph and the zoning and land use map, Planning Department Zoning Manager John F. Cueva identified the subject site and described surrounding land uses, noting that properties along Alternate 19 were zoned C-2 in the early 1980's; that the Planning Council began denying Commercial land use requests in the 1980's, stating a desire to develop the area as Professional Office; that properties on the east side of Alternate 19 have already been changed to P-1 zoning; that their additional depth allows parking, stormwater, and water quality issues to be addressed; and that the applicant is requesting the zoning and land use change in order to meet parking and drainage requirements for development of a veterinary clinic.

Mr. Cueva referred to the variance request, indicating that the subject property is a corner lot having 25-foot setbacks on two sides; that proposed Code revisions encourage businesses to be located closer to major roadways for transit and pedestrian access; and that the variance request allows the Board to impose conditions; whereupon, he reviewed the recommended conditions, noting that they address concerns expressed by nearby residents at the Local Planning Agency hearing.

Upon the Chairman's call for the applicant, Housh Ghovae, Northside Engineering Services, Inc., Clearwater, concurred with the information provided by Mr. Cueva and indicated that his client lost approximately 31 feet of land as a result of improvements to Alternate 19, reducing the amount of P-1 land available for development; that County staff recommended the proposed zoning and land use amendments; that the project has been designed to meet County Code; and that the only reason for converting the R-4 land to P-1 is to provide the required parking.

Mr. Ghovae introduced Dr. Kevin Adney, Palm Harbor, who indicated that he agrees with the proposed conditions, with the exception of Condition No. 6 pertaining to hours of operation. Following brief discussion with input by Attorney Bennett and responding to queries by Chairman Welch, Dr. Adney requested that the permitted hours be expanded to 6:00 P.M. on Saturdays and 9:00 A.M. to 6:00 P.M. on Sundays; whereupon, Commissioner Latvala noted that a veterinary office located across the street from the subject property is open on Sundays.

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In response to queries by Commissioner Roche, Mr. Ghovae discussed the retention pond, indicating that the design would be adjusted as needed to meet County requirements.

Responding to the Chairman's call for citizens wishing to be heard, JoAn Totty, Palm Harbor, spoke in support of the application; and Beverly Dasher Hole and Nitzi Dasher, Palm Harbor, spoke in opposition. Ms. Dasher Hole expressed concern that the following items discussed at the Local Planning Agency hearing were not addressed in the resolution:

- Designated area for animals to relieve themselves.
- Signage on Alternate 19 to be low illumination.
- Walls to be soundproofed.
- Presence of gopher tortoises on the site.

Chairman Welch referred to comments by Ms. Dasher Hole, and requested staff input regarding the possibility of providing ingress/egress directly off Alternate 19; whereupon, Mr. Cueva indicated that traffic on Alternate 19 is moving at 45 miles per hour; that there is not enough room for a deceleration lane; that the preference is to have ingress/egress from a lesser used road, such as Magnolia Avenue; and that the Department of Transportation will address the matter during the site plan review.

Referring to the aerial photograph and Future Land Use Map, Mr. Cueva stated for the record that the lots on the west side of Alternate 19 are too shallow to meet current requirements related to stormwater retention and water quality issues. He indicated that staff supports the request, encouraging the placement of parking adjacent to the residential area to provide a buffer while moving the building closer to Alternate 19; that a number of properties on the west side of Alternate 19 have been vacant for some time; and that the Board can anticipate receiving similar requests in the future.

In response to Commissioner Roche's suggestion that traffic enter the site from Magnolia Avenue and exit into the alleyway on the north, Mr. Ghovae related that he met with a Department of Transportation representative who indicated that an additional access point off Alternate 19 would not be allowed due to the proximity of Magnolia Avenue; and that the alleyway is currently unimproved and does not connect to Alternate 19.

In closing and alluding to concerns of the objectors, Mr. Ghovae stated that a pet relief area will be designated on the site plan, to include appropriate signage; that lighting will

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meet County regulations; and that the developer will be meeting with Fish and Wildlife representatives to address the gopher tortoise issue.

Commissioner Latvala concurred with staff's assessment of the situation and recommended solution, and moved approval of the application including modification of the hours of operation as requested by the applicant, and Commissioner Justice seconded; whereupon, Commissioner Roche suggested inclusion of conditions pertaining to a designated animal waste area and low-illumination signage on Alternate 19, and the motioner and seconder concurred. Referring to concerns expressed by the neighbors, Commissioner Seel requested that soundproofing be required in the area of the building where animals will be kept overnight, and the motioner and seconder concurred.

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

#34 Meeting adjourned at 11:24 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS MEETING
THURSDAY, SEPTEMBER 5, 2013 – 2:01 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Late Arrival: Karen Williams Seel, Vice-Chairman.

Others Present: Ken Burke, Clerk of the Circuit Court and Comptroller; James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; and Laura M. Todd and Michael P. Schmidt, Board Reporters, Deputy Clerks.

INVOCATION: Commissioner Long.

PLEDGE OF ALLEGIANCE: Commissioner Morroni.

PRESENTATIONS AND AWARDS:

Presentation of the Government Finance Officers Association Distinguished Budget Presentation Award to Bill Berger, Interim Director, Office of Management and Budget, for the 2013 Fiscal Year budget.

CITIZENS TO BE HEARD

Robert "Bobby" Barnes, Pinellas Park, re Greater Pinellas County Fair.

Marjorie Hynish, Pinellas Park, re Greater Pinellas County Fair.

Tim Caddell, Pinellas Park, re Greater Pinellas County Fair.

- Mr. Caddell indicated that Mr. Barnes and Ms. Hynish are requesting a letter of support from the Board recognizing that the Greater Pinellas County Fair is making application to become certified by the State Fair Association.

Motion	-	Commissioner Latvala
Second	-	Commissioner Roche

Mr. LaSala indicated that the statutes require Articles of Incorporation, which will address the issue of liability and other concerns; that if the Board approves the request, his department will prepare the appropriate documents for submittal to the Board; that the request will go through the County Attorney's Office, Risk Management, and a series of other reviews; that Parks and Recreation will take the lead; and that a written request has been received; whereupon, the maker and the seconder of the motion indicated acceptance of the Administrator's proposal.

Attorney Bennett discussed the process laid out by the statutes, noting that one basis for denial of the event would be inadequate insurance.

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Mr. Caddell indicated that the event will be held March 19 – 23, 2014, the week following the Country in the Park; and the members expressed their support for the Fair.

Mark Harrison, Palm Harbor, re PPLC.

- In response to the concerns of Mr. Harrison regarding the Pinellas Public Library Cooperative (PPLC) interlocal agreement as it relates to the Sunshine Laws and the composition of the PPLC Board, Mr. LaSala, with input by Assistant County Administrator Mark Woodard, indicated that the Board will operate under the Florida Sunshine Law and discussed its requirements; that all but two of the Cities have executed the interlocal agreement; and that the item will come back to the Board for discussion and consideration on September 17.

David Ballard Geddis, Palm Harbor, re Boston Tea Party was espionage.

Greg Pound, Largo, re crime in Pinellas County.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 14b – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 5 AND 11, WHICH WERE CONSIDERED UNDER ITEM NO. 15.

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

1 Minutes of regular meeting of August 6, 2013 approved.

2 Reports received for filing:

- a. Affidavit of Publication of Legal Notice published in the Business Observer regarding Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes (Circuit/County Court of the 6th Judicial Circuit - Criminal Division).
- b. Affidavit of Publication of Legal Notice published in the Business Observer regarding Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes (Circuit/County Court of the 6th Judicial Circuit - Civil Division).
- c. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-22 dated August 1, 2013 – Follow-Up Audit of HDR Engineering Services Contract.

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- d. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-23 dated August 8, 2013 – Audit of Pinellas County's Compliance with the Family and Medical Leave Act (FMLA).
- e. Dock Fee Report for the month of July 2013.

3 Vouchers and Bills Paid

Period June 30 through July 6, 2013

Payroll

ACH – \$2,881,916.89

Checks – \$41,275.91

Third Party ACH – \$15,057.16

Third Party Check – \$2,468.25

Accounts Payable

Checks – \$4,034,723.66

ACH Transfers – \$33,874,236.53

Wire Transfers – \$89,112.06

Period July 7 through July 13, 2013

Payroll – None

Accounts Payable

Checks – \$5,846,588.02

ACH Transfers – \$3,296,344.61

Wire Transfers – \$1,110,657.26

Period July 14 through July 20, 2013

Payroll

ACH – \$2,915,088.55

Checks – \$40,521.24

Third Party – ACH \$15,595.34

Third Party Check – \$2,184.66

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Accounts Payable

Checks – \$8,591,449.43

ACH Transfers – \$1,392,420.21

Wire Transfers – \$2,400,458.59

Period July 21 through July 27, 2013

Payroll – None

Accounts – Payable

Checks – \$6,584,255.33

ACH Transfers – \$3,313,473.81

Wire Transfers – \$4,842,128.80

4 Miscellaneous Items Received for Filing:

- a. Public Risk Management of Florida Intergovernmental Cooperative Agreement, A Contract and By-Laws for Public Risk Management of Florida Health Trust (PRM-HT), as amended and restated through October 19, 2012, for the City of Largo (joining PRM-HT effective 10/1/13), together with an Affidavit of Authenticity.
- b. City of Clearwater Notices of Public Hearings re proposed amended Ordinance No. 8409-13 held August 14, 2013 (3rd Reading), annexing certain property; and proposed Ordinances Nos. 8434-13 held September 5, 2013 amending the Zoning Atlas, 8435-13 to be held October 3, 2013 amending the Land Use Plan, and 8438-13 held September 5, 2013 amending Beach By Design.
- c. City of Oldsmar Ordinance No. 2013-13 adopted August 6, 2013, voluntarily annexing certain property; and Notice of Public Hearing to be held August 20, 2013, re proposed Ordinance 2013-18 annexing certain property.
- d. City of Seminole Ordinances Nos. 05-2013 through 07-2013 adopted July 23, 2013, voluntarily annexing certain property.

5 See Item No. 15.

- # 6 Amendment No. 1 to the Contractual Services Agreement for Adult Post-Adjudicatory Drug Court Expansion Operations in Pinellas County approved; Chairman authorized to sign and the Clerk to attest.
- # 7 Resolution No. 13-88 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate unanticipated receipts from WorkNet Pinellas for a particular purpose (unanticipated receipts to Pinellas County Economic Development Department in the amount of \$10,000.00).
- # 8 Resolution No. 13-89 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grants and revenues to the Pinellas County Sheriff's Office in the amount of \$449,880.00).
- # 9 Award of bid to GEC Associates, Inc.; Gibraltar Construction Co., Inc; and New Vista Builders Group, LLC for Job Order Contracting (JOC) 2013 – 2015 (Bid No. 123-0288-CP) approved on the basis of being the lowest responsive, responsible bids received meeting specifications. Each firm is awarded an amount not to exceed \$3,000,000.00 (estimated total expenditure not to exceed \$9,000,000.00); initial contract term is for a period of 24 months with one 24-month term extension to be exercised only if all terms and conditions remain the same and the County Administrator grants approval; adjustment factors shall be updated annually to account for changes in construction costs; base year and current year indexes are calculated by averaging the twelve-month Construction Cost Indices published in the Engineering News Record for the twelve months immediately prior to the month of the contract date.
- #10 Resolution No. 13-90 adopted declaring personal property (five self-contained breathing apparatus) as surplus and transferring same by donation to the Pinellas County School Board, Pinellas Park High School, and National Guard Center for Emergency Management, pursuant to Section 274.05 Florida Statutes.
- #11 See Item No. 15.
- #12 Bid of Whiteleaf, Inc. d/b/a Traffic Solutions rejected on the basis of being non-responsive for not meeting bid specifications; award of bid to AKCA, Inc. (Contract No. 123-0394-B) for Traffic Marking Materials and Services (Co-op) approved on the basis of being the lowest responsive, responsible bid received meeting specifications (total estimated 36-month expenditure not to exceed \$1,270,450.90; Co-op estimated 36-month expenditure not to exceed \$90,345.90; Pinellas County estimated 36-month expenditure

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not to exceed \$1,180,105.00). Contract is for a period of 36 months and shall commence on October 8, 2013, with one 24-month extension to be exercised only if all terms and conditions remain the same and the County Administrator grants approval (Department of Environment and Infrastructure/Purchasing).

- #13 Contract for Law Enforcement Services, Environmental Lands Unit, between Pinellas County and Bob Gualtieri, Sheriff of Pinellas County, approved in the amount of \$261,487.86, effective October 1, 2013 through September 30, 2014. Chairman authorized to sign and the Clerk to attest (Parks and Conservation Resources).
- #14a Notice of new lawsuit and defense of the same by the County Attorney in the case of Ronald C. Jacobs and Sharon K. Jacobs versus Pinellas County – Circuit Civil Case No. 13-CA-009922, Division G – Allegations of Breach of Contract and Inverse Condemnation.
- #14b Notice of new lawsuit and defense of the same by the County Attorney in the case of Karen H. Murphy versus Pinellas County – Circuit Civil Case No. 13-CA-010091, Division C – Allegations of Breach of Contract and Inverse Condemnation.
- #15 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller):

* * * *

Deviating from the agenda, Chairman Welch indicated that Item No. 11 would be addressed at this time, followed by Item No. 5, and no objections were noted.

* * * *

- #11 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, Birdsall Voss and Associates, Inc., for advertising and promotional services (Contract No. 123-0268-P) approved (Convention and Visitors Bureau).

In response to query by Commissioner Roche, Administrator LaSala, with input by Purchasing Director Joe Lauro, confirmed that the highest ranked firm is rated first; whereupon, in response to query by Commissioner Morroni, Mr. Lauro stated that the Board's process of ranking firms is separate from the process used by the Tourist Development Council (TDC); that a contract that the Convention

and Visitor's Bureau (CVB) is involved with goes through the Board's process; and that the TDC does not evaluate or rank firms.

Responding to query by Administrator LaSala, Chief Assistant County Attorney Dennis Long related that the TDC has never been involved in the evaluation process of the advertising agency of record to his knowledge; and that if the Board changes its policy, it will change the CVB's policy as well.

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

- # 5 Acceptance of grant award from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, Cooperative Agreement to Support Navigators in Federally-Facilitated and State Partnership Exchanges, approved (grant amount, \$600,000.00; no local match required). Permission granted for the Health and Human Services Department (HHS) to subcontract with the Florida Department of Health in Pinellas County to recruit, hire, train, and supervise health exchange navigators and volunteers for the Pinellas County Health Coverage Exchange.

In response to queries by the Chairman, HHS Executive Director Gwendolyn Warren indicated that the request before the Board is to accept a grant award for \$600,000.00 from the United States Department of Health and Human Services to recruit, hire, train and supervise health exchange navigators and volunteers for the Health Coverage Exchange; and that 22 access points are located in the County and include the Juvenile Welfare Board (JWB), the County Health Department and the Community Health Clinics, as well as St. Petersburg College; that all of the sites will be functioning; that people from the community will be hired for the 22 new positions; and that the staff currently serving County health clients will be certified and trained and will make referrals if citizens are eligible for other sources of health insurance.

Responding to query by Commissioner Long, Ms. Warren related that part of her Department's oversight is to ensure that all navigators take an online training course and receive certification before dealing with the public; and that the two project managers from the Department assigned to assist in the program are Homeless Assistance Programs Manager Jay Ortega and County HHS Manager Ariel Ludwig; whereupon, Commissioner Long commented that the Florida

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Department of Financial Services has set up a statewide helpline providing information to assist people in better understanding the process, and she would like the helpline to have information available for Pinellas County callers regarding the 22 sites. In response to Commissioner Long's concerns, Ms. Warren related that funding has not been set aside to use radio as a medium to disseminate information to the public; whereupon, Commissioner Long suggested that funding for radio advertising be considered.

* * * *

At this time, 2:45 P.M., Commissioner Seel entered the meeting.

* * * *

Responding to query by Commissioner Latvala, Ms. Warren indicated that approximately 70,000 individuals would be eligible at the present time under the Affordable Care Act; that there would be continued discussion at the state level next year regarding newly eligible people; and that the combination of the two groups would be approximately 211,000 people; whereupon, Ms. Warren confirmed that individuals are able to enroll in the insurance program without going through a navigator.

In response to query by Commissioner Roche, Ms. Warren related that there is a deadline of 75 days to set up the program; that acceptance of the grant is totally at the discretion of the Board; that she cannot authorize the expenditure of monies until there is an affirmative vote by the Board; and that no final decision, job offers, or background checks can occur until authorized by the Board. She indicated that the contract is for one year; that the positions are temporary; that the Department is not renting equipment, but purchasing it outright; that the equipment would be reassigned back to the County for redistribution after the completion of the program; and that a "navigator" is an industry term used for the case manager, and discussion ensued.

Responding to comments by Commissioner Seel that she would like assurance that the Board will not be asked to fund the program out of the General Fund once the federal money runs out, Ms. Warren reiterated that the funding is for one year, and should the federal government want to extend the contract, it would be brought back before the Board; and that the staff is temporary, is being hired

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through the Health Department, and is being disbursed to the aforementioned 22 sites.

In response to query by Commissioner Roche, Ms. Warren related that the hiring, training, and supervision of the workers is not included in the \$600,000.00 grant money; that the approximately \$50,000.00 to \$65,000.00 funding for the two County managers will be paid from the General Fund; that the partners involved will be supervising the workers on their own sites; that hiring will be done by the Health Department; and that the coalition will be supervising people, and discussion ensued.

In response to the Chairman's call for people in support of the request, Franco Ripple, Public Affairs Director, CBS Radio Tampa Bay, St. Petersburg, gave a brief presentation, pointing out that the marketing budget does not include radio advertising, which has the ability to reach the 200,000 uninsured people in Pinellas County, noting that it is much more likely that this group can be reached through radio than through Face Book, newspapers, or Cable television.

In response to query by Chairman Welch, Mr. Ripple indicated that he would recommend using both paid media during morning and afternoon drive times and free public service announcements; whereupon, Chairman Welch suggested that Mr. Ripple speak with the County Administrator and Ms. Warren to discuss possible radio marketing plans.

In response to the Chairman's call for citizens in opposition to the request, Regina Brown, Largo, indicated that she opposes the acceptance and use of the HHS funds and the recommendations presented; entered a signed summary into the record; and expressed her concerns, including:

- Are the navigators going to educate the public on health care options available to them or are the navigators pushing "ObamaCare"?
- Will the navigators be insured in case they make mistakes?
- Who determines fair and impartial information about enrollment in qualified plans?

Chairman Welch commented that the Board would not be debating ObamaCare at the County level; that he shares Ms. Brown's concern regarding the liability issues relating to the navigators; that he supports educating the residents on their medical options; that her accusation that the Board is circumventing the

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legislature is incorrect; and that Governor Scott has changed his mind on Medicaid expansion, as has the State Senate, noting that the only people standing in the way are a few members of the State House; whereupon, he stated that he fully supports accepting the \$600,000.00 grant.

Commissioner Long related that this is an enormous undertaking for thousands of people across the county, state, and nation; that big ideas take bold action and leadership; that, going forward, tweaks will be necessary; that communities cannot afford the enormous cost of the uninsured; and that this is an effort to try to get a handle on it and improve the quality of people's lives, noting that she is certain that most of the navigators will have Error and Omission coverage on their homeowner's policy; whereupon, Commissioner Long expressed her support for the grant and deferred to County Attorney Bennett to find answers to legal issues.

In response to comments by Ms. Brown, Commissioner Morroni explained the Board's policy regarding answering telephone calls and e-mails.

Commissioner Morroni indicated that he questions why the federal government would offer \$600,000.00 to a county in a state that does not wish to be part of ObamaCare; whereupon, Commissioner Latvala commented that the citizens are still eligible; and that because the state refused the money, taxpayers will now have to fund it.

Responding to queries by the members, Ms. Warren related that the state dealt with the Affordable Care Act during the previous year's session; that each state has the ability to accept or not accept a new group of eligible Medicaid individuals; and that Florida has initially chosen not to accept the newly eligible population, noting that the state could have declared them eligible and the federal government would have paid for the lion's share.

In response to the concerns of Commissioner Morroni about the liability issue and how the navigators are going to ensure that the clients are exposed to all the products available on the market, Ms. Warren indicated that the state must have its exchanges up by October 1; that the law requires that a minimum of two to three insurance companies participate; that the state is responsible for setting up the exchange, negotiating the cost rates, and providing marketing material; and that the navigators are not insurance agents and do not require licenses;

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whereupon, Commissioner Roche also expressed concern relating to the liability issue, and discussion ensued.

In response to Commissioner Roche's concerns regarding liability, staffing, and marketing and his suggestion that the decision be deferred until more information is available, Ms. Warren explained her earlier comments about other grants the Tampa Bay area has received for health care navigators, and indicated that the County is the applicant and the coordinator for all of the agencies in the County; that the Department was requested to participate in the program because it is a qualified federal health center; that the County is unique in that it funds indigent health care, which most Counties do not; and that it would be financially advantageous to transfer as many people as possible to Medicaid.

Ms. Warren stated that the Pinellas County Health Department is hiring the navigators; and that it was her staff, with input by the partnering agencies, that decided the number of navigators that would be needed; whereupon, Administrator LaSala clarified that the County Health Department is a state agency and the grantee and is the operator and overseer of the employees; that the County will subcontract with the agency; and that the County developed the grant program and the parameters for the program and can structure the program within the broad guidelines of the funding agency, which is the federal government, so long as it meets the outcomes and results outlined in the parameters.

Motion	-	Commissioner Seel
Second	-	Commissioner Long

Commissioner Seel stated that since the Health Department is hiring the employees, the liability will reside there; and that the County's medical plan would have the same liability issues, as it already utilizes navigators/case managers.

Commissioner Justice concurred with Commissioner Long concerning marketing in the radio broadcast medium; and stated that when the County is finished enrolling thousands of people into Medicaid, they will no longer use emergency rooms for basic care, which will save the County money.

In response to query by Commissioner Roche as to the annual cost to the County to fund emergency room care, Ms. Warren indicated that the cost, including the unreimbursed amounts for Medicaid and indigent health care, is \$2 billion

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annually; and that the per capita cost is about \$1,200 per person, and discussion ensued.

Vote - 7 – 0

- #16 First Amendment to the Agreement for Professional Consulting Services for each of the following firms for mechanical/electrical professional services on a continuing basis at the same terms and conditions with renegotiated rates (Contract No. 090-0247-CN) approved:

1. A. J. Sanchez Consulting Engineers, Inc.
2. Engineering Matrix, Inc.
3. Hahn Engineering, Inc.
4. Long & Associates Architects/Engineers, Inc.

Agreements are for a term extension of an additional 12-month period beginning September 7, 2013 and ending September 6, 2014. Chairman authorized to sign and the Clerk to attest.

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

- #17 Construction Change Order No. 1 to the contract with Midway Services, Inc. for building lighting retrofits (PID No. 000017A/2186; Bid No. 112-0502-CP) approved, expanding the scope of the project to include facilities located at 440 Court Street and 333 Chestnut Street, increasing the contract time an additional 300 consecutive calendar days, revising the scheduled completion date to March 26, 2014, and increasing the contract amount by \$260,000.00 (revised contract total amount, \$859,480.56); Chairman authorized to sign the Change Order and the Clerk to attest.

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

- #18 Resolution No. 13-91 adopted requesting inclusion of Pinellas County Beach Erosion Control Projects in the Florida Beach Management Program Fiscal Year 2014-2015 Long-Range Budget Plan (Department of Environment and Infrastructure).

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

- #19 Fiscal Year 2013 Board Budget Amendment No. 10 was filed and made a part of the record; amendment realigns appropriation to Fleet Repair Management and Fleet Parts Management cost centers (Management and Budget).

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

- #20 Resolution No. 13-92 adopted approving Project A9031049233 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total local contribution amount of \$91,000.00; fifty percent of the local contribution to be paid by Pinellas County and will not exceed \$45,500.00 to be paid over a series of fiscal years as determined by the State) (Strategic Planning and Initiatives).

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

- #21a Other Administrative Matters:

Authorization granted to advertise a public hearing to be held on September 17, 2013 at 2:00 P.M., regarding a proposed ordinance amending Section 114-213 of the Pinellas County Code relating to the composition of the Palm Harbor Community Services District Board of Directors.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

In response to the Chairman's call for citizens wishing to be heard, Marcus Harrison, Palm Harbor, appeared and requested certain changes to the composition of the board; whereupon, in response to a request from the Chairman, he agreed to submit his requests in writing.

Commissioner Latvala stated that she received an email from the Chamber of Commerce and requested that County Attorney Bennett respond; that Chamber members interested in sitting on the Board should apply; that the four BCC members making the appointments will have a pool of people to choose from who are willing to serve, rather than the BCC individually seeking someone who has no vested interest in serving; and that there are probably members of the Chamber who would like to continue to serve or

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who have not served that would like to; whereupon, Chairman Welch concurred with the application process, and commented that the suggestion was timely; that a work session is coming up on the new lobbyist procedures; and that the Board will incorporate Commissioner Latvala's suggestion.

Responding to query by Commissioner Latvala, Attorney Bennett, with input by Attorney Long, indicated that the ordinance would have to be approved before any appointments are made; that the ordinance is scheduled to take effect on November 1, if approved; that the ordinance was delayed a month in order to allow the appointment process to occur; and that the workshop is scheduled for sometime in October.

Vote - 7 - 0

#22 County Attorney Miscellaneous – None.

#23 Resolution No. 13-93 adopted directing the Property Appraiser of Pinellas County, Florida to extend the tax rolls for the 2013 real property ad valorem taxes and the 2013 tangible personal property ad valorem taxes and to deliver the extended rolls to the Tax Collector of Pinellas County, Florida, on or before October 9, 2013, upon authority of Section 197.323, Florida Statutes; and directing the Clerk to deliver a copy of the resolution to the Property Appraiser immediately upon its adoption.

Motion - Commissioner Latvala

Second - Commissioner Long

Vote - 7 - 0

#24 County Administrator Reports.

Administrator LaSala referenced an email he sent earlier requesting a workshop for the Board to discuss flood plain management and the implementation of the recent federal law changing the subsidy on flood insurance, and related that a team of County employees met to position Pinellas County proactively with the Federal Emergency Management Agency and the legislative branch; that he considers this issue to be a high priority; and that he has met with several commissioners on this very complex issue.

Mr. LaSala related that his staff has been in touch with Congressman Bill Young's office, and will continue to work closely with the Congressman's staff and exchange information. In response to query by Chairman Welch, Mr. LaSala stated that he will check with the Florida Association of Counties and the League of Cities and will prepare appropriate communication for the Chairman's signature.

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Commissioner Long commented that the area in the country that is most affected by changes in the law regarding the flood plain issue is the State of Florida; and opined that it would be irresponsible if the Board did not send a message to Florida's United States Senators; whereupon, Chairman Welch suggested that the letter in support of Congressman Young's request could be copied to both Senators and to the Tampa Bay Congressional Delegation, and the members concurred.

Commissioner Morroni related that Congressman Young had written a letter requesting a delay in the implementation of the law; that he has a copy of the letter and will share with the members that have not received a copy; and that an article appeared in the *Tampa Bay Times* today about the big changes that will be affecting insurance in the state. He related that last Tuesday, on Election night, a meeting was held in Treasure Island and Madeira Beach; and that hundreds of people appeared, most of whom were upset that Senator Nelson had voted in favor of the legislation.

Commissioner Morroni expressed concern that people are just now finding out about a law of this magnitude that was passed over a year ago, and has huge implications for the beaches; whereupon, Commissioner Latvala stated that not only are the beaches affected, but so is all the waterfront property in the area, including the North County area and the subdivisions around Lake Tarpon.

#25 County Commission Miscellaneous:

- a. Commissioner Roche requested that Health and Community Services Director Gwendolyn Warren provide periodic updates re Medicaid enrollment.
- b. Commissioner Latvala re Tampa Bay Water providing funding to the Florida Friendly Program.
- c. Commissioner Morroni Jerry Parker appointed to the Greater Seminole Area Special Recreation District, filling the position vacated by Stephen Kemp.
 - Motion - Commissioner Morroni
 - Second - Commissioner Latvala
 - Vote - 7 – 0

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d. Commissioner Seel requested that the School Board and the Juvenile Welfare Board be added to the Social Action Funding list re County surplus items.

* * * *

The meeting recessed at 4:16 P.M. and reconvened at 6:01 P.M. with all members present.

* * * *

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

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

#26 Public hearing was held regarding the proposed Fiscal Year 2013-2014 tentative millage rates and budgets for Pinellas County; resolutions adopted approving tentative millage rates and budgets for Pinellas County General Fund (Nos. 13-94 and 13-95), Pinellas County Health Department (Nos. 13-96 and 13-97), Pinellas County Emergency Medical Services Authority (Nos. 13-98 and 13-99), Pinellas County Planning Council (Nos. 13-100 and 13-101), Pinellas County Municipal Service Taxing Unit (Nos. 13-102 and 13-103), Public Library Cooperative (Nos. 13-104 and 13-105), Palm Harbor Community Services District (Nos. 13-106 and 13-107), Feather Sound Community Services District (Nos. 13-108 and 13-109), East Lake Library Services District (Nos. 13-110 and 13-111), Belleair Bluffs Fire Protection Authority (Nos. 13-112 and 13-113), Clearwater Fire Protection Authority (Nos. 13-114 and 13-115), Dunedin Fire Protection Authority (Nos. 13-116 and 13-117), Gandy Fire Protection Authority (Nos. 13-118 and 13-119), Largo Fire Protection Authority (Nos. 13-120 and 13-121), Pinellas Park Fire Protection Authority (Nos. 13-122 and 13-123), Safety Harbor Fire Protection Authority (Nos. 13-124 and 13-125), Tarpon Springs Fire Protection Authority (Nos. 13-126 and 13-127), Seminole Fire Protection Authority (Nos. 13-128 and 13-129), High Point Fire Protection Authority (Nos. 13-130 and 13-131), Tierra Verde Fire Protection Authority (Nos. 13-132 and 13-133), and South Pasadena Fire Protection Authority (Nos. 13-134 and 13-135).

Ken Burke, Clerk of the Circuit Court, reported that a total of seven emails in opposition to the proposed tax increase and 29 phone calls regarding the Truth in Millage (TRIM) notices have been received.

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At this time, Chairman Welch reviewed the sequence of events for tonight's proceedings; whereupon, he opened the first public hearing on the tentative millage rates and budgets proposed for Fiscal Year 2013-2014, and indicated that representatives of the Property Appraiser's Office are available to respond to anyone having questions or concerns about the assessed value of their property; and that a separate public hearing for the proposed Surface Water Service Assessment will be held on Tuesday, September 10, at 6:00 P.M.

Clerk Burke reported that due notice has been provided by the mailing of the TRIM notices to Pinellas County property owners as required by Chapters 129 and 200 of the Florida Statutes.

Chairman Welch announced that the Board of County Commissioners (BCC), as taxing authority for the Pinellas County General Fund and the County levy supporting the Health Department, Emergency Medical Services, Pinellas County Planning Council, Unincorporated Area Municipal Service Taxing Unit, Public Library Cooperative Municipal Service Taxing Unit, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services Municipal Service Taxing Unit, and the Special Fire Protection Districts, will now proceed with the public hearings.

Prior to his presentation and the public hearing portion of the meeting, Administrator LaSala discussed the proposed Surface Water Service Assessment, and indicated that upon staff evaluating assessment data and reviewing what could and could not be used for the purposes of determining area coverage, certain data elements were eliminated in the calculation; and that the updated information has resulted in an approximate \$2.5 million reduction in the revenue assessment for Fiscal Year 2014. Administrator LaSala provided an example regarding square-footage calculations, relating that his office will continue to evaluate the assessment data and will provide the members with additional information during future discussions; whereupon, in response to queries by Commissioner Long regarding the impact of the change on local taxpayers, Administrator LaSala related that although the special assessment will not change, revenues and expenditures will need to align in order for the county to undertake the work.

Administrator LaSala related that the percentage increase in the millage rate for all budgets over the rolled-back rate based on the maximum rates on the TRIM Notice to fund the Fiscal Year 2014 Tentative Budget is a 5.95-percent increase over the aggregate

rolled-back rate; whereupon, he indicated that the primary purposes for increases in ad valorem tax revenues are due to the following:

- In the General Fund, Emergency Medical Service Fund, and the Pinellas County Planning Council, increases are associated with addressing the structural deficits; expenditure levels that are driven by inflationary factors are exceeding revenues.
- In the Public Library Cooperative Municipal Service Taxing Unit (MSTU), a millage increase, as discussed at the May 9 Budget Information Session, is to partially restore support and service reductions from the past several years. In addition, as part of the ongoing evaluation of library services in the unincorporated area and East Lake community's request for a dedicated funding source, the Board approved Ordinance No. 13-11 on May 21, 2013 establishing the East Lake Library Services MSTU and removing the district from the boundaries of the Public Library Cooperative MSTU; an initial tax levy of 0.2500 mills is proposed for the tax district.
- In the Special Protection Fire Districts, increases are due to an increase in service provider operating costs.

Administrator LaSala conducted a PowerPoint presentation titled *FY2014 Proposed Budget*, a copy of which has been filed and made a part of the record, and noted that a schedule of changes to the proposed budget was distributed to the Board on August 22, 2013; that modifications included both Board-directed changes approved at BCC meetings or work sessions and technical adjustments related to accounting presentation, restructuring department centers and programs, and other minor changes; and that the changes are outlined in a document titled *Exhibit 1 – Summary of Changes to FY2014 Proposed Budget*, a copy of which has been filed and made a part of the record. Changes included the following:

- Board Directed Actions at the July 16 and 30, 2013 BCC Work Sessions
 - Fund MSTU paving project with \$650,000.00
 - Include \$551,000.00 to continue support for homeless initiatives and social action funding
 - Reallocate balance of funds from the Service Level Stabilization Account to the Service Level Continuation Account created in the FY2014 budget
- Additional Funding Approved

- Electronic Poll Book System (Supervisor of Elections' Office) – Streamline voter verification, check-in time, and administrative processes
- Clerk Paperless/Tyler Gap: \$1.6 million – Close functionality gaps required by the Justice community for paperless workflow throughout the judicial system
- Tourist Development Council
 - Convention and Visitors Bureau Sales Representatives – Addition of two full-time equivalent (FTE) positions
 - Increased Operating Expenditures – Media Asset Management System contract to enhance web presence

Following the presentation and in response to queries and comments by Commissioner Roche regarding Slide No. 41 titled *Approved Changes to Existing Projects – Affordable Housing Land Assembly Program*, Administrator LaSala and Chairman Welch indicated that Commissioner Roche had not been present at the meeting where discussion had taken place regarding the item; that the members had voted unanimously at that time to move forward the allocation of those dollars; and that following public comment, he could make a motion to change the Capital Improvement Program (CIP) or any of the other millages or budgets; whereupon, Commissioner Welch, with input by Administrator LaSala, related that the Board is setting the budget for the next fiscal year; and that tonight would be the time to present any proposed budget changes.

In response to queries and comments by Commissioner Justice regarding “Additional Funding Approved,” Administrator LaSala indicated that those items referred to in Slides Nos. 15 and 16 were previously presented to the Board as additions to the CIP; and that although not specifically voted upon, the members had indicated that they wished to move forward, and Chairman Welch provided input.

Chairman Welch announced that the Board of County Commissioners will continue the hearing as the taxing authority for the Pinellas County General Fund and the County levy supporting the Health Department, Emergency Medical Services, Pinellas County Planning Council, Unincorporated Area Municipal Service Taxing Unit, Public Library Cooperative Municipal Service Taxing Unit, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services District, and the Special Fire Protection District levies, by taking public comment from citizens who wish to be heard regarding the Fiscal Year 2014 Budget.

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In response to Chairman Welch's call for public comment, the following individuals presented their comments and concerns:

Lois Eannel, Trinity, re East Lake Community Library.

Donna Henry, Tarpon Springs, re budget.

Shelby J. Harvey, Tarpon Springs, re reduce increase to 1.7 percent or no millage increase.

David Ballard Geddis Jr., Palm Harbor, re reclaimed water a fee simple title (submitted document).

Mark Klutho, Largo.

In response to query by Commissioner Roche regarding procedural matters, Chairman Welch indicated that the Board is bound by State statute to follow a scripted process when making its motions to adopt the various millage rates and budgets; and that if Commissioner Roche wished to recommend any budget changes, he could do so at this time.

Commissioner Roche moved that the Pinellas County General Fund proposed millage levy be adjusted from 5.2755 mills to 5.1430 mills, and the motion died for lack of a second.

Commissioner Roche provided background information about the \$15 million in CIP funds allocated for affordable housing, and moved that rather than approving moving forward the allocation of \$5 million in Fiscal Years 2014, 2015, and 2016, only the \$5 million for 2014 be moved forward and the remaining \$10 million be repurposed to boost the economic potential, relating that the County Attorney is vetting a plan he is proposing for marketing some properties that he has discussed with the Economic Development Department; whereupon, the motion died for lack of a second.

Thereupon, Chairman Welch announced that resolutions will now be considered to set the tentative millage rates and budgets; and that the amounts will not be finalized until the public hearing on September 17, 2013; whereupon, Administrator LaSala announced each of the resolutions separately, which have been filed and made a part of the record.

Resolution No. 13-94 adopting the tentative millage rate for Fiscal Year 2013-2014 for Pinellas County General Fund adopted.

Motion	-	Commissioner Seel
Second	-	Commissioner Long
Vote	-	6 – 1 (Commissioner Roche dissenting)

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Resolution No. 13-95 adopting the tentative budget for Fiscal Year 2013-2014 for Pinellas County General Fund adopted.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	6 – 1 (Commissioner Roche dissenting)

Resolution No. 13-96 adopting the tentative millage rate for Fiscal Year 2013-2014 for Pinellas County Health Department adopted.

Motion	-	Commissioner Justice
Second	-	Commissioner Seel

Commissioner Roche indicated that although the proposed millage rate and percent deviation from the rollback rate are being read into the record, many of the categories actually reflect a zero percent change with regard to the Fiscal Year 2013 millage rate; whereupon, following brief discussion, Commissioner Roche related that he would read any changes into the record following each category.

Vote	-	7 – 0
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Resolution No. 13-97 adopting the tentative budget for Fiscal Year 2013-2014 for Pinellas County Health Department adopted.

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

Resolution No. 13-98 adopting the tentative millage rate for Fiscal Year 2013-2014 for Pinellas County Emergency Medical Services Authority adopted.

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

Resolution No. 13-99 adopting the tentative budget for Fiscal Year 2013-2014 for Pinellas County Emergency Medical Services Authority adopted.

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

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Resolution No. 13-100 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Pinellas County Planning Council adopted.

Motion - Commissioner Roche
Second - Commissioner Seel

Commissioner Roche commented that even though this reflects a 28 percent increase over the Fiscal Year 2013 millage rate, he supports the resolution.

Vote - 7 – 0

Resolution No. 13-101 adopting the tentative budget for Fiscal Year 2013-2014 for the Pinellas County Planning Council adopted.

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

Resolution No. 13-102 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Unincorporated Area Municipal Service Taxing Unit adopted.

Motion - Commissioner Long
Second - Commissioner Roche

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote - 7 – 0

Resolution No. 13-103 adopting the tentative budget for Fiscal Year 2013-2014 for the Unincorporated Area Municipal Service Taxing Unit adopted.

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

Resolution No. 13-104 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Public Library Cooperative adopted.

Motion - Commissioner Justice
Second - Commissioner Morroni

Commissioner Roche commented that this reflects a 12.69 percent increase over the Fiscal Year 2013 millage rate; and that he does not support the resolution.

Vote - 6 – 1 (Commissioner Roche dissenting)

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Resolution No. 13-105 adopting the tentative budget for Fiscal Year 2013-2014 for the Public Library Cooperative adopted.

Motion	-	Commissioner Justice
Second	-	Commissioner Morroni
Vote	-	6 – 1 (Commissioner Roche dissenting)

Resolution No. 13-106 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Palm Harbor Community Services District adopted.

Motion	-	Commissioner Roche
Second	-	Commissioner Latvala

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-107 adopting the tentative budget for Fiscal Year 2013-2014 for the Palm Harbor Community Services District adopted.

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

Resolution No. 13-108 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Feather Sound Community Services District adopted.

Motion	-	Commissioner Morroni
Second	-	Commissioner Long

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-109 adopting the tentative budget for Fiscal Year 2013-2014 for the Feather Sound Community Services District adopted.

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

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Resolution No. 13-110 adopting the tentative millage rate for Fiscal Year 2013-2014 for the East Lake Library Services District adopted.

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

Resolution No. 13-111 adopting the tentative budget for Fiscal Year 2013-2014 for the East Lake Library Services District adopted.

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

Resolution No. 13-112 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Belleair Bluffs Fire Protection District adopted.

Motion	-	Commissioner Seel
Second	-	Commissioner Roche

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-113 adopting the tentative budget for Fiscal Year 2013-2014 for the Belleair Bluffs Fire Protection District adopted.

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

Resolution No. 13-114 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Clearwater Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Latvala

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-115 adopting the tentative budget for Fiscal Year 2013-2014 for the Clearwater Fire Protection District adopted.

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

Resolution No. 13-116 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Dunedin Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Roche

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-117 adopting the tentative budget for Fiscal Year 2013-2014 for the Dunedin Fire Protection District adopted.

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

Resolution No. 13-118 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Gandy Fire Protection District adopted.

Motion	-	Commissioner Roche
Second	-	Commissioner Latvala

Commissioner Roche commented that this reflects a 1.6 percent increase over the Fiscal Year 2013 millage rate; and that he is comfortable with the increase.

Vote	-	7 – 0
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Resolution No. 13-119 adopting the tentative budget for Fiscal Year 2013-2014 for the Gandy Fire Protection District adopted.

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

September 5, 2013

Resolution No. 13-120 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Largo Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Latvala

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-121 adopting the tentative budget for Fiscal Year 2013-2014 for the Largo Fire Protection District adopted.

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

Resolution No. 13-122 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Pinellas Park Fire Protection District adopted.

Motion	-	Commissioner Seel
Second	-	Commissioner Roche

Commissioner Roche commented that even though this reflects a 27.40 percent increase over the Fiscal Year 2013 millage rate, he supports the resolution.

Vote	-	7 – 0
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Resolution No. 13-123 adopting the tentative budget for Fiscal Year 2013-2014 for the Pinellas Park Fire Protection District adopted.

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

Resolution No. 13-124 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Safety Harbor Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Seel

Commissioner Roche commented that this reflects a 1.76 percent increase over the Fiscal Year 2013 millage rate; and that he is comfortable with the increase.

Vote	-	7 – 0
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Resolution No. 13-125 adopting the tentative budget for Fiscal Year 2013-2014 for the Safety Harbor Fire Protection District adopted.

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

Resolution No. 13-126 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Tarpon Springs Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Latvala

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-127 adopting the tentative budget for Fiscal Year 2013-2014 for the Tarpon Springs Fire Protection District adopted.

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

Resolution No. 13-128 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Seminole Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Seel

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-129 adopting the tentative budget for Fiscal Year 2013-2014 for the Seminole Fire Protection District adopted.

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

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Resolution No. 13-130 adopting the tentative millage rate for Fiscal Year 2013-2014 for the High Point Fire Protection District adopted.

Motion	-	Commissioner Morroni
Second	-	Commissioner Justice

Commissioner Roche commented that this reflects a 36.30 percent decrease from the Fiscal Year 2013 millage rate

Vote	-	7 – 0
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Resolution No. 13-131 adopting the tentative budget for Fiscal Year 2013-2014 for the High Point Fire Protection District adopted.

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

Resolution No. 13-132 adopting the tentative millage rate for Fiscal Year 2013-2014 for the Tierra Verde Fire Protection District adopted.

Motion	-	Commissioner Long
Second	-	Commissioner Justice

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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Resolution No. 13-133 adopting the tentative budget for Fiscal Year 2013-2014 for the Tierra Verde Fire Protection District adopted.

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

Resolution No. 13-134 adopting the tentative millage rate for Fiscal Year 2013-2014 for the South Pasadena Fire Protection District adopted.

Motion	-	Commissioner Roche
Second	-	Commissioner Seel

Commissioner Roche commented that this reflects a zero percent increase over the Fiscal Year 2013 millage rate.

Vote	-	7 – 0
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September 5, 2013

Resolution No. 13-135 adopting the tentative budget for Fiscal Year 2013-2014 for the South Pasadena Fire Protection District adopted.

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

At this time, Chairman Welch closed the first public hearing on the tentative millage rates and budgets for Fiscal Year 2013-2014.

- #27 Authorization granted to advertise the tentative millage rates and budgets and the date, time, and place of the second public hearing regarding the proposed Fiscal Year 2013-2014 millage rates and budgets; second public hearing to be held on September 17, 2013.

In response to the Chairman's call for public comment, Mark Klutho, Largo, appeared and stated his concerns.

Thereupon, Commissioner Morroni moved, seconded by Commissioner Roche and carried, that the authority to advertise be granted.

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

Following the vote, Commissioner Latvala discussed the effort that goes into preparing and approving the budget; whereupon, she thanked staff for their hard work during the year, and Chairman Welch concurred.

- #28 Meeting adjourned at 7:20 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk