

3. APPROVAL OF MINUTES:

Regular Meeting held October 8, 2013.

129

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, OCTOBER 8, 2013 – 9:33 A.M.  
ASSEMBLY ROOM, FIFTH FLOOR  
315 COURT STREET, CLEARWATER, FLORIDA**

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

**Not Present:** Janet C. Long.

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

**INVOCATION:** Commissioner Roche.

**PLEDGE OF ALLEGIANCE:** Commissioner Latvala.

**PRESENTATIONS AND AWARDS:**

1. Malinda Fusco, Utilities Department, conducted a presentation titled *Diversion Inclusion Work Group*; presentation of a proclamation in recognition of National Diversity Month.
2. Presentation of a proclamation in recognition of Pro Bono Week.
3. Suncoast Health Council Executive Director Elizabeth M. Rugg and Board Member Dr. Lawrence P. Floriani conducted a presentation titled *Expanding Access to Care for Residents in Pinellas and Pasco County*.
4. Dan Zinge conducted a presentation regarding the North American Vehicle Rescue Association Worldwide Extraction Event.

**SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS**

- # 1a Ordinance No. 13-25 adopted approving Case No. CW 13-7, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential/Office General to Commercial General, re 0.9 acre m.o.l., located on the east side of 66<sup>th</sup> Street North, 120 feet north of 51<sup>st</sup> Terrace North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

and

- # 1b Ordinance No. 13-25 adopted approving Case No. CW 13-8, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban (7.5 units an acre) to Residential/Office General, re 0.2 acre m.o.l., located at 1201 Sheridan Road (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2a Ordinance No. 13-26 adopted approving Case No. CW 13-9, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential/Office Limited to Institutional, re 3.6 acres m.o.l., located at 150 South McMullen-Booth Road (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment, inclusive of a separate and additional recommendation that the City of Clearwater give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Noncommercial Corridor Master Plan, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2b Ordinance No. 13-26 adopted approving Case No. CW 13-10, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Urban (up to 7.5 units an acre), Preservation, Water, and Water/Drainage Feature Overlay to Residential Medium (up to 15 units an acre), Preservation, Water, and Water/Drainage Feature Overlay, re 23.8 acres m.o.l., located at 2200 and 2251 Montclair Road (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment, subject to an amendment of the Scenic/Noncommercial Corridor Submap 1 to expand the mixed-use subclassification to include the Residential Medium category area northeast of Beckett Lake; and, separately and in addition, recommended that the City of Clearwater give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Noncommercial Corridor Master Plan, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

Commissioner Latvala remarked that the subject property contains the last operating citrus grove in Pinellas County; and that a large portion of north county used to be citrus groves.

- # 2c Ordinance No. 13-27 adopted approving Case No. CW 13-11, the proposal by the City of Oldsmar to amend the Countywide Future Land Use Plan from Residential Low (up to five units an acre) and Preservation to Residential Low Medium (up to 10 units an acre) and Preservation, re 9.9 acres m.o.l., located on the northwest corner of Forest Road and Pine Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment, subject to the submission of a Countywide Plan Map adjustment to Preservation for the resulting on-site wetlands following final approval of the Wetland Jurisdictional survey, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 3 Resolution No. 13-181 adopted granting the petition of David A. Blanck, Roy and Jennie Worden, and Michael Carpenter to vacate a portion of the alley adjacent to Lots 9-13, replat of Mohawk Park Subdivision (Legislative Hearing). Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. One letter in support of the petition has been received.

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| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Seel    |

In response to queries by Commissioner Roche, Paul S. Sacco, Director, Real Estate Management, referred to a sketch of the plat, and indicated that the 15-foot-wide easement between Lot No. 10 and Lots Nos. 11, 12, and 13 would be evenly divided.

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| Vote | - | 6 – 0 |
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- # 4 Petition of Kalmia Condominium No. 5 (Kalmia 5) to vacate a portion of a right-of-way known as Ottawa Road and a portion of a right-of-way known as Skyview Avenue, Gates Knoll Subdivision (Legislative Hearing), temporarily deferred. 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. Twenty-seven letters in support and 29 letters and telephone calls in opposition have been received.

During discussion and in response to queries by the members, Paul S. Sacco, Director, Real Estate Management, presented background information regarding the petition to vacate; whereupon, referring to aerial photographs and a sketch of the plat, he identified the area to be vacated and pointed out the location of the condominium complex and individual buildings, public and private roadways, and front and rear entrances.

Mr. Sacco indicated that the Kalmia condominium complex is comprised of six buildings, each with its own condominium association; that each building owns a portion of the road that traverses the community; that Kalmia 5 has requested the vacation due to safety and security concerns; and that while the other associations will likely oppose the request, believing that Kalmia 5 has a plan to close off the Ottawa Road access, no such plan has been communicated to County staff.

During discussion and in response to queries by Chairman Welch, Richard Coates, Transportation and Stormwater Division, related that the condominium complex has two entrances, a main front entrance and a secondary rear entrance; and that while closing the rear entrance would be an inconvenience to the residents, the front entrance would provide sufficient ingress and egress to the community.

Mr. Sacco referred to a letter dated October 3, 2013 received from the City of Clearwater, noting that the City has no objections to the proposed vacation as long as the following three conditions are met:

- The City of Clearwater shall retain an easement for ingress and egress over the vacated area for emergency purposes in accordance with laws, ordinances, rules and regulations of applicable governmental authorities.
- The City of Clearwater shall retain a utility easement over the vacated area for installation and maintenance of City utilities. No permanent structures may be placed within the easement other than a security gate through which the City of Clearwater shall have unrestricted vehicle access for utilities maintenance, solid waste collections and emergency services.

October 8, 2013

- It appears that access to the parking lot immediately northwest of the right-of-way proposed for vacation is only accessible through Ottawa Road. The property is partially within the City limits. The owner of the parking lot needs to maintain legal ingress and egress; otherwise, the right-of-way vacation may render the existing parking area inaccessible.

Commissioner Morroni referred to a letter dated October 4, 2013 received from the law firm of Frazer, Hubbard, Brandt, Trask, Yacavone, Metz & Daigneault, and indicated that the letter clearly explains the petition to vacate, the concerns of the neighbors, and issues relating to safety; whereupon, in response to queries by Commissioner Roche, Mr. Sacco provided additional information regarding the parking.

Attorney Bennett advised that the attorney for the applicant is not in attendance due to a medical emergency; whereupon, in response to the Chairman's call for the applicant, Raymond DeVries, Jr., Clearwater, appeared and related that he is willing to proceed without legal counsel, and stated his reasons for requesting the vacation, including issues related to limited parking and unwanted guests. In response to queries by the members, Mr. DeVries referred to a map and provided further information regarding parking and rights-of-way; whereupon, he related that the intruders generally enter the property in motor vehicles during the evening hours, conduct their illicit activities under the covered parking area, and are gone before the Clearwater Police arrive at the scene.

During discussion and in response to queries by Chairman Welch, Mr. DeVries indicated that while there are no current plans to block the rear ingress/egress, a security gate accessible to all residents would likely be installed; whereupon, he indicated that each building has its own association; that he has not spoken with residents of other buildings; and that the issue at hand is not about blocking the rear ingress/egress, but about vacating the portion of Ottawa Road that enters the subject property.

In response to the Chairman's call for persons wishing to be heard, Heriberto Troche, Jr., Pinellas Park, spoke in support of the item and, in response to queries by the members, indicated that he is a student at St. Petersburg College and discussed his connection to the case, relating that his course work requires community involvement.

In response to the Chairman's call for persons wishing to be heard, the following individuals presented their concerns and comments:

Brandon J. Huffman, Dunedin  
Walter Aardsma, Clearwater  
Douglas S. Friend, Clearwater

October 8, 2013

Brandon J. Huffman, Esquire, related that he represents the residents of Kalmia 4; and that the majority of residents in the Kalmia complex are opposed to the petition to vacate; whereupon, referring to a map of the subject property, he pointed out condominium buildings, various roadways, and property entrances, and provided detailed background information regarding the negative impacts his clients will experience if the vacation is granted.

Attorney Huffman requested, one, that the members deny the petition to vacate; two, that if the members vote to approve the petition, it include an easement allowing all residents ingress/egress where the common driveway meets Ottawa Road; and three, that if neither of those requests are acceptable, the case be temporarily deferred until January 2014 to allow resident "snowbirds" to return and offer their input.

During discussion and in response to queries by Chairman Welch, Attorney Huffman indicated that the Kalmia condominium complex is comprised of six buildings constructed during the 1950s/1960s, each with its own condominium association; that there is no parent governing document; that each building is truly an individual ownership; and that Kalmia 5 could theoretically do whatever it wanted if the vacation is granted; whereupon, Attorney Huffman related that he recently accepted the case; and that his next step would be to try to negotiate with Kalmia 5 regarding an easement.

Responding to the concerns of the objectors, Mr. DeVries reiterated that his main objective is to have the County vacate the parcel as requested in the petition; that his current intention is not to block the rear ingress/egress to the community; and that his foremost concern is the safety and security of the entire development; whereupon, in response to queries by Commissioner Welch, Attorney Bennett discussed the steps which would need to occur before the rear entrance/exit could be closed, and indicated that because each building is individually owned, Kalmia 5 could proceed as desired if the vacation is granted and would not have to return before the Board.

In response to queries by Commissioner Roche, Mr. Sacco provided information regarding a fire hydrant located within the area to be vacated, indicating that no legal issues exist as long as access to the hydrant remains.

Commissioner Justice discussed a local complex which utilizes a security gate for access to the community, and stated that while he would support a motion to temporarily defer the item, he would not support a petition to vacate without a written agreement between the six condominium associations addressing vehicular access and the petition to vacate, and Chairman Welch and Commissioners Seel and Roche concurred.

Thereupon, Commissioner Seel moved, seconded by Commissioner Latvala, that the item be temporarily deferred for 60 days to allow the associations to return with an agreement. Following brief discussion and upon the advice of Attorney Bennett, Commissioner Seel moved, seconded by Commissioner Latvala, that the item be temporarily deferred to the December 10, 2013 BCC meeting; whereupon, upon call for the vote, the motion carried by a vote of 6 to 0.

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

Following the vote, Commissioner Seel recommended that the applicant meet with the City of Clearwater regarding the three conditions included in its letter of no objection; whereupon, she related that the public hearings to take place on December 10 will begin at 6:00 P.M.

- # 5 Resolution No. 13-182 adopted granting the petition of Christos and Desiree Kyriazis to vacate a portion of a six-foot-wide utility easement lying across the rear of Lot 9, Block D, Yacht Club Estates, Unit 3 (Quasi-Judicial Hearing). Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received.

During discussion and in response to queries by Commissioner Roche, Paul S. Sacco, Director, Real Estate Management, presented background information regarding the petition to vacate and the owners' desire to clear encroachment for a patio along the rear of their home; whereupon, he referred to a sketch of the plat, pointed out the area to be vacated, and related that the acronym "POB" stands for the survey term "Point of Beginning."

No one appeared in response to the Chairman's call for the applicant; whereupon, responding to his call for persons wishing to be heard, Robert E. Musser and Richard Hendrickson, Seminole, appeared and expressed their concerns.

In response to the concerns expressed by Mr. Musser, Mr. Sacco presented general and statistical information regarding the request, and indicated that the square footage of the vacation would only encompass a small portion of the overall utility easement and would not affect Mr. Musser's property value; whereupon, in response to the concerns expressed by Mr. Hendrickson and at the request of Chairman Welch, Attorney Bennett agreed to



contact Real Estate Management regarding the prospect of using plain language when describing a petition to vacate.

Following brief discussion, Commissioner Latvala moved, seconded by Commissioner Justice, that the item be approved; whereupon, upon call for the vote, the motion carried by a vote of 4 to 2, with Commissioners Seel and Roche casting the dissenting votes.

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| Motion | - | Commissioner Latvala                            |
| Second | - | Commissioner Justice                            |
| Vote   | - | 4 – 2 (Commissioners Seel and Roche dissenting) |

- # 6 Resolution No. 13-183 adopted granting the petition of John and Maryann Ricci to vacate a portion of a ten-foot-wide utility easement lying within the southerly portion of Lot 90, Seminole Woodlands Third Addition (Quasi-Judicial Hearing). Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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| Motion | - | Commissioner Morroni |
| Second | - | Commissioner Seel    |

Commissioner Seel remarked that the applicants submitted their petition prior to the anticipated installation of a swimming pool; and noted that the process should work in this manner.

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| Vote | - | 6 – 0 |
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Following the vote, Mr. Ricci acknowledged Cynthia Harris, Real Estate Management, and expressed appreciation for her assistance during the process.

- # 7 Resolution No. 13-184 adopted granting the petition of Speckled Trout Marina, LLC and Speckled Trout Holdings, Inc. to vacate the entire plat of Banana Terrace Subdivision (Quasi-Judicial Hearing). Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. One letter in opposition to the petition has been received. No citizens appeared to be heard.

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| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Justice |

During discussion and in response to queries and comments by Commissioners Roche and Morroni, Katherine E. Cole, Esquire, Hill Ward Henderson, indicated that she is the attorney for the applicant; that the request is to vacate the entire plat known as Banana Terrace Subdivision; and that the applicant owns the four lots and the private drive that compose the subdivision and does not intend to build four single family homes or transfer the property. Attorney Cole presented information regarding a citizen petition which had been submitted in August, opining that it may relate to the proposed rezoning and land use plan amendment slated to appear before the members in the near future; whereupon, she discussed the overall process, indicating that staff had provided guidance regarding how to proceed; and that the applicant had multiple options available to him.

Vote - 6 – 0

## **CITIZENS TO BE HEARD**

David Ballard Geddis, Jr., Palm Harbor, re George Washington's "*Doing of Things*."

Nick Fritsch, Clearwater, re Greenlight Pinellas.

Ted Legakis, Pinellas Park, re Reliable Septic Odors (showed video).

- Provided an update re Reliable Septic & Sewer, Inc., and discussed issues pertaining to air, soil and water quality, objectionable odors, and local business hardships.
  - Attorney Bennett reported that the matter is not yet in litigation; that the Risk Management Department, the Florida Department of Law Enforcement, and the Inspector General are currently conducting investigations regarding the alleged violations; that it appears that there are also zoning violations; that his office is exploring methods of enforcement and clarifying jurisdictional issues with the City of Pinellas Park; and that an inspection warrant will be sought in order to access the property and inspect the containment system.
  - Attorney Bennett related that the members do not need to be engaged for traditional enforcement action; that he will provide individual briefing sessions regarding the results of the claim letter; and that if the owner of Reliable Septic does not comply with the site plan within the stipulated six-month timeframe, the matter will come before the Board; whereupon, he provided further information regarding access to the property and the processing permit.
  - Chairman Welch acknowledged that the Reliable Septic issue has been difficult from the start; and related that while the BCC does not have the authority to simply go in and shut down the company, it will continue to work on the matter.

Greg Pound, Largo, re Justice (provided document).

October 8, 2013

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At this time, 11:33 A.M., Commissioner Justice left the meeting.

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**CONSENT AGENDA ITEMS NOS. 8 THROUGH 19 APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 13 AND 19, WHICH WERE CONSIDERED UNDER ITEM NO. 20.**

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| Motion | - | Commissioner Seel    |
| Second | - | Commissioner Morroni |
| Vote   | - | 5 – 0                |

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At this time, 11:35 A.M., Commissioner Justice returned to the meeting.

\* \* \* \*

# 8 Minutes of regular meetings of August 20, 2013 and September 5, 2013 approved.

# 9 Reports received for filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-26 dated September 10, 2013 – Follow-Up Audit of the 2000-2010 Penny for Pinellas Sales Tax Distribution and Expenditures.
- b. Dock Fee Report for the month of August 2013.

#10 Vouchers and Bills Paid

Period August 18 through August 24, 2013

Payroll – None.

Accounts Payable

Checks – \$8,713,093.06

ACH Transfers – \$2,417,981.63

Wire Transfers – \$765,199.99

Period August 25 through August 31, 2013

Payroll

ACH – \$2,877,098.57

Checks – \$37,118.10

Third Party ACH – \$15,088.74

Third Party Checks – \$2,198.18

Accounts Payable

Checks – \$7,320,682.05

ACH Transfers – \$11,131,477.63

Wire Transfers – \$561,795.87

Period September 1 through September 7, 2013

Payroll – None.

Accounts Payable

Checks – \$5,397,352.71

ACH Transfers – \$9,533,413.86

Wire Transfers – \$408,567.22

#11 Miscellaneous items received for filing:

- a. City of Clearwater Ordinance No. 8409-13 adopted August 14, 2013, annexing certain property.
- b. City of Clearwater Notices of Public Hearings regarding proposed Ordinances Nos. 8424-13 through 8429-13 to be heard September 19, 2013, amending the Annexation, Land Use Plan, and Zoning Atlas; and Nos. 8478-13 and 8481-13 to be heard October 16, 2013 and November 7, 2013, respectively, amending the Community Development Code.
- c. Southwest Florida Water Management District Fiscal Year 2014 Schedules of Meetings and a map depicting the District's boundaries.

#12 Award of bid to Traffic Control Devices, Inc. for South Fiber Loop ATMS/ITS Installation Stage 2 – U.S. Highway 19 to Alternate U.S. Highway 19 (Bid No. 123-0416-CP; Project No. 000196A) approved for an estimated total expenditure in the amount of \$1,301,301.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; funding is provided by the Florida Department of Transportation

October 8, 2013

County Incentive Grant Program Agreement (50 percent) and the Ninth Cent Local Option Gas Tax (50 percent); all work is expected to be fully completed within 270 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor (Department of Environment and Infrastructure/Purchasing).

#13 See Item No. 20.

#14a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for the Treasure Island Shore Protection Project (PID No. 000048A/2069; FDEP Agreement No. 14PI1) approved; project costs for the agreement will be shared between the FDEP reimbursement grant and the Tourist Development Tax (total cost, \$12,044,200.00; federal portion, \$8,044,200.00; state portion, \$2,000,000.00; County portion, \$2,000,000.00); Chairman authorized to sign the agreement and the Clerk to attest.

#14b Grant Agreement with the Florida Department of Environmental Protection (FDEP) for the Long Key Segment (Upham Beach and Pass-a-Grille Beach) Shore Protection Project (PID No. 000046A Upham Beach and 001040A Pass-a-Grille Beach; FDEP Agreement No. 14PI2) approved; project costs for the agreement will be shared between the FDEP reimbursement grant and the Tourist Development Tax (total cost, \$9,048,000.00; federal portion, \$5,500,000.00; state portion, \$1,774,000.00; County portion, \$1,774,000.00); Chairman authorized to sign the agreement and the Clerk to attest.

#15 Ranking of firms and authorization for staff to negotiate with the number one ranked firm, Intrado, Inc., for Networking Services, Next Generation 9-1-1 IP Network (NENA Standard i3) for the Public Safety Complex (Contract No. 123-0283-P) approved. Final negotiated contract to be presented to the Board for consideration at a future date (Public Safety Services).

#16 Notice of new lawsuit and defense of the same by the County Attorney in the case of Theresa Kanaszka and Charles Kanaszka versus Kloote Contracting, Inc. and Pinellas County Board of County Commissioners, et al. – Circuit Civil Case No. 13-008486-CI-11 – Allegations of Negligence Resulting in Personal Injuries.

#17 Sitting as the Countywide Planning Authority, the Board received and accepted a Minor Plan Change to the City of Clearwater's Beach by Design Special Area Plan (Case CW 01-25, SAP Change No. 7-2013), as recommended by the Pinellas Planning Council in its memorandum dated October 8, 2013, a copy of which has been filed and made a part of the record.

October 8, 2013

#18 Sitting as the Countywide Planning Authority, the Board officially accepted the Countywide Plan Map boundary adjustments submitted by the City of Clearwater and Pinellas County, as recommended by the Pinellas Planning Council in its memorandum dated October 8, 2013, a copy of which has been filed and made a part of the record.

#19 See Item No. 20.

#20 Items for discussion from Consent Agenda (County Administrator and Clerk of the Circuit Court and Comptroller):

#13 First Amendment to the contract with Ferguson Enterprises d/b/a Ferguson Waterworks for water and sewer materials and accessories (Contract No. 090-0325-P) approved; contract provides Department of Environment and Infrastructure (DEI) ability to annually review and revise most commonly purchased items and to utilize multiple Producer Price Indices; Chairman authorized to sign and the Clerk to attest; County Administrator authorized to amend the contract for future changes associated with revisions to product and material specifications.

In response to query by Commissioner Roche, DEI Section Manager Alan Bollenbacher confirmed that the six topics the Board cited by the internal audit and the resultant recommendations of the Board have been implemented; and that this completes the final phase of the contract.

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| Motion | - | Commissioner Roche |
| Second | - | Commissioner Seel  |
| Vote   | - | 6 – 0              |

#19 Sitting as the Pinellas County Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 13-185 certifying that grant award monies received from the EMS Trust Fund shall be used solely to improve and expand pre-hospital emergency medical services; Chairman authorized to sign the 2013-2014 EMS County Grant Application.

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| Motion | - | Commissioner Roche |
| Second | - | Commissioner Seel  |

In response to query by Commissioner Roche, Administrator LaSala confirmed that the adoption of a resolution is required in accepting the grant.

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| Vote | - | 6 – 0 |
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October 8, 2013

- #21 Resolution No. 13-186 adopted delegating certain authority and powers conferred upon Pinellas County by the Community Redevelopment Act (CRA) of 1969, Chapter 163, Part III, Florida Statutes to the City of St. Petersburg for redevelopment (Southside St. Petersburg CRA) – blight study approved; conditions in CRA meet criteria for blighted area confirmed; 120-day extension granted; staff directed to collaborate with City of St. Petersburg to develop interlocal agreement pursuant to Section 163, Florida Statutes.

Administrator LaSala indicated that City and County staff have worked together to reach this point; that his office concurs with the findings of the blight study; that staff is exploring possibilities of working together on the framework to bring back to the Board a recommendation on the creation of the CRA; that the CRA is located in the heart of Zone 5, one of the five zones the County has designated as at-risk communities within Pinellas County, and may serve as a model for activities in the other jurisdictions. He indicated that other cities having at-risk zones within their jurisdictional boundaries know what the County is doing with the City of St. Petersburg and are aware this does nothing to preempt their ability to work with the County, or independently, in future actions that affect the economic redevelopment within the five zones.

Chairman Welch commented on the impact of the statistics and indicated that 29 percent of the people in the area live at poverty level or below; that 45 percent of the children in the proposed CRA live in that area; and that the same statistics are echoed in the other four zones; whereupon, he expressed his appreciation that the County is looking at a holistic way to address these issues and is working with other entities in the community.

Responding to query by Commissioner Roche, Administrator LaSala, with input by Planning Division Manager Gordon Beardslee, indicated that the 120-day deadline would expire on October 25 if not extended; and that more time is necessary to work out various issues.

In response to query by Commissioner Latvala, Administrator LaSala indicated that the County does not have the staff or time to do a blight study of the other four at-risk zones at this time; that St. Petersburg is ready to begin the CRA, but the other cities are not; and that the County will be mindful of the needs of the other three municipalities when dedicating its finite resources; whereupon, Commissioner Latvala expressed concern that the Board has not determined the priorities or what funds will be available.

October 8, 2013

Responding to further query by Commissioner Latvala, Administrator LaSala indicated that he could not give a date when the County might move forward with solving the problems in the other four zones, and discussion ensued as to available resources and demands in other areas of the County.

Commissioner Justice stated that of the five zones, four have some sort of a city support structure; that the only one that does not is Lealman; and that Lealman is the community that the County is most responsible for and has the greatest need; whereupon, he suggested that the Board focus its efforts and resources on Lealman.

Commissioner Seel stated that the Juvenile Welfare Board has been talking at length with Lealman; and that the priority is to start on that plan. She concurred with Commissioner Latvala that what the County does for one city, or for Lealman, must be done for the other zones; whereupon, Commissioner Roche concurred with the concerns of the other members, and indicated that the Board should be mindful of an important statement from a former colleague that, although 45 percent of the people in poverty live within the five communities, 55 percent live elsewhere in the county; and that the Board must not take the focus off the good of the entire county and solely focus on those five areas; whereupon, he suggested that the Board include all of Pinellas County, including Lealman, going forward.

Commissioner Morroni stated that the Board appeared to be in agreement; that he concurred with the other members; that St. Petersburg is the largest city in the County; that when the CRA is established, it will prepare the County for the other CRAs that are going to be coming to the Board, specifically, St. Pete Beach in the near future; whereupon, he thanked St. Petersburg Council Chair Karl Nurse for working with the County and expressed the need to continue to work together and keep the dialogue open.

In response to the Chairman's call for individuals wishing to speak on the agenda item, the following individuals appeared and expressed their support:

- Mayor Bill Foster, City of St. Petersburg (spoke earlier in the meeting).
- Chairman Karl Nurse, City of St. Petersburg Council.

Chairman Welch read into the record an email from Reverend Manuel Sykes, President, St. Petersburg Branch of the National Association for the Advancement of Colored People (NAACP), in support of the item.



October 8, 2013

Chairman Welch concurred with the other statements by the members and indicated that it is necessary for the Board to look at this as part of a larger plan. He explained that the 2020 plan referred to by Chairman Nurse is about grant, private sector, and faith based funding, and attempts to impact poverty in a number of different ways; whereupon, he stressed the importance of the issue and urged the Board to move forward.

Thereupon, upon call for the vote, Commissioner Latvala moved, seconded by Commissioner Seel and carried, that the item be approved.

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

Following the vote, Chairman Welch referred to a memorandum from the County Attorney's Office dated October 3, 2013, which has been filed and made a part of the record, and indicated that it provides four governing models for a CRA. He questioned the need for a model other than the current model, Model No. 4 on the memorandum, and related that he likes the way Model No. 1 keeps the community involved through a CRA, although he would want the last bullet changed to retain the Board's final authority. Commissioner Seel concurred, pointing out that any model should come back to the full Board of County Commissioners; and Commissioner Roche concurred after confirming that the model selected would be only for the Board's direction and guidance.

Commissioner Latvala indicated that she is not ready to provide direction to staff, as more information is needed. She pointed out that the Board has not yet decided whether it will provide a blanket CRA for the five at-risk zones, noting that the County's budget would be adversely affected for many years in the future.

- #22 Resolution No. 13-187 adopted approving Project B3041830424 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 \$20,000.00; fifty percent of the local contribution to be paid by Pinellas County and will not exceed \$10,000.00 to be paid over a series of fiscal years as determined by the State).

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

- #23 Andrea S. Daggett reappointed to the Unified Personnel Board for a two-year term commencing in December 2013 (County Administrator).

Motion - Commissioner Latvala  
Second - Commissioner Seel

In response to query by Commissioner Roche as to whether this appointment will be handled according to the new appointment process, Administrator LaSala indicated that the County Administrator has traditionally recommended both appointments to the Board; and that the Board has final approval of the appointments; whereupon, Commissioner Seel indicated that she recruited Ms. Daggett from the private sector, and Chairman Welch concurred that recruiting should be open.

Vote - 6 – 0

- #24 Contract with State of Florida Department of Health for operation of the Pinellas County Health Department for Contract Year 2013-2014 approved retroactive to October 1, 2013; County's appropriated responsibility not to exceed \$3,397,430.00; Chairman authorized to sign the agreement and the Clerk to attest; County Administrator authorized to execute future amendments to the contract between the Board of County Commissioners and the State of Florida (Health and Community Services).

Motion - Commissioner Seel  
Second - Commissioner Latvala

Responding to queries by Chairman Welch and Commissioner Roche, Administrator LaSala, with input by Executive Director of Health and Community Services Gwendolyn Warren, indicated that the County owns all of the Health Department facilities; that operation and maintenance costs of the facilities are paid out of the State's budget; and that the \$3.397 million is an increase over the current budget.

Vote - 6 – 0

- #25 Other Administrative Matters:

Biggert-Waters Flood Insurance Reform Act of 2012

Administrator LaSala related that a cross-functional team has been assembled to assist in exploring and identifying actions that can be taken to help mitigate some of the impacts of the Biggert-Waters Flood Insurance Reform Act of 2012; and that staff will provide a brief summary overview today.

October 8, 2013

Director of Planning Larry Arrington indicated that Property Appraiser Pam Dubov will present a more detailed report in the near future. He reported that a cross-functional team consisting of members of the County Attorney's Office, the Department of Environment and Infrastructure (DEI), the Extension Service, the Planning Department and others has been established; and that in addition to this cross-functional team, Transportation and Stormwater Senior Engineer Rahim Harji and Planning Division Manager Gordon Beardslee are co-chairing a smaller working group that will provide a road map of how the County will respond internally, and they will be reporting to the Board today.

Mr. Arrington related that the Federal Emergency Management Agency (FEMA) plays a critical role in assessing a community's risk by developing floodplain maps and using them to assign zones to communities depending on their flood risk; and that individual property insurance rates are set from the gathered data. He related that because the County uses the FEMA maps for land use and zoning decisions regarding watershed planning, regulation of land development, design of public infrastructure, and economic data, it is in everyone's best interest that good data be used, noting that the data is also useful in determining emergency evacuation routes and the emergency broadband system.

He related that the Biggert-Waters Act has removed and changed subsidies, noting that Pinellas County has more subsidized properties, over 50,000, than any other county in the country; that many of the subsidies are being lost and insurance rates increasing; and that, in some cases, the new insurance rates will be devastating to homeowners.

Mr. Beardslee indicated that FEMA has hired consultants nationwide and is working on a risk map project that takes a closer look at coastal areas in order to obtain more refined data on the likelihood of flooding; that when the project is complete, FEMA will revisit the floodplain maps that determine the insurance rate; and that there is a strong possibility that the risk-mapping project will show that even more areas in our coastal area would be impacted by flooding.

In response to query by Commissioner Latvala, Mr. Beardslee, with input by Mr. Arrington, defined "coastal area" as land where there is wave action, which can be inland and not just areas adjacent to the water, predicting that problems will be more significant than is now realized, rather than less, as projected weather changes and sea level rise will possibly be factored into the maps; and that staff is suggesting that the County needs to understand all the vulnerabilities.

October 8, 2013

Responding to the concerns of Commissioner Seel that FEMA may forbid building on barrier islands, Mr. Arrington, with input by Mr. Beardslee, indicated that the state determines the coastal construction control line, but that state policy will probably take into account the new data being developed, ultimately affecting the tax base.

Mr. Beardslee discussed the National Flood Insurance Program and how a county's participation above and beyond the requirements would affect the community ratings, relating that FEMA will identify the extent of the investments and activities and, if indicated, the policy holder within the local government would receive a rate reduction in premiums.

In response to query by Chairman Welch, Mr. Beardslee said that the County and all 24 local governments participate in the rating system; and that the rate can be adjusted up or down, and Commissioner Roche referenced the recent rating change in Zephyrhills. Mr. Beardslee indicated that ratings in the county vary from six to ten; that the County has a rating of seven; and that staff thinks the ratings can be lowered; whereupon, Commissioner Seel requested a list of the ratings for all cities in the county.

In response to query by Chairman Welch, Mr. Beardslee, with input by Attorney Bennett, indicated that things that can affect the ratings include the amount of land set aside for preservation or open space, maintenance of the drainage and conveyance system, and actions the Board of Adjustment takes in granting variances in the flood plain, noting that it is possible the County will earn higher discounts as a result of the stormwater fee, as it can invest more funds to maintain the floodplain system.

Mr. Harji discussed the new Land Development Code; noted the importance of updating the County's floodplain management ordinance; and indicated that the new work group is basically developing a road map to structure the flood plain management program. He indicated that issues the team has identified include:

- Updating the flood plain management ordinance, which would include ensuring the County is in compliance with the minimum requirements of the National Flood Insurance Program, noting that the state will review and finalize the ordinance to ensure it is in line with the Florida Building Code and state law.
- Improving the County's community rating system number, i.e., research what other communities are doing to mitigate the rate increase.

October 8, 2013

- Updating the flood maps to ensure they are correct by creating a database of elevation certificates.
- Ensuring consistency with the County's other goals, particularly Economic Development.
- Embracing technology.
- Keeping the public informed.
- Taking into account the climate change and sea level rise.

Mr. Harji indicated that a flood plain management coordinator will be appointed; that any recommendations the work group makes will be warranted; that it will be looking at the program as a business case, ensuring there will be a return on investment; and that it will ensure the program will have a positive impact on the economy, the quality of life, and the natural environment.

In response to query by Chairman Welch as to the relative importance of flood plain management and surface water management, Mr. Arrington discussed the importance of both, noting that while the organizational structure will change somewhat, the strength of the program will lie in the cross-functional approaches taken now; whereupon, he discussed the departments and people who will be involved.

Chairman Welch commented that when the Property Appraiser comes before the Commission in a few weeks, the Board would be given a more thorough picture of the impact the Biggert-Waters Act could have on the property tax base.

Match Funding for Personal Enrichment through Mental Health Services (PEMHS)  
(Baker Act Beds)

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Administrator LaSala referenced a memorandum dated October 2, 2013, from Executive Director of Health and Community Services Gwendolyn Warren, which has been filed and made a part of the record. He related that the memorandum addresses substance abuse and mental health matching funds for PEMHS in relation to the ability to secure appropriate facilities for those people committed through the Baker Act; and that staff believes there is a mechanism under the Florida Mental Health Act to ensure that sufficient funds will be available to meet patient requirements; whereupon, he stated that a more in-depth discussion would take place at the December 3, 2013 Work Session. (This item was not on the agenda).

- #26 County Attorney authorized to initiate litigation on behalf of Joseph Dippre versus Cypress Run Property Owners' Association, Inc. – HUD Case No. 04-13-0194-8; PC Case No. 13-005 – Allegations of Housing Discrimination.

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

- #27 County Attorney Miscellaneous – None.

- #28 Acting as the Emergency Medical Services (EMS) Authority, the Board appointed Dr. Jeremy Ingram to the EMS Medical Control Board, filling the Emergency Physician Trauma Center position vacated by Dr. Hiten Upadhyay.

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

County Administrator Reports:

- #29 Consultant Competitive Negotiation Act Evaluation Process Proposed Revision.

Purchasing Director Joe Lauro referred to an interoffice memorandum dated September 12, 2013, a copy of which has been filed and made a part of the record, relating to a recent direction by the Board to review the ranking of firms procedures for Consultant Continuing Negotiation Act (CCNA) non-continuing and project-specific contracts and to provide a revised methodology to ensure equitable distribution of work among contractors and enhance opportunities for local firms.

Mr. Lauro presented background information on the statutory process, noting that weighting of contractors is not provided for by statute; whereupon, he described the current and proposed evaluation processes, and provided a comparison of the two.

Commissioner Seel commented that she preferred the proposed approach because equal weighting is given to both the written and the oral scores; whereupon, she requested that contractors be asked to provide input. Commissioner Latvala concurred, and commented that when two contractors score really close, the contract should be given to the contractor that does not currently have a contract with the County; whereupon, Mr. Lauro confirmed with Commissioner Latvala that she is saying that the criteria to be used when breaking a tie is whether the contractor already has, or was recently awarded, a large contract with the County.

Responding to query by Commissioner Latvala, Mr. Lauro stated that in order for a contractor to get to final scoring, it would have been determined that he was experienced in building the project being bid; whereupon, Administrator LaSala indicated that unless the Board instructs otherwise, the six projects already in the pipeline under the current process will go forward, and no objections were noted.

In response to query by Commissioner Justice, Mr. Lauro indicated that the County solicits from approximately 400 consultants within a four-county area; and that in the last four years, Purchasing has processed approximately 75 CCNA contracts, and discussion ensued regarding job specific projects and limiting the number of firms solicited for particular jobs.

Thereupon, Chairman Welch indicated that it appeared a consensus had been reached as to how the Board wishes staff to proceed; that the County is to (1) continue with the two-step process, but carry forward the scores from the first step; (2) tweak the points or weights; (3) not differentiate between local, state, and federal funding; (4) get feedback from contractors, and (5) bring recommendations back before the Board, and discussion ensued regarding weighting the points.

- #30 Appointments and reappointments to the Youth Advisory Committee, as outlined in the agenda memorandum dated September 25, 2013, which has been filed and made a part of the record, approved.

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| Motion | - | Commissioner Roche   |
| Second | - | Commissioner Latvala |

Commissioner Justice commented that last year, only a handful of students from one school made application for appointment to the Youth Advisory Committee; and that this year, ten students from nine schools between Tarpon Springs High School and St. Petersburg High School applied, signifying an improved student representation.

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| Vote | - | 6 – 0 |
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- #31 County Commission Miscellaneous:

- |                       |   |
|-----------------------|---|
| a. Commissioner Roche | provided handout for Board's review and consideration at a future meeting re Clean Canvas Initiative, an economic development concept involving clearing properties to facilitate marketing for current zoning, i.e., Industrial. |
|-----------------------|---|

October 8, 2013

discussed visit with Afghanistan delegation and need for updated Pinellas County informational booklet; Chairman Welch confirmed need and asked County Administrator to see to.

as protection for Cross Bar/AL Bar Ranch, supports adoption of an ordinance requiring a public hearing before the land can be sold and/or adding a protection clause to the Charter (Attorney Bennett to research options and will be addressed in work session).

c. Commissioner Latvala

noted the passing of Beverly Sloan.

d. Commissioner Justice

announced Police Athletic League breakfast at Hilton Carillon, Wednesday, October 16, 2013.

e. Commissioner Welch

thanked the community for its support on the passing of his father.

noted there are four qualified applicants for Tourist Development Council; will bring back top three applicants for Board approval.

f. Commissioner Seel

noted the passing of Ronnie Goodstein.

#32 Meeting adjourned at 1:31 P.M.

ATTEST: KEN BURKE, CLERK

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

\_\_\_\_\_  
Chairman