

AGENDA ITEM # 7
January 14, 2014

7. APPROVAL OF MINUTES:

Regular meeting held November 19, 2013.

19

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, NOVEMBER 19, 2013 – 2:04 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; and Charlie Justice.

Not Present: John Morroni.

Late Arrival: Janet C. Long.

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

INVOCATION: Captain Zach Bell, Salvation Army, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Susan Latvala.

PRESENTATIONS AND AWARDS:

Presentation of the Community Water-Wise Award (Single Family Residential Category) to Sandy Neither of Clearwater.

CITIZENS TO BE HEARD

Tyson Youts, St. Petersburg, re Animal Services (speaking for group of five).

- Responding to queries by Chairman Welch, Mr. Youts confirmed that he did consult with Pinellas County Animal Services managers with respect to his allegations; whereupon, Chairman Welch directed Administrator LaSala to review Mr. Youts' assertions and respond to the Board as soon as possible.

Andrea Wells, Clearwater, re PCAS proposals, pro Responsible Breeders Initiative (RBI).

Mary Claire Burris, St. Petersburg, re pro RBI – trap, neuter, vaccinate, and release (submitted document).

Paul Solan, Seminole, re pro RBI – Bibb County ordinance.

Sanja Smajlovic, Clearwater, re pro RBI.

Dusty Showers, Oldsmar, re spay/neuter.

- Chairman Welch related that the conversation regarding RBI is ongoing; that the Board attended an in-depth workshop several weeks ago regarding pet overpopulation and set a direction going forward; that the Board does not agree with RBI at this time; and that further discussion will be held at the December 10 meeting; and Commissioner Roche provided input.

DJ Palumbo, Clearwater, re RBI.

Melanie Dodson, St. Petersburg, re pro RBI: enforcement.

Trisha Kirby, Clearwater, re PCAS/RBI (submitted document).

Elizabeth Olson, Palm Harbor, re mandates.

Marissa LaMacchia, St. Petersburg, re pro RBI.

Rev. Temple Hayes, St. Petersburg, re pro RBI – killing stats.

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Andrea Barlow, Seminole, re pro RBI – cost (speaking for group of five).

- Executive Director of Safety and Emergency Services Bruce Moeller related that the Director of Animal Services Maureen “Moe” Freaney is working with numerous stakeholder groups, and an update would be forthcoming; that a request to advertise a public hearing to be set in January would be brought before the Board at the December meeting; and that the discussion would include Code revisions, adjustments to holding periods, animal neglect, and improvement of the language in the current Code.

Norm Lupo, Clearwater, re communication inquiry and suggestion.

- Chairman Welch explained the Board’s email protocol.

Greg Pound, Largo, re truth.

David Ballard Geddis Jr., Palm Harbor, re reclaimed water abolishes religion.

Lenore Faulkner, Madeira Beach, re middle school.

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Commissioner Long entered the meeting at 2:21 P.M.; Commissioner Justice left the meeting at 3:10 P.M..

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 15 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 5b AND 6, WHICH WERE CONSIDERED UNDER ITEM NO. 16, AND ITEM NO. 15, WHICH WAS PULLED FROM THE AGENDA BY THE COUNTY ADMINISTRATOR.

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

1 Approval of Minutes – None.

2 Reports Received for Filing:

Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-31 dated October 24, 2013 – Follow-Up Audit of Continuity of Operations Plan (CEMP, COOP/COG).

3 Vouchers and Bills Paid – None.

4 Miscellaneous Items Received for Filing:

- a. City of Clearwater Ordinances Nos. 8424-13 and 8427-13 adopted September 19, 2013, and Nos. 8439-13, 8442-13, 8445-13, 8448-13, 8451-13, 8454-13, 8457-13, 8460-13, 8463-13, 8466-13, and 8472-13 adopted October 3, 2013, annexing certain property.

- b. City of Oldsmar Ordinance No 2013-19 adopted October 15, 2013, annexing certain property.
 - c. City of Safety Harbor Ordinance No. 2013-25 adopted October 21, 2013, annexing certain property.
 - d. The Oaks of Clearwater notice of intent to pay remaining principal balance of Revenue Bonds, Series 2004.
 - e. Southwest Florida Water Management District Draft Five-Year Water Resource Development Work Program for Fiscal Year 2014.
- # 5a Award of bid to QRC, Inc. for Fiscal Year 2014-2015 sidewalk repair and Americans with Disabilities Act (A.D.A.) ramp upgrade (Bid No. 123-0502-CP; Project No. 0001646A) approved on the basis of being the lowest responsive, responsible bid received meeting specifications (estimated total expenditure, \$1,269,485.00); all work is expected to be fully completed within 365 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- # 5b See Item No. 16.
- # 6 See Item No. 16.
- # 7 Second Amendment to Lease Agreement with renewal options between Pinellas County and AvAero Services, LLC. approved, relinquishing AvAero's limited right to sell fuel, clarifying allowed use of premises, and allowing Airport to take possession of Parcel F. Chairman authorized to sign and the Clerk to attest.
- # 8a Resolution No. 13-190 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grants to the Pinellas County Sheriff's Office in the amount of \$16,000.00).
- # 8b Resolution No. 13-191 adopted supplementing the Fiscal Year 2013 Tourist Development Council Special Revenue Fund to appropriate earmarked receipts for a particular purpose (unanticipated Tourist Development tax revenues in the amount of \$850,000.00).
- # 9 Resolution No. 13-192 adopted supplementing the Fiscal Year 2013 Emergency Medical Services Special Revenue Fund to appropriate earmarked receipts for a particular purpose (unanticipated Ambulance Service Fee revenues in the amount of \$1,625,000.00).

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- #10 Resolution No. 13-193 adopted to close the Summer Food Program Fund (1005), repay a one-time transfer from the General Fund (0001), and return unexpended grant funds received from the State of Florida.
- #11 Fiscal Year 2013 Board Budget Amendments Nos. 11 and 12 were filed and made a part of the record; Amendment No. 11 realigns appropriation from the Communications Department to the Office of Management and Budget in the General Fund; Amendment No. 12 realigns appropriation from the Department of Safety and Emergency Services, Fire Special Operations Cost Center, to the 911-General Funds Cost Center in the General Fund.
- #12 Fiscal Year 2014 Board Budget Amendment No. 1 was filed and made a part of the record; amendment realigns appropriation from the Purchasing Cost Center to the Clerk of the Circuit Court Cost Center within the General Fund.
- #13 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>
Convention and Visitors Bureau	Elite Event Tourism Promotion Agreement with the Tampa Bay Bowl Association, Inc. for the Outback Bowl Game	\$150,000.00	10.25.13
Convention and Visitors Bureau	Elite Event Tourism Promotion Agreement with Competitor Group, Inc. for the Women's Running St. Pete Half Marathon	\$50,000.00	10.07.13
Community Development	Satisfaction of Mortgage (1) Release of Lien (1)	Liens are paid in full	10.14.13
Community Development	Release of Liens (3)	Liens are paid in full	10.10.13
Community Development	Satisfaction of Mortgage (1)	Lien is paid in full	09.24.13
Emergency Management	Renewal Extension of Memorandum of Agreement with the United Way Suncoast, Inc. for Volunteer Disaster Support	N/A	10.29.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Environment and Infrastructure	(a) Interlocal Agreement with the City of Largo for traffic control signals and related devices	(a) Annual Revenue not to exceed \$250,000.00	10.21.13
	(b) Time Only Extensions with the Florida Department of Transportation (FDOT) for:	(b. i. – iv.) N/A	
	i. Local Agency Program (LAP) Agreement for the Bryan Dairy Road Widening and Reconstruction Project		
	ii. LAP for the Nursery Road Safe Routes to School Sidewalk Improvement Project, Phase 1B Plumb Elementary School		
	iii. Incentive Grant Program Agreement for the Belleair Road at Keene Road Intersection Improvement Project		
	iv. Transportation Regional Incentive Program for the Bryan Dairy Road Widening and Reconstruction Project		
Environment and Infrastructure	Mosquito Control Statutory Compliance Agreement with the State of Florida Department of Agriculture and Consumer Services for mosquito control activities	\$30,000.00 State aid, plus equal County match	10.14.13
Environment and Infrastructure	Release of Liens (21)	Liens have been paid in full	09.24.13
Environment and Infrastructure	Notice of Liens (11)	N/A	09.23.13
Environment and Infrastructure	Release of Liens (29)	Liens have been paid in full	09.19.13
Environment and Infrastructure	Notice of Liens (3)	N/A	09.17.13
Environment and Infrastructure	Release of Liens (18)	Liens have been paid in full	09.10.13
Environment and Infrastructure	Notice of Liens (16)	N/A	09.10.13
Environment and Infrastructure	Notice of Liens (8)	N/A	09.09.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Environment and Infrastructure	Notice of Liens (7)	N/A	08.29.13
Environment and Infrastructure	Release of Liens (20)	Liens have been paid in full	08.27.13
Environment and Infrastructure	Notice of Liens (15)	N/A	8.26.13
Environment and Infrastructure	Release of Liens (17)	Liens have been paid in full	8.23.13
Environment and Infrastructure	LAP Agreement with the FDOT for the Nursery Road Safe Rout to Schools (SRTS) Sidewalk Improvement Project – Phase 2 from South Haven Drive to Chateau DeVille Court	\$218,800.00 Revenue - FDOT Funding	8.12.13
Health and Community Services	2013 Verification of Local Contribution Grant Forms for Proposed Affordable Housing Projects	\$75,000.00 County Commitment of Funds	10.23.13
Health and Community Services	Master Health Program Specialty Provider Agreement, Second and Final Option of Renewal with: MPM Cardiology Services, LLC	Resolution 10-209 waived purchasing ordinance allowing HHS authority to negotiate specialty health care services. \$3,715,000.00 FY 2014 Master Agreement Pool	10.15.13
Health and Community Services	(a) Specific Performance Agreement with Directions for Mental Health, Inc. d/b/a/ Directions for Living for the Homeless Supportive Services Program	(a) \$117,000.00 Community Development Block Grant (CDBG) Funds	10.4.13
	(b) Specific Performance Agreement with the City of Dunedin for the Sidewalk and Streetscape Construction Project	(b) \$205,500.00 CDBG Funds	
	(c) Amendment No. 3 to the Contract with the Florida Department of Health for the Pinellas County Health Department, FY 2013 for Administrative Changes	(c) N/A	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	Alcohol and Drug Abuse Trust Fund Grant Agreements with: Tampa Crossroads, Inc. Pace Center for Girls, Inc. Suncoast Center, Inc. Directions for Living Family Resources, Inc. Personal Enrichment through Material Health Services, Inc. Westcare Gulfcoast-Florida, Inc. Operation PAR, Inc.	Alcohol and Drug Abuse Trust Fund Grant, no County match: \$10,000.00 \$9,000.00 \$9,000.00 \$5,000.00 \$5,000.00 \$5,000.00 \$5,000.00 \$2,000.00	10.14.13
Justice and Consumer Services	Memorandum of Understanding with the Sheriff's Office and the City of St. Petersburg / U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program	\$134,895.50 JAG Funds	7.3.13
Justice and Consumer Services	Contract with the Florida Department of Revenue Child Support Program for Child Support Enforcement by the Sheriff's Office	\$42,850.00 Anticipated Annual Revenue	6.5.13
Parks and Conservation Resources	License Agreement with the Pinellas County Historical Society, Inc. for Construction of a boat shop at Heritage Village	\$1,000.00 initial expense, \$300.00 annual expense	10.25.13
Parks and Conservation Resources	First Amendment to the Agreement with Florida Botanical Gardens Foundation, Inc. for Change of Coordinator Contact and Time Extension	N/A	10.9.13
Parks and Conservation Resources	Agreement with the Florida Department of Environmental Protection for Title V Air Pollution Control Services	\$69,342.51 Grant Revenue, no matching County funds	10.7.13
Real Estate Management	Mutual Release and Termination of Lease Agreement with Old Palm Harbor Main Street, Inc. for the Rheba Sutton White Chapel and Harbor Hall property	N/A	10.21.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	(a) License Agreement with Deputy William Lawson, Jr. for Boca Ciega Millennium Park residence	(a) \$3,646.56 Annual Revenue	10.16.13
	(b) One Year Term Property License Agreement Renewal with Alliant Techsystems, Inc. for property at Solid Waste Operations	(b) \$55,998.52 Annual Revenue	
Real Estate Management	Contract for Sale and Purchase to Thomas C. and Sharyn C. Fowler for the Keystone Road Project	\$600.00	6.12.13
Real Estate Management	Lease Amendment with the State of Florida, Department of Administrative Hearings for office space at the 501 Building in St. Petersburg	\$115,577.00 annual revenue	2.18.13
Safety and Emergency Services	Memorandum of Agreement with the State of Florida, Department of Health and the Emergency Medical Services Authority for the Florida CHEMPACK Program	N/A	9.12.13

#14 Award of bid to Indigo Energy Partners, LLC and J.H. Williams Oil Co. for Fuel: Gasoline and Diesel (Cooperative) (Bid No. 123-0359-B; CATS No. 43186) as outlined in the Agenda Memorandum dated November 19, 2013, approved on the basis of being the lowest responsive, responsible bid received meeting specifications (Pinellas County's estimated total expenditure not to exceed \$6,540,088.50); County Administrator authorized to amend contract pertaining to specification revision or addition/deletion of bid items during contract term (Real Estate Management).

#15 Item to rank firms and authorize staff to negotiate an agreement for professional design build services for the Belleair Causeway Bait House (Contract No. 123-0328-NC) pulled from the agenda at the request of the County Administrator (Real Estate Management/Purchasing).

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At this time, 3:26 P.M., Commissioner Justice returned to the meeting.

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#16 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

- # 5b Award of bid to Grease Depot, Inc. for services, operations, maintenance and management of the Fat, Oil, Grease Receiving and Dewatering (FOG) Facility (Bid/Contract No. 123-0143-B; CATS No. 41592) approved on the basis of being the highest bid received meeting specifications; agreement is for a five-year term to commence January 1, 2014 with three five-year term extensions at the same terms and conditions, pending County Administrator approval (Pinellas County anticipated five-year revenue, \$1,131,313.20); Chairman authorized to sign the agreement and the Clerk to attest.

In response to queries by Commissioner Seel, Department of Environment and Infrastructure Water and Sewer Division Director Robert Powell explained that the capital improvement program differs from the maintenance of the facility, as the capital improvement program would be defined as the vendor/contractor improving the facility above its existing condition; that the County would share in the costs if it were a long-term improvement that would outlive the contract term; and that the language in Exhibit A to the Agreement is a catchall phrase to cover the County in the event of an omission in the Operations and Maintenance Manual; whereupon, Senior Assistant County Attorney Joseph Morrissey indicated that the Department monitors the facility, and, in the event that the vendor/contractor allows the facility to decline, the County would invoke the no-fault provision of the 60-day termination for convenience clause.

Responding to additional queries by Commissioner Seel, Mr. Powell confirmed that the County's five-year revenue would be \$1.1 million with a very low continuance cost; that this is a substantial increase in revenue to the County; that it would decrease the hours of County staff, allowing the staff to relocate to the South Cross facility where they are greatly needed; that the City of St. Petersburg is planning to extend a sewer line from the FOG facility to the municipal line; that, as this is the County's infrastructure, the County would incur the cost; and that the cost is undeterminable at this time, as the County is unsure where the City of St. Petersburg plans to place the municipal sewer line.

Motion	-	Commissioner Long
Second	-	Commissioner Roche
Vote	-	5 – 1 (Commissioner Seel dissenting)

- # 6 Authorization granted for the signing and recording of the Specific Purpose Survey Maintained Right-of-Way Map for Indian Rocks Road.

In response to queries by Commissioners Seel and Roche, Department of Environment and Infrastructure, Engineering and Technical Support Director Jorge Quintas indicated that the property owners affected by the Maintained Right-of-Way Map have been notified; that once Pinellas County demonstrates that it has performed maintenance in a particular area for seven years, Florida Statutes allow the County to be vested in the right-of-way, and the recorded Maintained Right-of-Way Map solidifies the property line; that a sidewalk project would be constructed by next year on Indian Rocks Road; that the Penny for Pinellas would fund the drainage structure for the sidewalk; and that the Florida Department of Transportation requires the County to provide documented proof of ownership of the right-of-way for cooperative funding.

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

- #17 Pinellas County 2014 State Legislative Program adopted, as amended, with additional items to be considered for potential future amendment (County Administrator).

Intergovernmental Relations Manager Wendy Nero referred to documents titled *Pinellas County Board of County Commissioners 2014 State Legislative Program*, and *Florida Association of Counties 2013-14 Policy Statements*, including *Policy Priorities*, copies of which have been filed and made a part of the record, noting that the updated documents were distributed to the members earlier in the day.

Ms. Nero reviewed the proposed Legislative Program, noting that the document is the result of meetings with Constitutional Officers and department representatives to discern their needs and interests; and that the items are broken into four categories; whereupon, she discussed the County's position regarding the following key issues:

- Unfunded Mandates
- Priority Items
 - Affordable Housing Trust Fund
 - Court-Related Functions Expenditure
 - Department of Health Reorganization
 - Department of Juvenile Justice Billing
 - Infrastructure Sales Tax (Penny for Pinellas)

- Medicaid Expansion
- Items of General Concern
 - 911 Fees on Prepaid Phones/Cards
 - Child Protection Services
 - Entertainment Tax Credit Incentive
 - Homeless Services
 - Internet Retailer Tax Exemption
 - Prescription Drugs
 - Tax Email Exemption from Public Records Requests
 - Uniform Chart of Accounts
- Additional Topics for Discussion
 - Beach Nourishment

Thereupon, referring to the Florida Association of Counties (FAC) documents, Ms. Nero highlighted the four areas identified by FAC as its Policy Priorities: Five items relating to State Tax Reforms; Juvenile Detention; Homelessness; and Water Funding, including several federal items such as the National Flood Insurance Program/Biggert-Waters Flood Insurance Reform Act.

Responding to queries by Commissioner Latvala pertaining to input provided by the Constitutional Officers, Ms. Nero indicated that she is not aware of any positions expressed that the Commission would not be in agreement with; and that department representatives and the Constitutional Officers are also pursuing items through their respective professional organizations; whereupon, Commissioner Latvala requested that she be made aware of any conflicting positions in order that she not be caught off guard while in Tallahassee.

Commissioner Roche noted that the practice in recent years has been to discuss the proposed Legislative Program in a workshop, offering the Commissioners the opportunity to present their individual thoughts and ideas, and questioned whether there has been a change in procedure; whereupon, he expressed concern that several items he discussed with former Assistant County Administrator Carl Harness are not reflected in the document.

Discussion ensued, and responding to queries by Chairman Welch, Administrator LaSala confirmed that the recommendation today is to adopt the program as presented, and Ms. Nero related that the purpose of the document is to guide the County's team in Tallahassee, helping them focus their efforts and monitor proceedings with respect to priorities and other items of interest and keep the Commissioners abreast of changing

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conditions. Ms. Nero related that the legislative committee meetings have already begun; and that a joint meeting with the Pinellas Legislative Delegation is scheduled for December 3; whereupon, Chairman Welch indicated that he wishes to ensure that all Commissioners have an opportunity to provide input and make recommendations for changes or modifications.

Discussion continued, and Chairman Welch invited Commissioner Roche to present his suggestions at this time; whereupon, Commissioner Roche moved, seconded by Commissioner Seel and carried, that Beach Nourishment be reclassified to the Priority Items listing.

Vote - 6 – 0

Commissioner Roche requested clarification of the position statements pertaining to Department of Health Reorganization, Infrastructure Sales Tax (Penny for Pinellas), and Prescription Drugs, and Ms. Nero and the Commissioners provided input; whereupon, Commissioner Roche stated that during his meetings with staff, he had requested the inclusion of four particular items, which do not appear in the proposed Legislative Program:

- Increase Medicaid buyback rate for dental care and the indigent.
- Establish statewide Domestic Partner Registry.
- Specify a percentage or amount for use of Penny for Pinellas funds for operating and maintenance expenditures.
- Remove the Pinellas Suncoast Transit Authority ad valorem tax.

In response to query by Commissioner Roche, Ms. Nero indicated that she received a file of notes from former Assistant County Administrator Harness; whereupon, they agreed to meet to review the file and discuss his position in greater detail. Chairman Welch suggested that Commissioner Roche submit his requests in writing; and that they come back before the Board as soon as possible for discussion and vote as to whether to add the items to the Legislative Program.

At the request of Commissioner Justice, Attorney Bennett provided a brief status update regarding the Internet retailer tax issue, and Ms. Nero agreed to provide additional information with regard to Child Protection Services.

Chairman Welch noted that the FAC document includes an item related to the Biggert-Waters Flood Insurance Reform Act, but the County document does not. Indicating that

the item is considered a federal lobbying issue, Ms. Nero provided an update regarding ongoing state and federal discussions with regard to flood insurance; whereupon, Chairman Welch requested that the County's State Legislative Program include a statement noting the importance of the issue to Pinellas County, and Commissioner Roche so moved.

Second	-	Commissioner Latvala
Vote	-	6 – 0

Administrator LaSala noted that the Board is not scheduled to meet again prior to the December 3 meeting with the Legislative Delegation, and Chairman Welch indicated that there will still be an opportunity to discuss, and possibly add, Commissioner Roche's items prior to the start of the Legislative session; whereupon, he requested that a work session be held next year prior to presentation of the proposed 2015 Legislative Program.

Following discussion, Commissioner Latvala moved, seconded by Commissioner Roche, that the 2014 State Legislative Program be approved, as amended; and that the additional four items be brought back to the Board for discussion and a decision as to whether to add them to the approved Program.

Commissioner Long inquired as to why the County does not have a federal legislative package to address issues that are particularly pertinent to Pinellas County and the Tampa Bay region; and Commissioner Seel related that the County used to have a federal program; that it was discontinued due to budget cutbacks; and that now may be a good time to reassess the matter, and discussion ensued.

Vote	-	6 – 0
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- #18 First Amendment to the funding agreement between Pinellas County and Palm Harbor Community Services Agency, Inc. approved, providing a total of \$77,810.00 for various capital improvement projects for recreational facilities as listed in Exhibit A (Parks and Conservation Resources).

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

- #19 Resolution No. 13-194 adopted approving amendments to the West Bay Drive Community Redevelopment District Plan for the City of Largo and delegating specific redevelopment powers to the City (Planning and Development Services).

Administrator LaSala related that the amendments will not result in any additional expense for Pinellas County.

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

- #20 Resolution No. 13-195 adopted declaring that Parcels Nos. 08/30/16/70974/100/1401 and 08/30/16/70974/100/1502, which escheated to the County, are not needed for County purposes and authorizing the Pinellas County Industrial Development Authority, d/b/a the Economic Development Authority, to seek business opportunities for the sale and development of the property through a Request for Negotiations process (Planning and Development Services/Real Estate Management).

Administrator LaSala indicated that the subject property is the site of a former landfill in unincorporated Pinellas County and contains a total of approximately 15 acres.

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

- #21 Change Order No. 1 to the contract with Carousel Industries, Inc. for Telecommunication Services – Public Safety Call Processing System – Cassidian VESTA® 4.X (Contract No. 123-0389-B) approved, increasing the total estimated expenditure by \$14,897.78 (total updated expenditure not to exceed \$1,477,673.02) (Safety and Emergency Services/Purchasing).

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

- #22 Change Order No. 7 (Motorola Work Order No. 13-001) to the contract with Motorola Solutions, Inc., for a radio console system (Contract No. 990-0909-N) approved, increasing the contract amount by \$8,449,850.00 (updated contract amount not to exceed \$40,018,452.90). Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Public Safety Services/Purchasing).

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

#23 Other Administrative Matters – None.

#24a Authorization granted to advertise a public hearing to be held on December 10, 2013, regarding a proposed ordinance levying a one-percent Charter County and Regional Transportation System Surtax, subject to referendum approval; direction provided to County Attorney with respect to ballot language and ordinance provisions.

Attorney Bennett indicated that state statute requires provision of a ballot title that reflects the way the measure is commonly referred to or spoken of, followed by a summary providing a clear and unambiguous explanation of the chief purpose of the measure; that the title cannot substitute for what must be conveyed in the summary; and that the title and summary are limited to a maximum of 15 and 75 words, respectively. Responding to query by Commissioner Roche, he related that the final ballot language must be submitted to the Supervisor of Elections in August 2014.

Referring to his memorandum dated November 19, 2013, a copy of which has been filed and made a part of the record, Attorney Bennett reviewed proposed ballot language, noting the following:

- Option 1, proposed by County staff, is patterned after the successful Penny for Pinellas language and states the chief purpose, levy of a countywide tax, at the outset.
- Option 2 incorporates changes made to the staff proposal as a result of discussions with PSTA and outside counsel, and additional research.
 - Includes reference to a dedicated trust fund.
 - Removes reference to reduction in the amount of the surtax.
 - Replaces *plan*, *develop*, and *construct* with *improving*.
 - Changes *future* to *local* passenger rail service.
 - Includes *Yes* and *No*, as required by statute; retains *For* and *Against* for clarity.
- Option 3, proposed by Pinellas Suncoast Transit Authority (PSTA), is patterned after the Hillsborough County ordinance and states the uses first.

Commissioner Seel expressed concern regarding removal of the County Commission's ability to reduce the amount of the levy if the opportunity arises, indicating that efforts to repeal and replace it could fail; and that, without ad valorem support, the PSTA could be left with no funding mechanism; and Attorney Bennett indicated that a referendum item could be worded to levy a new tax to replace the existing one-percent levy.

Commissioner Seel questioned removal of the word *construct*, noting that its inclusion clarifies for the public that funds would be used for something tangible; and Chief Assistant County Attorney Dennis Long related that equipping the facilities is a permitted use; and that the PSTA was comfortable with the use of *improving*, which is more expansive and would include equipment and other capital expenditures; whereupon, Commissioner Seel suggested that the word *constructing* be added.

Commissioner Latvala expressed her preference for Option 3, indicating that the format reads more clearly; whereupon, responding to queries by Commissioner Roche, Attorneys Bennett and Long related that the Charter County and Regional Transportation System surtax and the Penny for Pinellas surtax are governed by different subsections of the statute; that the subsection authorizing the Transportation System surtax specifically requires that the funds be deposited in a dedicated trust fund; that the Penny for Pinellas Infrastructure surtax is deposited in a trust fund, although it is not specifically required; and that the County Attorney's Office and PSTA legal counsel have a difference of opinion as to whether the ballot summary must include a reference to the trust fund.

Responding to the Chairman's call for public comments, Alan Zimmet, Bryant Miller Olive, Tampa, appeared as legal counsel for the PSTA and urged the Board to approve ballot language Option 3. He stated his concerns regarding inclusion of language granting authority to the County Commission to repeal the surtax via County ordinance and statutory requirements related to inclusion of the trust fund language; whereupon, responding to queries by Chairman Welch, he indicated that he has no objection to the inclusion of the word *constructing*, as suggested by Commissioner Seel, or to the addition of *for* and *against*, following *Yes* and *No*, respectively.

In response to queries by Commissioner Roche, Attorney Zimmet related that the statute does not dictate the placement of information within the ballot language; and that the PSTA disagrees with the County Attorney's Office regarding the County's authority to operate a transit system. Referring to earlier comments by Commissioner Seel, he suggested that the Interlocal Agreement could include a mechanism to allow transfer of future excess funds to another transit provider, such as the Tampa Bay Area Regional Transportation Authority, as long as there is protection for any bond obligations of the PSTA.

Attorney Bennett referred to Section 4(c) of the proposed ordinance, indicating that the issuance of bonds or other indebtedness pledging the surtax proceeds will be subject to

approval of the Board; and that the language is consistent with what the Board has done in the past.

Duane Draper, Bryant Miller Olive, Tampa, appeared in his capacity as Bond Counsel for the PSTA. He indicated that the PSTA has no issue with inclusion of the words *until repealed by referendum* or *until repealed*, but expressed concern that *until repealed by County ordinance* could potentially result in a higher cost of funds and, ultimately, a lower deposit to the project; whereupon, he stated that there is symmetry in requiring repeal of the surtax in the same manner as it is levied, by the voters of Pinellas County.

Attorney Draper indicated that the PSTA does not object to the County Commission having one-time, up-front consent for bond indenture, but it is important that the consent not be tied to a particular dollar amount of debt; whereupon, he noted that the PSTA's bonding capacity would be limited to the net amount of the tax proceeds less operating and maintenance costs of the system. He indicated that once the referendum language, ordinance, and Interlocal Agreement have been approved, the next step would be to put a bond indenture in place; and responding to query by Chairman Welch, stated that he anticipates bringing the matter before the Commission no later than a couple of weeks after the referendum vote occurs.

In response to queries by Commissioner Roche, Attorney Draper indicated that the proposed tax would be imposed by Pinellas County; that the bonds would be issued by PSTA; that the credit analysis would be based on the referendum language, the strength of the Interlocal Agreement between the County and the PSTA, and the financial viability of the PSTA; that the County would not be providing a secondary source of security; and that the County's only obligation would be to receive the proceeds from the Department of Revenue and deposit them in the dedicated trust fund.

PSTA Chief Executive Officer Brad Miller referred to Item No. 2 in Attorney Bennett's memorandum regarding timely receipt of funding for passenger rail and indicated that the PSTA would be opposed to inclusion of a provision allowing the Commission to reduce the amount of the levy; whereupon, he distributed a document titled *Federal New Starts Grant Funding Potential*, a copy of which has been filed and made a part of the record, indicating that the likelihood of the federal government rejecting the Greenlight Pinellas rail project is minimal; that elimination of the Federal New Starts program is highly unlikely; and that the federal match assumptions in the Greenlight Pinellas financial plan are very conservative; whereupon, Attorney Bennett referred to Section 2(c) of the

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proposed ordinance, noting that the Board has already agreed to remove the reference to reducing the tax; and that the question remains as to specifying a method of repeal.

Responding to the Chairman's call for others wishing to speak, Tim Heberlain, Florida Consumer Action Network, and Katie Franco, Tampa Bay Partnership, spoke on behalf of their respective organizations. They thanked the Board members for their leadership, indicated their support of the Greenlight Pinellas Plan, echoed concerns raised by Mr. Miller and Attorneys Zimmet and Draper, and urged the Board to approve ballot language Option 3, as proposed by the PSTA.

Chairman Welch thanked County and PSTA attorneys, staff, and others involved in preparation of the agenda item, and concurred with the format used in Option 3, noting that there is agreement as to wording of the title; whereupon, responding to his query, Attorney Long related that the word *the* preceding *Greenlight Pinellas Plan* was omitted due to the 15-word restriction. Chairman Welch indicated his agreement with adding the word *construction*, removing *or reduced*, using *Yes, for* and *No, against*, and simplifying the language to read *until repealed*, noting his belief that any repeal should be an act of the voters. Commissioner Latvala concurred, indicating that the revised Yes/No language provides additional clarity.

Commissioner Latvala stated that it is a pleasure and an honor to be involved in the process, indicating that implementation of the plan would be a legacy issue for the county; and Commissioner Long echoed her sentiments, noting that she is proud to move forward with the plan on behalf of the county, the region, and the citizens who will come to rely on the system, and that doing so would make Pinellas County competitive both economically and culturally.

Chairman Welch indicated that the action today is to provide direction to counsel, who will bring revised language back to the Board for further discussion at a work session on December 3 and a public hearing on December 10; whereupon, he suggested that the issue of bonding approval be addressed in the Interlocal Agreement.

Chairman Welch referred to proposed ballot language submitted by Commissioner Roche, a copy of which has been filed and made a part of the record; whereupon, Commissioner Roche stated his concerns and suggestions, as follows:

- Timing of the proposed public hearing and ordinance, noting that ballot language is not due at the Supervisor of Elections' Office until August 2014.

- Use of the term *Greenlight Pinellas Plan*, indicating that the impetus of the initiative was the Alternatives Analysis, which did not include bicycles and walking trails.
- Lack of a Plan B, in the event that the referendum does not pass.
- Use of the term one-percent sales surtax, noting that it is not a stand-alone tax and suggesting that it should be presented as a 14.28-percent increase in the existing tax or a one-cent tax to be added to the existing seven-cent tax.
- Use of the term *regional*, indicating that he does not wish to encumber Pinellas County taxpayers to fund regional systems.
- Include in ballot summary: *Upon successful legislative repeal of the existing PSTA ad valorem property tax . . .*
- Implement the surtax at a reduced rate with a provision for future increase.
- Leave PSTA's taxing authority intact and support efforts to increase the levy through proper legislation to a cap amount, to be determined.

Chairman Welch noted that Commissioner Roche has been consistent on his positions with regard to the proposed surtax; whereupon, he stated his disagreement with Commissioner Roche's approach, noting that Greenlight Pinellas includes the Alternatives Analysis plan, as well as the community bus plan and other components; that it does not encumber Pinellas taxpayers for regional projects; that there would be no dual taxation, as the PSTA proposed to relinquish its ad valorem taxing authority from day one; and that there is a Plan B, which has been discussed by PSTA for some time.

Chairman Welch inquired whether the members had any questions of Commissioner Roche and, hearing none, indicated that he would entertain a motion pertaining to setting a public hearing date and providing direction as to the ballot language; whereupon, Commissioner Latvala moved, seconded by Commissioner Long, that the Board approve PSTA Option 3, with the addition of the words *construction, Yes, and No*.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long

Commissioner Roche inquired whether the motioner would accept the addition of his language pertaining to legislative appeal of the existing ad valorem tax, and Commissioner Latvala indicated that she would not.

Commissioner Seel related that she would reluctantly support the motion; that she prefers the County Attorney's Option 2, including the words *until repealed by county ordinance*; that she believes the language flows better in Option 2; that the taxpayers would look to a

future Commission to ensure there is proper oversight of the funds; and that, although she likes the idea of a dedicated trust fund, she believes the Commission should have a voice regarding the surtax; whereupon, Chairman Welch noted that there will be four County Commissioners on the PSTA Board.

Responding to query by Attorney Bennett, Attorney Long indicated that sufficient direction has been provided for revision of the proposed ordinance.

Vote - 5 – 1 (Commissioner Roche dissenting)

Later in the meeting, Chairman Welch confirmed that the motion on Agenda Item 24a included authority to advertise a public hearing to be held on December 10, 2013 regarding the proposed ordinance.

- #24b Authorization granted to advertise a public hearing to be held on December 10, 2013, regarding a proposed ordinance relating to enforcement of the County's stormwater regulations.

Motion - Commissioner Long
Second - Commissioner Latvala
Vote - 5 – 1 (Commissioner Roche dissenting)

- #25 County Attorney Miscellaneous:

Authorization granted to settle fines regarding Pollution Control Act violations by Urban Style Flats, Inc.; Philip Farley; USA Contractors, Inc.; Kenneth Baxendell; and their contractors and subcontractors (Respondents), in accordance with the confidential memorandum from County Attorney James L. Bennett dated November 19, 2013.

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

- #26 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved appointments to the Pinellas County EMS Advisory Council, as follows: appointment of Chief Joe Accetta as Pinellas County Fire Chiefs' Association Representative and Chief Jeffrey Parks as Alternate Representative; appointment of Chief Robert Markford as Pinellas Advanced Life Support Providers Association Alternate Representative; and appointment of Ms. Joy Lewis as Citizen Representative.

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

#27 County Administrator Report: Overview of the Resources and Ecosystems Sustainability, Tourist Opportunity and Revived Economies (RESTORE) Act Status

Department of Environment and Infrastructure Executive Director David Scott indicated that staff has previously provided individual status briefings to the Commissioners regarding the RESTORE Act; and that the purpose of today's presentation is to inform the public of ongoing planning efforts and to provide the Board with information regarding the proposed working group which will assist staff in making recommendations for projects to be funded by RESTORE Act funds.

Environmental Services Manager Andrew Squires provided background information, noting that the British Petroleum oil spill took place in 2010; and that the resulting penalties fall into three categories: criminal penalties, the National Resource Damage Assessment, and the RESTORE Act. Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Mr. Squires explained that, while the final settlement has not been determined, a total in the \$5 billion to \$25 billion range is expected, with an estimated \$15 billion to benefit Gulf states; and that the money will be broken down as follows:

Pot No. 1: 35 percent – State Allocation to be paid directly to counties.

Pot No. 2: 30 percent – Federal Council Allocation for development of regional plans, to be awarded on a competitive basis.

Pot No. 3: 30 percent – Oil Spill Restoration Impact Allocation; allocation in Florida to be determined by Gulf Consortium of 23 counties.

(2.5 percent each, plus interest, to National Oceanic and Atmospheric Administration/U.S. Fish and Wildlife Service and Centers of Excellence)

Mr. Squires related that staff has been focusing on the direct allocation component referred to as Pot No. 1; and that the amount to be received by Pinellas County is estimated at \$0.5 million to \$2.0 million per year for 15 years, or a total of about \$23 million, which presents a tremendous opportunity for the County to achieve things that would otherwise not be possible.

Mr. Squires displayed a list of allowable uses for RESTORE Act funds; whereupon, he related that an in-house advisory committee comprised of staff from the Department of Environment and Infrastructure, Planning, Economic Development, Parks and Conservation Resources, and the Office of Management and Budget has met several times and has developed a set of draft goals and priorities for use of the funds, identified county stakeholders, and developed a proposed list of working group members to assist staff in refining the goals and priorities, solicit and consider public input on use of the funds, and develop a multi-year implementation plan, including a list of priority projects. Noting that the process has been going on for over a year, he related that meetings have been held with representatives of the Cities of St. Petersburg and Clearwater and the Barrier Islands Governmental Council; and that a presentation was made to a group of City Managers.

Concluding the presentation, Mr. Squires displayed lists of County Stakeholders; Draft Project Guidelines, including Overarching Project Goals and Project Priorities; and the proposed RESTORE Act Working Group; whereupon, he requested input from the Board as to the proposed process and Working Group composition, noting that the first meeting of the group will likely take place in early January 2014.

Commissioner Latvala stated that Mr. Squires has done a great job of pulling together a diverse group of people to participate in the Working Group; that their task will be to come up with projects within the allowable uses that are particularly relevant to Pinellas County; and that most people in Pinellas County do not realize that there will be a lot of money coming to Pinellas and other Gulf counties and the unprecedented opportunity that it will bring to restore the environment and ensure that Florida's economy remains strong.

Commissioner Roche noted that the Commission recently approved a new tax to fund stormwater improvements, and inquired as to any impact the RESTORE Act funding may have on the existing plan; and Mr. Squires agreed to provide clarification at a later date.

Chairman Welch thanked Mr. Squires for his work, indicating that the members are in agreement with the process and Working Group composition as proposed, and no objections were noted.

- #28 Chairman Welch indicated that nominations were in order for the election of a Chairman and Vice-Chairman of the Board of County Commissioners for Calendar Year 2014;

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whereupon, he relinquished the gavel to Vice-Chairman Seel and moved, seconded by Commissioner Latvala, that Commissioner Karen Seel be elected Chairman.

Vote - 6 – 0

Chairman Welch re-assumed the gavel, and Commissioner Seel moved, seconded, by Commissioner Long, that Commissioner Susan Latvala be elected Vice-Chairman.

Commissioner Roche indicated that he would be registering a nay vote; and that he wished to clarify publicly and for the record that the vote is based on a matter of principle and is not a reflection of his personal or professional belief in her ability to fulfill the roll.

Vote - 5 – 1 (Commissioner Roche dissenting)

#29 County Commission Miscellaneous:

- a. First Amendment to Employment Contract for County Administrator approved, providing that 120 hours of annual leave be added to the Country Administrator's annual leave bank; that the County Administrator shall earn leave in the same manner as other exempt employees with 20 years of service; and that the severance pay provided be reduced from six months to 20 weeks of salary and benefits.

Motion - Commissioner Latvala
Second - Commissioner Long
Vote - 5 – 1 (Commissioner Roche dissenting)

- b. Chairman Welch re procedure for posting openings on boards and committees. Procedure to be discussed and documented at upcoming work session.
- c. Commissioner Roche re waiving park fees on Veterans' Day, as suggested by Mr. Lupo.

requested update on Safe Harbor jail diversion program.
- d. Commissioner Long wished everyone a happy and blessed Thanksgiving.

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* * * *

At this time, 5:42 P.M., the meeting was recessed and reconvened at 6:05 P.M. with all members present, with the exception of Commissioner Morroni.

* * * *

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 (BCC)

- #30 Resolution No. 13-196 adopted appropriating unanticipated fund balance in the Solid Waste Renewal and Replacement Fund, the Water Renewal and Replacement Fund, and the Sewer Renewal and Replacement Fund. No correspondence has been received. No citizens appeared to be heard.

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

- #31a Resolution No. 13-197 adopted approving the application of Capon Corporation and John and Bonnie Mills through E. D. Armstrong III and Katherine E. Cole, Representatives, for a zoning change from A-E, Agricultural Estate Residential, and C-2, General Retail Commercial & Limited Services, to RPD-10, Residential Planned Development, 10 units per acre, and P/C, Preservation Conservation; a special exception to allow up to a 50-percent affordable housing density bonus; and a transfer of density with a Development Agreement containing development restrictions and requirements, allowing for up to 126 residential units in a building having a maximum height of 70 feet (five to six stories of development over parking); and Ordinance No. 13-31 adopted approving a land use change from Residential Suburban, Commercial General, and Preservation to Residential Low Medium and Preservation (Z/LU-20-8-13), re approximately 55.56 acres located on the west side of Alternate U.S. Highway 19 (Alternate 19) and approximately 515 feet north of Terrace Road, in the unincorporated area of Tarpon Springs (street address: 1800 Alternate U.S. Highway 19 [South Pinellas Avenue]). The Local Planning Agency recommended approval of the application based on the staff report. A petition with 88 signatures in opposition to the application has been received.

Referring to aerial photographs and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the subject property, described surrounding

land uses, and provided a brief overview of the application. He indicated that the property contains approximately 48 acres of wetlands scattered throughout the site; that the application will allow for the transfer of development units on the upland properties to a more desirable area, removing them from the 100-year floodplain; that the Commercial General designation on adjacent property in the City of Tarpon Springs allows 15 residential units per acre; and that County staff has worked with the applicant on various scenarios and concept plans and believes the proposed plan is very sustainable.

Mr. Cueva indicated that the Development Agreement will require the applicant to construct a bus pad and fill a gap in the local sidewalk system; that the proposed use is affordable housing for the elderly, which qualifies for a 50-percent density bonus; that Alternate 19 is rated a concurrency level F, but the elderly residents will be doing a minimal amount of driving; that preservation of the wetlands is paramount in the recommendation for approval; and that the maximum development on the property will be one 125-unit building and one single-family residence.

Noting that there is some concern by area residents that the wetlands may be disturbed, Mr. Cueva related that they will be zoned Preservation/Conservation, which prohibits any type of development; that the preservation areas will not be disturbed; and that they will maintain their natural drainage function. He further indicated that the applicant has met with homeowners to the east of Alternate 19 regarding traffic at the Curlew Place intersection; and that the location of the proposed development has been adjusted to address their concerns; whereupon, in response to query by Chairman Welch, he confirmed that the staff recommendation for approval echoes that of the Local Planning Agency.

Responding to query by Commissioner Roche, Mr. Cueva confirmed that various areas marked RPD-10/RLM on the proposed land use and zoning map will retain their zoning and land use classifications, but will have no developmental rights.

E. D. Armstrong, Esquire, appearing on behalf of the applicant, indicated that Mr. Cueva has accurately described the application, which is a request to cluster development for a higher-density senior housing project located along a major arterial roadway that is served by mass transit, as allowed under the County's rules; that the request is consistent with the Goals, Objectives, and Policies of the County's Comprehensive Plan; and that several revisions have been made to the plan in order to achieve an outcome that works for all parties.

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Mr. Armstrong related that he had just become aware of the neighbors' concerns and wishes to hear what they are; that the applicant believes it has chosen the perfect place for a higher-density facility because of the natural buffering of the preservation area, which will remain undisturbed; and that the development will be located a dramatic distance from the residential areas to the west and south.

Responding to the Chairman's call for persons wishing to speak, the following individuals appeared and expressed their concerns pertaining to traffic impacts along Alternate 19, the density of the proposed development, and potential negative effects to the wetlands.

Justin Vessey, Tarpon Springs, President, Grassy Point Homeowners Association

VaCelia Koumendouvos, Tarpon Springs

Martha Stanley, Tarpon Springs, Vice-President, Grassy Point Homeowners Association

In response to concerns expressed by the objectors and queries by Commissioner Roche, Planning Division Manager Gordon R. Beardslee related that Alternate 19 is identified as a Constrained Corridor under the Board's policies, as stated in the Comprehensive Plan; that development constraints can be waived if the applicant and staff agree upon a Transportation Management Plan, in this case, the bus pad and sidewalk; that the staff recommendation is based upon a review of the entire proposal, which includes the transfer of development rights and affordable housing bonus, for a total of 126 units; and that an adjacent hospital to the north could be utilized by residents of the proposed development.

Alluding to concerns by the objectors, Mr. Armstrong pointed out that the Alternate 19 frontage property is currently zoned General Commercial, one of the highest categories in terms of traffic generation; that the proposal will downzone the property, reducing the traffic generation calculations; that the proximity to Florida Hospital will be a positive selling point for the proposed senior population; and that concurrency requirements must be met or a permit will not be issued. Referring to the Transportation Management Plan and transfer of development rights, he noted that Pinellas County Code contains well-defined, objective procedures that have been uniformly applied by staff over a period of time for dozens of projects; that everything requested by the applicant has been addressed by the Board many times; and that the proposal is in accordance with the Countywide Rules.

Commissioner Latvala inquired whether the intent is to build a particular type of senior facility, noting that it could make a difference in the traffic; and Mr. Armstrong related that plans have not been refined to the point of classifying it as a 55-plus, very elderly, or other specific type of facility; whereupon, responding to query by Commissioner Roche, Senior Assistant County Attorney David S. Sadowsky clarified that the agenda package includes a concept plan; and that the site plan submitted for approval must be substantially in conformance with the concept plan.

Referring to Section 6.1.3.1 of the proposed Development Agreement, Attorney Sadowsky pointed out that there is no requirement that the project be a senior development; that the density bonus is based on construction of affordable housing; and that if the Board wishes to limit it to a senior development, the Development Agreement will have to be revised accordingly. Discussion ensued, and responding to query by Commissioner Roche, Mr. Beardslee related that the trip generation figures provided by staff were calculated strictly on the basis of the number of units, without regard to the age of the occupants; and Commissioner Latvala noted that the traffic would still be substantially less than with the original commercial zoning.

Commissioner Roche expressed concern with regard to the proposed Transportation Management Plan and inquired whether the applicant would be amenable to meeting with the neighbors to discuss additional means of mitigation; whereupon, Mr. Armstrong stated that, while his client would be willing to engage in a dialogue with the neighbors, he does not wish to mislead the Commission; and that his client followed a typical strategy, made a good faith effort to reach out to the community, and would expect to be treated as any other applicant in terms of the Transportation Management Plan.

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

- #31b Resolution No. 13-198 adopted approving the application of Team Savage, Inc. through Michael J. Gaylor, Representative, for a zoning change from R-6, Residential, Mobile Home Parks, and Subdivisions, to CP-1, Commercial Parkway (0.26 acre), and a special exception to allow overflow parking in an R-6 zone; and Ordinance No. 13-32 adopted approving a land use change from Residential/Office/Retail (0.27 acre), Residential Low (0.41 acre), and Preservation (1.21 acres) to Residential/Office/Retail (1.59 acres) and Residential Low (0.30 acre) (Z/LU-24-10-13), re a parcel of land containing approximately 1.89 acres located at 29703 U.S. Highway 19, Clearwater. The Local

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Planning Agency (LPA) recommended approval of the application based on the staff report. One letter of opposition was received in connection with the LPA hearing.

Chairman Welch indicated that cards in support were received from Martin Skapik and Michael Gaylor.

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

#32 Meeting adjourned at 6:45 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk