

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 10, 2013 – 2:02 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 (late arrival); Charlie Justice; Janet C. Long; and John Morroni.

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

INVOCATION: Pastor Jeff Parish, First Baptist Church of Indian Rocks, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Long.

PRESENTATIONS AND AWARDS:

Public Technology Institute Award – accepted by Chairman Welch.

CITIZENS TO BE HEARD

David Ballard Geddis, Jr., Palm Harbor, re reclaimed water mandate/water tax

Allen B. Carr, Palm Harbor, re Bee Pond, Parcel “F”

Cam Boothe, Palm Harbor, re Parcel “F”

Edward A. Sambriski, Palm Harbor, Innisbrook Parcel “F” and Bee Pond (speaking for group of six)

- Mr. Sambriski referred to an aerial photograph of the Innisbrook area, and proposed an alternate construction route.

Administrator LaSala related that the project has a long history; that there were legal commitments; that there has been ongoing dialogue with a number of residents on Bee Pond Road; and that staff has been working with the residents to address the construction traffic concerns; and Commissioner Seel related that care needed to be taken not to move the pain to someone else.

Commissioner Roche indicated that if an alternate route could be found without causing problems to the community, that the Board should change the route in the interest of public safety; whereupon, Chairman Welch requested that Administrator LaSala keep the Board updated.

Lenore Faulkner, Madeira Beach, re Tribute to Nelson Mandela

Greg Pound, Largo, re families

Later in the meeting and in response to comments by a speaker pertaining to the air temperature in the assembly room, Administrator LaSala related that the County is in the process of updating the heating, ventilation, and air conditioning system in the 50-year old Courthouse; that it does not have the ability to regulate the temperature in certain portions of the building; and that it will be another month or two before the new system is in place.

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 16 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 1, 12 AND 13, WHICH WERE CONSIDERED UNDER ITEM NO. 17.

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

1 See Item #17.

2 Reports Received for Filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-34 dated November 7, 2013 – Audit of Pinellas County BCC Cellular Phone Stipend Program.
- b. Dock Fee Report for the month of October 2013.

3 Vouchers and Bills Paid

Period September 29 through October 5, 2013

Payroll – None

Accounts Payable

Checks – \$9,062,523.02

ACH Transfers – \$35,104,060.60

Wire Transfers – \$11,586,844.20

Period October 6 through October 12, 2013

Payroll

ACH – \$2,840,892.19

Checks – \$57,687.51

Third Party ACH – \$13,725.88

Third Party Check – \$2,455.37

Accounts Payable

Checks – \$4,849,831.53

ACH Transfers – \$1,686,355.78

Wire Transfers – \$2,897,467.60

Period October 13 through October 19, 2013

Payroll – None

Accounts Payable

Checks – \$8,145,265.52

ACH Transfers – \$3,615,742.46

Wire Transfers – \$3,047,542.39

Period October 20 through October 26, 2013

Payroll

ACH – \$3,302,235.44

Checks – \$31,347.36

Third Party ACH – \$13,725.88

Third Party Check – \$2,032.07

Accounts Payable

Checks – \$8,434,449.50

ACH Transfers – \$1,649,931.30

Wire Transfers – \$2,670,043.79

4 Miscellaneous Items Received for Filing:

- a. City of Clearwater Notices of Public Hearings regarding proposed Ordinances Nos. 8410-13 and 8411-13, 8485-13 through 8496-13, and 8499-13 through 8507-13, amending the Annexation, Land Use Plan, and Zoning Atlas held November 7 and December 5, 2013; and Nos. 8497-14 and 8523-14 amending Beach by Design and the Community Development Code, respectively, to be held January 16, 2014.
- b. City of Clearwater Notices of Intent to Consider a Development Agreement (2); public hearings held November 7, 2013.
- c. City of Largo Notices of Public Hearings regarding proposed Ordinances No. 2014-06, and Nos. 2014-08 through 2014-10 to be held December 17, 2013, annexing certain property.

- # 5 Ranking of firms and authorization for staff to negotiate an agreement with the number one ranked firm, Infax, Inc., for Multi-Flight Information and Display System (MUFIDS) and Voice Paging System (VPS) (RFP No. 123-0209-P) approved (estimated total expenditure \$826,000.00); final negotiated contract to be presented to the Board for consideration at a future date.
- # 6 Amendment No. 2 to the Joint Project Agreement (JPA) with Peoples Gas System, a Division of Tampa Electric Company (PGS/TECO) for utility installation by roadway contractor for Park Street/Starkey Road Improvements approved (PID No. 865/001645A); revised cost of JPA through Amendment No. 2, \$103,950.00, including five percent for County administrative costs; Chairman authorized to sign and the Clerk to attest.
- #7a Declaration of County-owned property as surplus and authorization for sale of NICE Audio Recorder (Asset No. 42291) for the lump sum of \$152.00 to the City of Treasure Island, in accordance with Florida Statutes 274.05 and 274.06 and Board of County Commissioners Surplus Disposition Procedures, approved.
- #7b Declaration of miscellaneous County-owned equipment as surplus and authorization for sale of same as set forth in the agenda memorandum dated December 10, 2013, approved; revenue derived from surplus sale to be deposited into the Sewer Revenue and Operating Fund.
- #7c Declaration of one County-owned vehicle as surplus (1995 Luverne Fire Engine) approved; authorization granted for liquidation of same through public auction conducted by GovDeals.com to the highest responsible bidder, with the minimum bid set at \$30,000.00, pursuant to Florida Statute 274.06 and the Board of County Commissioners Surplus Disposition Procedures.
- # 8 Ranking of firms and authorization for staff to negotiate an agreement with the number one ranked firm, Caladesi Construction Company, for professional design build services for Belleair Causeway Bait House (Contract No. 123-0328-NC) approved (estimated cost prior to negotiations, \$600,000.00); final negotiated contract to be presented to the Board for consideration at a future date.
- # 9 Ranking of firms and authorization for staff to negotiate an agreement with the number one ranked firm, Mason Blau and Associates, Inc., for professional design services for the Courts Consolidation Project (Contract No. 123-0386-NC) approved (estimated cost

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prior to negotiations, \$1,500,000.00); final negotiated contract to be presented to the Board for consideration at a future date.

- #10 Renewal Certificates of Public Convenience and Necessity issued to the following providers, in accordance with Pinellas County Code Section 54 and Section 401.25, Florida Statutes:

ALS First Responders

Cities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, South Pasadena, St. Pete Beach, St. Petersburg, Tarpon Springs, and Treasure Island; East Lake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Special Fire Control District

ALS Helicopter Ambulances

HMA Bayflite Services, LLC d/b/a Bayflite

Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital – Aeromed

* * * *

Following the meeting, due to a scrivener's error, a corrected Certificate of Public Convenience and Necessity was provided for Bayflite, changing the name to HMA Bayflite Services, LLC d/b/a Bayflite.

* * * *

Hospital

All Children's Hospital

Sunstar Ambulance Service

Pinellas County Emergency Medical Services Authority d/b/a Sunstar

- #11 Award of bid to NICE Systems, Inc. for a Digital Voice Recording Solution (Bid No. 123-0536-B) approved for a total expenditure not to exceed \$370,391.13 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed by mid-March 2014; maintenance services will commence upon completion of installation.

- #12 See Item #17.

- #13 See Item #17.
- #14 Quarterly report of claim settlements for July 1 through September 30, 2013 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 received for filing – no claims paid (Risk Management/County Attorney).
- #15 Notice of new lawsuit and defense of the same by the County Attorney in the case of Michele T. Jones, as parent and natural guardian for Neil T. Valk, a minor, versus Pinellas County, Florida – Circuit Civil Case No. 13-009972-CI-15 – Allegations of Negligence Resulting in Personal Injury.
- #16 Sitting as the Countywide Planning Authority, the Board adopted Resolution No. 13-200 accepting the amended Countywide Future Land Use Plan Map and directing that it be filed with the Clerk of the Board of County Commissioners as the official Countywide Future Land Use Plan Map, as recommended by the Pinellas Planning Council in its Resolution No. 13-6 adopted November 13, 2013, a copy of which has been filed and made a part of the record.
- #17 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller).
- # 1 Minutes of regular meeting of October 22, 2013, approved with correction; and minutes of November 5, 2013 approved.

Commissioner Roche pointed out a scrivener's error in the minutes of the October 22 meeting on Page 31, #18, noting that it was unclear who was speaking; whereupon, he moved that the minutes be approved with the correction. Following the meeting, it was determined that the minutes should read *County Administrator LaSala....*

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

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#12 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>
Economic Development	Agreement for Consulting Services with the University of South Florida for a Business Consultant for the Small Business Development Center	\$66,600.00 Revenue	11.6.13
Economic Development	Defense Infrastructure Grant Application to construct sidewalk system on airport property connecting United States Coast Guard facilities	\$200,000.00 Grant Revenue	8.19.13
Economic Development	Agreement with the Florida Department of Economic Opportunity and Chmura Economics and Analytics for quarterly census of employment and wage data	N/A	3.14.13
Environment and Infrastructure	Partial Release of Cash Completion Surety for Harbor Key Townhomes	N/A	11.14.13
Environment and Infrastructure	Release of Cash Completion Surety for Tin Dahn – QT Construction, Inc.	N/A	11.6.13
Environment and Infrastructure	(a) Time Extension to the Transportation Regional Incentive Program Agreement with the Florida Department of Transportation (FDOT) for the S.R. 586 Advanced Traffic Management System (ATMS)/Intelligent Transportation System (ITS) Project from Alternate U.S. 19 to S.R. 584 (b) Time Extension to the Local Agency Program Agreement with the FDOT for the Belcher Road ATMS/ITS Project	(a – b) N/A Time Extension Only	11.5.13
Environment and Infrastructure	Notice of Liens (9)	N/A	10.25.13
Environment and Infrastructure	Release of Liens (16)	Liens have been paid in full	10.23.13
Environment and Infrastructure	Notice of Liens (10)	N/A	10.22.13
Environment and Infrastructure	Release of Liens (19)	Liens have been paid in full	10.17.13
Environment and Infrastructure	Release of Liens (15)	Liens have been paid in full	10.10.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Environment and Infrastructure	Notice of Liens (13)	N/A	10.8.13
Environment and Infrastructure	Release of Liens (15)	Liens have been paid in full	10.2.13
Environment and Infrastructure	Notice of Liens (3)	N/A	9.26.13
Health and Community Services	(a) Amendment No. 3 to the Mobile Medical Unit Mental Health Services Agreement with Directions for Mental Health, Inc. d/b/a/ Directions for Living for a time extension, retroactive to October 1, 2013	(a) \$25,000.00	11.18.13
	(b) Memorandums of Understanding for Navigators in Federally facilitated and State partnership exchanges with: Citizens Alliance for Progress, Inc. High Point Community Pride Center, Inc. Intercultural Advocacy Institute, Inc. Greater Ridgecrest Area Youth Development Initiative, Inc. Lealman and Asian Neighborhood Family Center, Inc. Dr. Martin Luther King Jr. Neighborhood Family Center, Inc. Safety Harbor Neighborhood Family Center, Inc. James B. Sanderlin Family Service Center, Inc.	(b) N/A	
Health and Community Services	Pinellas County Health Program Specialty Provider Agreement Second and Final Option of Renewal with: Florida Endocrinology and Diabetes Center, LLC Bayfront HMA Physician Management, LLC Main Street Medical, P.A. Bayfront HMA Medical Center, LLC, d/b/a/ Bayfront Family Health Center	Resolution 10- 209 waived purchasing ordinance allowing HCS authority to negotiate specialty health care services. \$3,715,000.00 FY 2014 Master Agreement Pool	11.18.1 11.8.13 11.5.13
Justice and Consumer Services	Service Funding Agreement with WestCare Gulfcoast Florida, Inc. for the Justice Assistance Pinellas Women Emerge Grant Program	\$200,000.00 Bureau of Justice Assistant Grant Funds \$50,319.00 County match	11.19.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	Service Funding Agreement with Catholic Charities for the Veterans Treatment Court	\$26,929.00 Substance Abuse and Mental Health Services Administration Grant, No County match	11.18.13
Justice and Consumer Services	(a) Interlocal Agreement with the Sheriff's Office for the Pinellas Safe Harbor Project	(a) \$210,000.00	11.14.13
	(b) Edward Byrne Memorial Justice Assistance Grant Award from the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Sexual Predator and Offender Tracking Unit Deputy	(b) \$82,000.00 Grant revenue, no County match	
	(c) Edward Byrne Memorial Justice Assistance Grant Award from the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Jail Diversion Expansion	(c) \$40,000.00 Grant revenue, no County match	
Justice and Consumer Services	(a) Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program Financial and Progress Report for the Public Defender's Mentally Ill Jail Diversion Program	(a) \$249,513.82 FY 13 Grant Revenue, No County match	11.5.13
	(b) Edward Byrne Memorial Justice Assistance Grant Award from the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Adult Drug Court Treatment Expansion	(b) \$30,000.00 Grant Revenue, no County match	
	(c) Edward Byrne Memorial Justice Assistance Grant Award from the Florida Department of Law Enforcement, Office of Criminal Justice Grants and Execution of Service Funding Agreement for the Community Placement Intake Service	(c) \$33,000.00 Grant Revenue, no County match	
Parks and Conservation Resources	Second Amendment to the Agreement with Florida Botanical Gardens Foundation, Inc. for the Holiday Lights in the garden event	N/A	11.6.13
Real Estate Management	License Agreement with Deputy Bernard Chieco for rental of premises within Lake Seminole Park	\$3,646.56 Annual Rental Revenue	11.18.13

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Risk Management	Memorandum of Understanding for Motor Vehicle record data exchange with the Florida Department of Highway Safety and Motor Vehicles	\$45,000.00 - 36 month expenditure	10.9.13

In response to queries by Commissioner Roche as to the Women Emerge Grant shown in the Delegated Report on Item No. 12 and on Item No. 13, Administrator LaSala confirmed that the total amount is \$200,000.00 with a \$50,000.00 County match; whereupon, Commissioner Roche moved that Agenda Items 12 and 13 be approved.

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

- #13 Resolution No. 13-199 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenues to Justice and Consumer Services within the Department of Safety and Emergency Services in the amount of \$1,559,010.00) (Management and Budget).

See Agenda Item #12.

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

- #18 Final Agreement with Biltmore Construction Co., Inc. for Professional Services – Construction Management – Terminal Renovations, Phase II, for the St. Petersburg-Clearwater International Airport (Contract No. 123-0279-NC) approved in an amount not to exceed \$349,500.00; contract is effective on the date of execution and will continue for a period of one year from the Notice to Proceed; Chairman authorized to sign the agreement and the Clerk to attest.

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

- #19 Second Amendment to the agreement with URS Corporation Southern for Terminal Building Schematic Analysis Design Development and Project Implementation for the St.

Petersburg-Clearwater International Airport (Contract No. 101-0129-NC) approved, increasing the agreement amount by \$59,914.00 (revised agreement total, \$908,940.40); Chairman authorized to sign the amendment and the Clerk to attest.

Administrator LaSala announced for the purpose of full disclosure that the spouse of the airport director is employed by URS Corporation Southern in an unrelated capacity.

Responding to query by Commissioner Roche, Airport Director Noah Lagos indicated that items lined through in the contract have been deleted from the scope of work.

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

- #20 Interlocal Agreement between Pinellas County and its National Pollutant Discharge Elimination System (NPDES) co-permittees for the implementation and operation of a Surface Water Quality and Biological Monitoring program approved; agreement is retroactive to October 1, 2012 and shall remain in effect until December 31, 2017; estimated Fiscal Year 2013 revenue and expenditures are \$213,000.00 and \$405,000.00, respectively; estimated Fiscal Year 2014 revenue and expenditures (with implementation of the Biological Monitoring Program) are \$318,000.00 and \$605,000.00, respectively; Chairman authorized to execute the agreement and the Clerk to attest.

In response to query by Commissioner Roche, Administrator LaSala related that the expenditures are included in the County's budget.

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

- #21 Ranking of firms and final contract for Environmental Planting, Monitoring, and Maintenance Services with Vanasse Hangen Brustlin, Inc; Entrix, Inc., d/b/a Cardno Entrix; and Water & Air Research, Inc. (Contract No. 123-0445-P). Item pulled from the agenda at the request of the County Administrator.

- #22 Final negotiated agreements with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, and CDM Smith, Inc. approved for Professional Engineering Consulting Services for Solid Waste Landfill and Other Related Ancillary Facilities and Related Activities (Contract No. 123-0327-CN); contract provides for a price adjustment at the beginning of year four of the five-year term, subject to all terms and conditions

remaining the same and County Administrator approval. Chairman is authorized to sign the agreements and the Clerk to attest.

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

- #23 Amendment No. 6 to the Pinellas County Resource Recovery Facility Service Agreement with GCS Energy Recovery of Pinellas, Inc. (formerly Veolia ES Pinellas, Inc.) for waste-to-energy facility operator re-procurement services (Contract No. 045-143-P) approved, shortening the term of the agreement, providing for a 30-day termination for convenience, eliminating the existing compensation structure, providing potential facility operator(s) with full access to the facility and all records, and resolving presently existing and unknown disputes concerning the agreement; Chairman authorized to execute the amendment and the Clerk to attest.

Solid Waste Division Director Robert Hauser referred to a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided a brief history of the existing service agreement, noting that the stock of Veolia Environmental Services was transferred to Green Conversion Systems (GCS) in December 2012; that the parties mutually desire to conduct a voluntary termination of the agreement; and that the primary purpose of Amendment No. 6 is to allow GCS to continue to operate the waste-to-energy facility while the County conducts the process to secure a long term operator to take over the facility.

Continuing the presentation, Waste-to-Energy Section Manager Kelsi Oswald reviewed the provisions of the proposed amendment with regard to the following:

- ▶ Term of the Agreement
- ▶ Required Securities
- ▶ Payment Provisions
- ▶ Interim Operations
- ▶ Performance Guarantees
- ▶ Procurement Support
- ▶ Transition Support

Discussion ensued, and responding to query by Chairman Welch, Ms. Oswald related that the plant is currently operating at 76 percent of capacity; that there is no impact on

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revenue as long as the 12-month rolling average is above 70 percent; and that she does not anticipate any difficulty maintaining the requisite level of performance.

Commissioner Seel inquired as to the impact of the amendment on the financial outlook of the plant, and Mr. Hauser related that the budget includes sufficient funds to cover the interim period; that capital reserves will be utilized to accelerate certain projects currently scheduled for the early 2020's; and that operating costs are likely to increase when a new contractor takes over the plant. Responding to queries by Commissioner Roche regarding anticipated capital expenditures, Mr. Hauser indicated that a new operator will require some plant upgrades right away; whereupon, Administrator LaSala explained that certain renewal and replacement projects will be advanced under the new contract in order to ensure the level of consistency and performance that the County expects.

In response to comments and queries by Commissioner Long, Mr. Hauser indicated that new and evolving technologies are constantly being evaluated; that the power purchase agreement expires at the end of 2024, which coincides with the term of the original service agreement; that the original plan was to begin considering options going forward in a few years; that revenues associated with the power purchase agreement are considerable; and that, so as not to put the agreement at risk, there are no plans to implement new technologies prior to its expiration. Concurring with comments by Commissioner Long, Ms. Oswald indicated that recycling and composting have changed the characteristics of waste, creating a very dynamic industry.

Administrator LaSala expressed his appreciation to Mr. Hauser, Attorney Bennett, and their staff, noting that the proposed amendment is the result of complex negotiations requiring intense focus and the evaluation of a variety of options.

Responding to the Chairman's call for public comment, Todd Pressman, Pressman and Associates, and Marc McMenamin, President and General Manager, GCS Pinellas, spoke on behalf of the operator, indicating that significant changes have been made in the past two months to begin to address conditions inherited from the prior operator. They expressed a commitment by the company to cooperate with the County and provide the best possible service by improving transparency, communication, and corporate and employee culture, as well as a desire to remain the operator for years to come.

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

- #24a Resolution No. 13-201 adopted declaring a portion of County-owned property surplus and authorizing conveyance to the City of Seminole at nominal cost, as authorized in Florida Statutes, Section 125.38(2013) (property address: 9199 113th Street, Seminole); Clerk authorized to record the resolution and the County Deed.

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

- #24b Resolution No. 13-202 adopted declaring a portion of County-owned property surplus and authorizing conveyance to the City of Pinellas Park at nominal cost, as authorized in Florida Statutes, Section 125.38(2013) (property address: 5141 78th Avenue North, Pinellas Park); Clerk authorized to record the resolution and the County Deed.

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

- #25 Final negotiated contract with Varsity Contractors, Inc., d/b/a Varsity Facility Services, for Janitorial Services, Various County Buildings (Contract No. 123-0084-P) approved for an estimated 24-month cost in the amount of \$3,644,564.88; contract effective January 1, 2014 through December 31, 2015, with a provision for one 24-month option of renewal, with price adjustments, subject to authorization by the County Administrator; Chairman authorized to sign the agreement and the Clerk to attest.

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

- #26 Amendment No. 1 to the agreement with Harvard Jolly, Inc. for Design Professional Consulting Services for the Public Safety Facilities and Centralized Communications Center (Contract No. 090-0402-NC; PID No. 1635/000007A) approved, increasing the contract amount by \$40,000.00 to provide additional services requested by the County (revised agreement amount, \$4,018,000.00); Chairman authorized to sign the amendment and the Clerk to attest.

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

- #27 First Amendment to the agreement with Automated Building Control Systems, Inc. for the 315 Court Street Energy Reduction Project and DDC Controls Upgrade (Project No.

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000857A/000885A; Bid No. 123-0149-N) approved, increasing the contract by \$30,000.00 to correct a scrivener's error, for a revised contract amount of \$699,760.00; Chairman authorized to sign the amendment and the Clerk to attest.

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

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

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- #28 First and Second Amendments to the agreement with Peter R. Brown Construction, Inc. for Professional Design Build Services for the Pinellas County Justice Center Parking Garage (Contract No. 112-0202-NC) approved; First Amendment establishes a Lump Sum Price for Phase 2 services in the amount of \$11,095,000.00 (total for Phases 1 and 2, \$12,000,000.00); Second Amendment acknowledges a name change from Peter R. Brown Construction, Inc. to PBRC, Inc.; Chairman authorized to sign the amendments and the Clerk to attest.

Motion	-	Commissioner Roche
Second	-	Commissioner Long

In response to query by Commissioner Roche, Administrator LaSala confirmed that the lump sum price is \$400,000.00 under budget; whereupon, Director of Real Estate Management Paul Sacco indicated that \$12.4 million was originally allocated for the project; that the difference of \$400,000.00 will be reallocated within the Courts and Jails Penny for Pinellas budget; that Agenda Item No. 26 utilizes Public Safety funds; and that the expenditures must be tied to their respective Penny funds.

Vote	-	5 – 0
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- #29 Purchase Authorization – Vehicles, Heavy and Light Duty (Contract No. 134-0073-PB) approved for a total expenditure not to exceed \$11,280,000.00 (including contingency) per the pricing, terms, and conditions of the Florida Sheriff's Association/Florida Association of Counties Contracts No. 13-11-0904, Off-Road Utilities, Medium/Heavy Trucks and Other Fleet Equipment, and No. 13-21-0904, Police Rated, Admin and Light Trucks.

Motion	-	Commissioner Long
Second	-	Commissioner Morroni
Vote	-	5 – 0

- #30 Amendment No. 1 to the Substance Abuse Mental Health Funding Agreement with Personal Enrichment Through Mental Health Services, Inc. (PEMHS) approved, providing funding in an amount not to exceed \$846,534.00 to support Crisis Stabilization Unit beds for Baker Acted individuals; amendment is effective retroactive to October 1, 2013, with all services to be completed no later than March 31, 2014 (Health and Community Services).

Motion	-	Commissioner Roche
Second	-	Commissioner Long
Vote	-	5 – 0

- #31 Draft Interlocal Service Boundary Agreement with Town of Kenneth City and the Cities of Clearwater, Dunedin, Largo, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, and Tarpon Springs approved; upon approval of the draft language by the participating municipalities, staff is directed to prepare an ordinance for the adoption of the Agreement (Planning and Development Services).

Administrator LaSala indicated that the draft agreement represents the culmination of staff negotiations with the cities pertaining to Type A enclaves, as directed by the Board, to allow property owners to revisit a previous commitment to voluntary annexation, under certain conditions.

Motion	-	Commissioner Seel
Second	-	Commissioner Roche

Referring to the Agenda Memorandum, Commissioner Long noted that the fire districts had discontinued their participation in the negotiations; and in response to her query, Planning Division Manager Gordon R. Beardslee related that Pinellas Suncoast Fire & Rescue had cited a potential conflict with its charter, and it believes it is adequately covered under current legislation; that a letter from the Lealman Fire District's attorney states that it felt the negotiation process was one sided and did not adequately consider the districts; and that he does not see the districts' lack of participation in the agreement as a potential future issue. Responding to query by Commissioner Roche, Attorney Bennett indicated that he did not wish to try to interpret Pinellas Suncoast Fire & Rescue's charter; and that, while the districts were free to participate, the primary

interests being addressed in the agreement are those of the Cities and County; whereupon, Commissioner Roche requested that staff follow up and report back at a later date.

Vote - 5 – 0

- #32 Authorization granted to advertise a public hearing to be held on January 28, 2014, regarding proposed amendments to the Pinellas County Animal Services ordinance changing rules applicable to dangerous animals to be consistent with state law, providing clarification of definitions for cruelty and neglect, adjusting reclaim hold times for strays, requiring mandatory sterilization at owner's expense for any animal impounded at large a second time in a 24 month period, and making other changes for housekeeping purposes (Safety and Emergency Services).

Administrator LaSala indicated that the agenda memorandum proposes a public hearing date of January 14, 2014, and noting that other agenda items scheduled for that meeting could generate lengthy discussion, suggested that the public hearing be held on January 28; and no objections were noted.

Administrator LaSala provided an overview of the provisions of the proposed ordinance, clarifying that today's item is strictly to authorize advertisement of a public hearing; and that the discussion is not in any way tied to the Trap/Vaccinate/Neuter/Release or Mandatory Spay and Neuter initiatives to be discussed by the Board in January or February following receipt of a proposal by a citizens' group. Commissioner Roche stated that he respectfully disagrees with the Administrator's position, indicating that any decision pertaining to spaying/neutering policies should be postponed until after the greater discussion to be held in January or February; whereupon, he requested that the item be split, and Chairman Welch indicated that the matter would be addressed following public comment.

Responding to the Chairman's call for citizens wishing to speak, the following individuals stated their concerns, responded to queries, and engaged in discussion with the members, indicating their support for approval of a Responsible Breeding Initiative (RBI):

Sanja Smajlovic, Clearwater
Katherine Koufas-Eisbacher
Beverly Banov Brown, St. Petersburg
Trisha Kirby, Clearwater
Paul Solan, Seminole
Rev. Leddy Hannoeh, Clearwater
L. Jill McDonald, South Pasadena

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Rev. Temple Hayes, St. Petersburg
Melanie Dodson, St. Petersburg
Andrea Wells, Clearwater
Dusty Showers, Oldsmar (speaking for group of five)
Andrea Barlow, Seminole (speaking for group of five; submitted petitions)

Commissioner Morroni reiterated that today's item is to approve a request for public hearing, and inquired whether the speakers are in support of moving forward in that regard. Discussion ensued, and Chairman Welch indicated that the speakers are addressing issues that they wish to be included in the Animal Services ordinance; and that the Board would discuss those issues and decide whether to include them in the ordinance at the public hearing, and no objections were noted.

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Commissioner Justice returned to the meeting at 3:55 P.M.

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In response to queries by Chairman Welch, Director of Safety and Emergency Services Bruce Moeller indicated that staff is preparing an update for the Board, as requested at its last meeting; that opportunities for public input are numerous and include meetings with various stakeholder groups such as the one working on the Trap/Neuter/Release (TNR) issue, the veterinary community, and volunteers, as well as the opportunity to address the Commission during workshops and regular meetings. He reported that a proposal received from the *Meow Now* group in November has generated constructive dialogue; and that depending on the proposal and staff recommendation, it could be presented to the Board in a workshop or as a regular agenda item; whereupon, in response to query by Commissioner Long, he indicated that Animal Services' new veterinarian, Dr. Wadsworth, has experience working with TNR programs and has already been engaged in discussions with members of the community.

Alluding to comments by the speakers, Chairman Welch noted that a lot of dialogue has taken place over the last six months and he believes progress has been made. Commissioner Morroni invited members of the public to contact the Commissioners and meet with them individually, while urging them to be patient and wait for the reports to come in so an intelligent decision can be made; whereupon, Chairman Welch stated for the record that the Commissioners care about animals just as much as anyone else; that if there were a magic way to stop euthanasia, they would do it; and that members of the

community need to get past their adversarial perspective and help to find a solution that works.

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Commissioner Latvala entered the meeting at 4:24 P.M.

* * * *

Chairman Welch referred to Commissioner Roche's earlier proposal and inquired as to the wishes of the Board; whereupon, Commissioner Roche indicated that he supports modifying County rules regarding dangerous dogs to be consistent with state law; and that he wishes to strike changes related to the sterilization policy, deferring the matter until after a full discussion has taken place. Following comments by Chairman Welch and Administrator LaSala, Commissioner Seel moved, seconded by Commissioner Long and carried, that staff be authorized to advertise a public hearing to take place on January 28, 2013.

Vote - 7 – 0

Following the vote, Commissioner Morroni requested that the *Meow Now* group be encouraged to expedite its report and business plan for distribution to the Board before the end of January.

* * * *

At this time, 4:34 P.M., Commissioner Morroni left the meeting.

* * * *

#33a Authorization granted to advertise a public hearing to be held on January 14, 2014, related to the unanticipated carry-forward of grant funds from Fiscal Year 2013 to Fiscal Year 2014 in the Justice Coordination Program in the Department of Safety and Emergency Services.

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

#33b Authorization granted to advertise a Countywide Planning Authority public hearing to be held on January 14, 2014, related to Case CW 13-2 – City of Safety Harbor, a proposed

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Regular Amendment to the adopted Countywide Future Land Use Plan, with a Recommended Order in the Administrative Hearing case of the Richman Group of Florida, Inc. versus Pinellas County Board of County Commissioners, Division of Administrative Hearings Case No. 13-2004GM.

Attorney Bennett related that the County Attorney's Office is reviewing the judge's Recommended Order; that some exceptions have been filed; that counsel for the parties will meet tomorrow to lay out a path going forward; and that he will guide the Board through the process, as this is a unique situation that differs from the normal Chapter 163 land use amendment process.

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

- #33c Additional items for inclusion in the Pinellas County Board of County Commissioners 2014 State Legislative Program, as proposed by Commissioner Roche during the November 19, 2013 Board meeting, discussed; item in support of Medicaid increase for dental care approved.

Domestic Partner Registry

Commissioner Roche indicated that the wording included in the agenda package differs from that which he proposed at the recent joint BCC/Legislative Delegation meeting; whereupon, referring to his memorandum dated December 3, 2013, he read his proposed language into the record, as follows:

Address, on a statewide level, the issues to the Domestic Partner Registry and Human Rights Ordinance relating to the Lesbian Gay Bisexual and Transgender community - Attempt to solidify statewide governance, clarify State Constitution, assign appropriate accountability, and minimize the cost of multiple bureaucracies in an effort to avoid a costly "patchwork of policy" throughout the state whereby citizens, residents and visitors who travel around Florida avoid passing in and out of protections throughout their travels.

Noting that the deadline is approaching for filing bills in the Legislature, Commissioner Long inquired whether Commissioner Roche has approached any of the local Legislators to ask them to sponsor such an initiative, and he indicated that he has not; that he brought

the item forward at the Legislative Delegation meeting last year and again this year; and that he had addressed the issue on several different levels. Commissioner Long related that a similar bill was filed every year that she served in the Legislature; that the bills never even got a committee assignment; and that if he feels strongly about the issue, he may want to ask his Legislator to file a bill; whereupon, Commissioner Roche indicated that the item is no different than any other issue on the BCC Legislative agenda; and that he is not asking for special treatment or debate, only that it be included in the package.

Commissioner Justice stated that he likes the language included in the agenda package which supports establishment of a statewide registry, as opposed to the County relinquishing its authority to the State Legislature. In response to query by Commissioner Long, Commissioner Roche related that a patchwork of law and policy currently exists throughout the state; and that his intent is not to endorse any position, but to align authority and accountability to deal with the issue at the state level; whereupon, he placed his proposed language on the overhead display and moved approval; and Chairman Welch stated that the motion died for lack of a second.

Commissioner Justice moved approval of the language as presented in the agenda package, Commissioner Long seconded, and following brief discussion, Commissioner Justice withdrew the motion.

Medicaid Increase for Dental Care

Commissioner Justice moved approval of the item and Commissioner Long seconded; whereupon, Commissioner Seel questioned the appropriateness of the term “buy-back rate.” Following brief discussion, the item was approved as modified to read as follows: *Support legislation to increase the Medicaid rate for indigent dental care, allowing for increased profitability and greater participation by the dental community.*

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

Infrastructure Sales Tax (Penny for Pinellas)

Commissioner Roche indicated that the intent of his suggestion is to assign a specific percentage or dollar figure for the amount of Penny for Pinellas funds that could be used for operations and maintenance (O&M) expenditures, noting that the 8-percent figure is included in the proposal as a starting point for discussion.

Indicating that she is unsure how Commissioner Roche had arrived at the 8-percent figure, Commissioner Latvala stated that she is opposed to letting the Legislature determine what percentage of the Penny for Pinellas tax could be used for O&M; that every county that has a sales tax has different needs and different periods of approval; and that use of the funds should be a local decision. Commissioner Seel concurred, indicating that when the Board produces a list for the next Penny, it would be very specific as to what O&M expenditures would be allowed; and Commissioner Latvala added that it should not be a percentage of revenue but should be based on the County's needs at the time.

Commissioner Roche stated that the Penny for Pinellas has been successful because of its specificity; and that he is concerned that it could be lost if it is opened up for general use. Chairman Welch noted that the adopted 2014 State Legislative Program already contains a statement supporting a general statute amendment allowing the County to have more discretion in the use of future Penny funds, which provides the flexibility needed; and that he believes it is too early to specify a certain amount or percentage, and no objections were noted.

- #34 Notice of filing counterclaim in the case of Karen H. Murphy versus Pinellas County – Circuit Civil Case No. 13-CA-010091, Division C – Breach of Contract.

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

- #35 County Attorney Miscellaneous – None.

- #36 Sitting as the Countywide Planning Authority, the Board authorized two public hearings to be held on January 14, 2014 and January 28, 2014 to consider proposed amendments to the Countywide Rules regarding the preservation of industrial lands, as recommended by the Pinellas Planning Council in its memorandum dated December 10, 2013, a copy of which has been filed and made a part of the record.

Motion	-	Commissioner Seel
Second	-	Commissioner Long

Referring to the proposed ordinance, Commissioner Roche suggested that the Board may wish to revise the definition of *Target Employment* to provide more flexibility; whereupon, Chairman Welch noted that today's action is to set public hearing dates; and

Administrator LaSala indicated that it would be appropriate to discuss any proposed changes at the public hearings.

Vote - 6 – 0

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Commissioner Morroni returned to the meeting at 4:51 P.M.

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- #37 Resolution No. 13-203 adopted approving the issuance by the Housing Finance Authority of Pinellas County of its Multi-County, Multi-Year, Single-Family Housing Revenue Bonds, in one or more series, in an aggregate amount not to exceed \$250,000,000.00; no County general funds are required; all lendable funds are generated from the sale of tax-exempt housing bonds.

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

- #38 Resolution No. 13-204 adopted approving the intent of the Housing Finance Authority of Pinellas County to proceed with the financing of a multi-family residential rental housing project through the issuance of its Multifamily Housing Revenue Bonds in a principal amount not to exceed \$8,000,000.00 for the benefit of Boca Ciega Partners, TC, LP, a Florida Limited Partnership; no County general funds are required; all lendable funds are generated from the sale of tax-exempt housing bonds.

Chairman Welch referred to the impending retirement of Health and Community Services/Housing Finance Authority Executive Director Anthony M. Jones; whereupon, the members thanked Mr. Jones for his hard work and diligence in addressing the affordable housing issue in Pinellas County and extended their best wishes for the future.

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

- #39 Medicare Advantage with Prescription Drug Benefit Group Agreement with UnitedHealthcare Insurance Company (Contract No. 101-0224-P) approved for retiree medical benefits (no additional fiscal impact to the County). Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney; County Administrator

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authorized to re-execute the agreement with a policy rider on subsequent anniversary dates of the contract.

Motion - Commissioner Latvala
Second - Commissioner Roche

In response to query by Commissioner Roche, Human Resources Manager David Blasewitz indicated that the Administrative Services Agreement is a new requirement of UnitedHealthcare, which follows Centers for Medicare and Medicaid Services requirements; that the program has been and remains a fully-insured product; and that, while the operating procedures have not changed, the agreement appropriately lays out the responsibilities of the parties to ensure that the fully insured services are indeed provided to the County's retirees; whereupon, he recommended approval, noting that the County Attorney's Office has reviewed the agreement; and that Human Resources is in agreement with the terms and conditions contained therein.

Commissioner Long stated that she is not in support of the item, indicating that she has grave concerns for the citizens because UnitedHealthcare has cancelled the contracts of a large majority of physicians in Pinellas County and has taken the Moffitt Cancer Center out of its benefit package; that there is ongoing litigation in many states; and that a Class Action lawsuit will likely be filed in Pinellas County within the next couple of days. She expressed concern for the County's retirees and employees with regard to the partnership with UnitedHealthcare, noting that she does not believe the company is operating in good faith.

Commissioner Morroni indicated that the Moffitt Cancer Center issue relates only to Medicare patients; and Mr. Blasewitz clarified that the action by UnitedHealthcare primarily impacts Medicare Advantage Plans underwritten for AARP; and that the County built in a safeguard for its retirees and their family members by specifying that their out-of-network benefits be identical to in-network benefits; whereupon, responding to query by Administrator LaSala, he clarified that the restriction referred to by Commissioner Long does not apply to the self-insured commercial plan that Pinellas County sponsors for its active employees, pre-65 retirees, or post-65 retirees that are not covered by Medicare Advantage; and that retirees covered by Medicare Advantage will still be able to use the Moffitt Cancer Center with the same reimbursement rate as an in-network provider.

Responding to query by Commissioner Roche regarding the term of the agreement, Mr. Blasewitz related that the contract is entering the third year of the initial award; that Medicare Advantage rates are established on a yearly basis; that the County could choose to continue coverage with UnitedHealthcare in January 2015 or could seek coverage elsewhere; and that any extension at that time would come before the Board for approval.

Vote - 6 – 1 (Commissioner Long dissenting)

- #40 Authorization granted to advertise a public hearing to be held on January 14, 2014, regarding a proposed ordinance amending Section 54-2 of the Pinellas County Code relating to false alarms.

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

- #41 County Administrator Reports – None.

- #42 2014 Committee/Board Appointments by Chairman master list, which has been filed and made a part of the record, approved.

Motion - Commissioner Seel
Second - Commissioner Latvala

In response to queries by Commissioner Roche as to his replacement on the Pinellas Suncoast Transit Authority (PSTA) Board, Chairman-Elect Seel indicated that it is the practice of the Commission to rotate interested parties among the various boards; that Commissioner Morroni had expressed an interest in serving on the PSTA Board; and that she made a judgment call as to which PSTA seat to rotate for the coming year.

Vote - 7 – 0

- #43 2014 Boards and Committees Individual Commissioner Appointments master list, which has been filed and made a part of the record, approved.

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

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- #44 2014 Appointments by the BCC as a Whole master list, which has been filed and made a part of the record, approved.

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

- #45 County Commission Miscellaneous:

The members wished everyone a happy and blessed holiday.

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| a. Commissioner Roche | re presentation of keys and American Flag to recipient of Habitat for Humanity home.

re attendance at District Theater Conference, Pinellas County Center for the Arts, Gibbs High School. |
| b. Commissioner Justice | re Tampa Bay Lightening twitter contest won by his Administrative Assistant, Ralph Reid, who donated the proceeds to Lealman Family Pantry. |
| c. Commissioner Long | re volunteering with grandchildren at St. Vincent DePaul. |
| d. Commissioner Morroni | re leadership of Chairman Welch in 2013.

re Stormwater Fee calculations and related concerns expressed by citizens. |
| e. Commissioner Seel | re leadership of Chairman Welch in 2013. |
| f. Chairman Welch | re Citizen's Guide and possible changes for 2014.

re Gold Star Mother's request for monument commemorating the loss of service men and women in Pinellas County (submitted 50 letters in support).

re Martin Luther King day of service on January 20, 2014. |

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The meeting was recessed at 5:16 P.M. and reconvened at 6:03 P.M. with all members present.

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YOUTH ADVISORY COMMITTEE (YAC) PRESENTATION

YAC Chair Abigail Creighton discussed YAC, noting that the high school students present a youth perspective regarding community affairs to the County Commissioners; and that YAC has many volunteer events planned for the betterment of the community, including:

- Taylor Park cleanup
- Animal Services
- Emergency Medical Services
- The County Jail
- Cross Bayou
- St. Petersburg/Clearwater Airport

SCHEDULED PUBLIC HEARINGS

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

#46 Resolution No. 13-205 adopted granting vacation of the northern triangle portion, only, of the petition of Kalmia Condominium #5 (Building Five) to vacate a right-of-way known as Ottawa Road, Gates Knoll 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. Twenty-seven letters in support and 29 letters and telephone calls in opposition to the petition were received for the October 8, 2013 Public Hearing. Three letters and a petition with 54 signatures in opposition to the petition have been received for today's hearing.

Noting that the item was deferred at the BCC October 8, 2013 meeting with a Board direction for the parties to seek a mutual resolution, Real Estate Management Director Paul S. Sacco pointed out the location of the subject property, described surrounding land uses, and provided background information regarding the petition to vacate. He indicated

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that there are two access points to the development; that the condominium complex is comprised of six buildings, each with its own condominium association; that Kalmia Condominium Associations One, Two, Three, and Four are opposed to the petition; and that, to date, there is no mutual resolution among the associations.

Responding to queries by the members, Mr. Sacco reiterated that the condominium associations met, but reached no resolution; that there are no objections by the utility providers and the City of Clearwater, although the City of Clearwater has requested easements to be retained for ingress and egress of the area for emergency purposes and utility easements for maintenance and installation of future utilities; and that, if the petition should be granted, it could allow closure of the access.

In response to the Chairman's call for the applicant, Peter Graham, Esquire, St. Petersburg, appeared and being duly sworn, indicated that he represents the applicant; that the request is due to parking lot safety and security concerns; and that the applicant is agreeable to the requests of the City of Clearwater for easements and emergency vehicle access; whereupon, referring to aerial photographs, he identified the area where the vacation is being requested and pointed out the location of the condominium complex and individual buildings, public and private roadways, and front and rear entrances, noting that the Clearwater Police Department has been contacted on many occasions regarding illegal activity on the premises.

Responding to the Chairman's call for proponents to the request, the following individuals appeared and being duly sworn, spoke in support of the application, and responded to comments and queries by the members:

Judy DeVries, Clearwater
Ronald G. Pelkey, Clearwater
James Proud, Clearwater
Raymond DeVries, Clearwater (submitted pictures)

In response to the Chairman's call for objectors to the application, the following individuals appeared and being duly sworn, expressed their concerns and responded to queries by the members:

Brandon Huffman, Esquire, Dunedin (spoke for five or more persons in attendance)
Douglas S. Friend, Clearwater
Ronni Drimmer, Clearwater
John G. Aardsma, Clearwater
George C. Ely, Clearwater

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Chairman Welch stated for the record that the following individuals submitted cards indicating their opposition:

Mike Mazza, Clearwater (opposition)
Martina Mazza, Clearwater (opposition)

Brandon J. Huffman, Esquire, related that he represents Kalmia Condominium Associations One, Two, Three, and Four; and that, although not immune to the safety concerns, the majority of residents in the Kalmia complex are opposed to the petition to vacate. He provided information regarding the negative impacts his clients would experience if the vacation is granted, noting that the prostitution originates in other parts of the City and consummates at the Kalmia complex, due to its secluded setting, and should one entrance be closed, the law-breakers would use the other entrance to get to the secluded area; whereupon, he stressed that if the Ottawa Road access is closed, traffic would be diverted to Highland Avenue, causing an increased burden.

In response to query by Chairman Welch regarding why negotiations failed between the parties, Mr. Huffman indicated that there were no negotiation opportunities allowed by the applicant other than to approve the gate or to move forward with the vacation; that his clients feel that gated access on Ottawa Road would not curtail the issue; that the initial cost of \$15,000.00 to \$20,000.00 for the gate would be an assessment of \$3,000.00 to \$5,000.00 per building; that the purchase of transponders for each individual vehicle and ongoing costs were never discussed at the meeting between the condominium associations; and that there would be no objection to vacation of the northern portion of the property; whereupon, Mr. Huffman suggested that the vacation be conveyed to Kalmia Recreation Association, Inc., which owns common community elements, and would equally represent all community members with respect to maintenance and costs.

Responding to query by Chairman Welch, Mr. Sacco related that staff did not review the traffic impact to Highland Avenue should the vacation be granted; and that the northern portion would go to Kalmia Condominium #5, and the southern portion would go to the business owner to the south, Spare Investors, if the property were vacated, bifurcating the existing roadway; and that the interests of the southern business owner is unknown.

During rebuttal, Mr. Graham stated that Kalmia Condominium #5 owns the burden of safety, security, and maintenance of the property; that Ottawa Road is not an access to the condominium complex, only to Kalmia Condominium #5; that the applicant will accede to the conditions requested by the City of Clearwater and ensure easements for water, utilities, and access by emergency vehicles; and that the applicant respectfully requests

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that the vacation be granted; whereupon, Chairman Welch noted that Ottawa Road is used to access the entire complex, and discussion ensued regarding platted easements.

In response to queries by Commissioner Roche, Mr. Graham related that the applicant has contacted Spare Investors; and that the concept of ceding the property to the Kalmia Recreation Association, Inc. has not been entertained; whereupon, Chairman Welch closed the public hearing.

Commissioner Long moved that the vacation be granted as recommended by staff, including the City of Clearwater provisions; whereupon, Chairman Welch indicated that the motion died for lack of a second.

Commissioner Roche moved, seconded by Commissioner Seel and carried, that only the northern triangular piece of the property be vacated.

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

Following the vote, Commissioner Justice suggested that the citizens' concerns regarding safety and security of the parking lot be conveyed to the Clearwater Police Department.

- #47 Ordinance No. 13-33 adopted amending Section 58-236 of the Pinellas County Code relating to the enforcement of the Stormwater Regulations. Public hearing was properly advertised. Affidavit of Publication has been received for filing. No correspondence has been received.

In response to the Chairman's call for objectors to the application, Scott Fisher, Palm Harbor, appeared and being duly sworn, expressed his concerns regarding the funds from unincorporated areas being used for municipal drainage systems and roadways, the actions of the board regarding monies received from the unincorporated area, and a change in the resolution removing the reference to the unincorporated area.

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At this time, 7:10 P.M., Commissioner Justice left the meeting.

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Responding to comments and queries by Mr. Fisher, Administrator LaSala, with input by Attorney Bennett, indicated that County roads are funded through the transportation trust fund and general fund dollars; that stormwater issues associated with County roads would be divided between the unincorporated and countywide areas; that the special assessment being collected through the recent tax statements are restricted for use in the unincorporated areas; and that the amendment allows the County to enforce the ordinance to prevent pollution flowing onto city property; whereupon, Chairman Welch directed staff to meet with Mr. Fisher following the meeting to address his concerns, and closed the public hearing.

Thereupon, Commissioner Seel moved, seconded by Commissioner Latvala, that the ordinance be adopted.

Commissioner Roche indicated that he would not be supporting the ordinance, as the stormwater issue is a countywide problem and should be resolved at the countywide level.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	5 – 1 with Commissioner Roche dissenting.

- #48 Ordinance No. 13-34 adopted levying a one-percent Charter County and Regional Transportation System Surtax, subject to referendum approval. Public hearing was properly advertised. Affidavit of Publication has been received for filing. One email in opposition, and one email and one letter in support of the ordinance have been received.

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At this time, 7:14 P.M., Commissioner Justice returned to the meeting.

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Noting that Item No. 48 in today's Agenda packet contains a memorandum from the County's Financial Advisor regarding the Preliminary Feasibility Report, dated December 4, 2013, Attorney Bennett stated that the memorandum fails to include the Board's comments from the December 3, 2013 workshop concerning Findings of Fact, "whereas" clauses regarding public purpose, and the Board's approval of bonding with regard to the interlocal agreement; and that the new language has been approved by the Pinellas Suncoast Transit Authority (PSTA) and posted on the website; whereupon, Chairman Welch indicated that the Advisory Committee for Pinellas Transportation

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(ACPT) members questioned whether the word “initially” in the last sentence of the ballot summary would raise public concern.

In response to query by Commissioner Latvala, PSTA General Counsel Alan Zimmet related that, as the money is deposited in the trust fund and then paid out to PSTA to cover expenses, concern was raised that the phrase is misleading without the word “initially”; that the money does not stay in the trust fund; and that PSTA has no objections to removing the word “initially” from the ballot language.

Responding to the Chairman’s call for proponents to the request, the following individuals appeared and being duly sworn, spoke in support of the surtax, indicating that Greenlight Pinellas would create jobs and boost the economy, promote economic competitiveness and development, encourage mixed-use and walkable communities, expand travel choices for residents and visitors, reduce traffic congestion and car emissions, and endorse a good environment, and responded to comments and queries by the members:

Largo Commissioner Harriet K. Crozier	Jeff Danner, St. Petersburg
Don Ewing, Clearwater	Sharon Janis, St. Petersburg
Chris Steinocker, St. Petersburg	David Kovar, Safety Harbor
Suzanne Zeller, St. Petersburg	W. Glen Bateman, Jr., St. Petersburg
Vivian Peters, Largo	Darden Rice, St. Petersburg
Nicholas Fritsch, Clearwater	Stacie Blake, Safety Harbor
Tim Heberlin, Florida Consumer Action Network, Tampa	Councilmember Wengay Newton, Sr., City of St. Petersburg
Frank Lupo, St. Petersburg	Michael Stafford, Clearwater
Phil Compton, St. Petersburg	Winnie Foster, St. Petersburg
Bruce Nissen, St. Petersburg	Domenic Carapellucci, Largo
George Root, Oldsmar	Jay D. Alexander, Lealman Fire Commissioner
Tom Krumreich, Tampa	Joe Farrell, Clearwater
Jennifer Winter, St. Pete Beach	Barry Alpert, North Redington Beach
Dorothy Byrne, St. Petersburg	Robert J. Biolzi, Cleveland
Lisa Hinton, Safety Harbor	Jay Polglaze, Clearwater
Bob Clifford, Clearwater	Paula Witthaus, St. Petersburg
Julie Ward Bujalski, Dunedin	Reverend Andy Bell, St. Petersburg
Vince Cocks, St. Petersburg	Stuart Rogel, Tampa
Craig Glaser, Treasure Island	Maria Jose Hays, St. Petersburg
David Herbeitner, St. Petersburg	Andrew Hayes, St. Petersburg
Savanna DeLuca, St. Petersburg	Garry A. Scheuer, Safety Harbor
	Allegre Diaz-Ames, Tampa

In response to the Chairman’s call for objectors to the application, the following individuals appeared and being duly sworn, expressed their concerns and indicated that

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the economy would not tolerate an increase in taxes; that the system would be archaic by the time it is built; that it is unfair to the citizens who oppose the rail to pay for one-sided advertising to support Greenlight Pinellas; and that the Board is showing bias toward Greenlight Pinellas and the only Commissioner not expressing support has been relieved of his seat on the PSTA Board:

Pete Franco, South Pasadena	Deb Caso, Palm Harbor
Tony Caso, Palm Harbor	W.C. Snipes, Clearwater (submitted document)
Regina Brown, Largo	Shay Stubblefield, Largo
David Ballard Geddis, Jr., Palm Harbor	Misty Oudshoff, Clearwater
David McKalip, St. Petersburg	Fred Kiehl, Largo
Barbara Haselden, St. Petersburg (speaking for a group of five or more individuals)	Kathy Haddon, Largo

Chairman Welch stated for the record that the following individuals submitted cards indicating their support, opposition, or indecision:

Support:

John Villenueve, Palm Harbor
Brad Miller, St. Petersburg
Dave Feddon, St. Pete Beach
Joe Barkley, Belleair Bluffs
Gail Eggeman, St. Petersburg
John Miolia, Tarpon Springs
Greg Wilson, Dunedin
Susan McGrath, St. Petersburg
Julie Wong, St. Petersburg
Robert P. Thompson, III, St. Petersburg
Lisa Wheeler-Brown, St. Petersburg

Opposition:

Scott Fisher, Palm Harbor
Paul J. Hittos, Clearwater
Alan Thomas, Belleair
Carole Bowers, St. Petersburg

Undecided

Bernice Lipman, Largo
Norm Lupo, Clearwater

Chairman Welch closed the public hearing, and stated that tonight many people exercised their freedom of speech rights on both sides of the subject; and that it would be nice for the citizens to have a chance to vote on Greenlight Pinellas after 40 years of debate. He assured the citizens that, even though accusations arise, the County Commission balances its budget yearly; that the Commission has kept services intact throughout the recession by utilizing the stabilization funds, which are savings accounts created by the Commission; that the taxpayers would not be double taxed, as the PSTA property tax would be eliminated; that Governor Scott recently vetoed a bill introduced by the legislative delegation to eliminate the PSTA property tax, and if another bill does not pass, the PSTA Board has stated it would zero out the ad valorem tax on its own; and that the transportation referendum is about smart growth and the future of Pinellas County.

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Noting that he would not be supporting Greenlight Pinellas at this time, Commissioner Roche expressed concern that last minute changes are still being made to the ballot language; that the people's vote is very important, and the ballot language must be articulated properly; that the public has expressed dissatisfaction with the current PSTA bus service; and that he is unsure how the new transportation would change the community, as it is vibrant now, tourism is strong, and this is the metro area leading in the State of Florida. He indicated that funding is not currently guaranteed at the state and federal level, and questions remain unanswered; whereupon, he suggested to either (1) remain idle and leave PSTA in control of its taxing authority and its own destiny by virtue of the legislature that created the Authority and controls its operation; or (2) table the ballot language until spring 2014 when federal funding is confirmed and the County could move forward with a degree of confidence, noting that the Supervisor of Elections would not need the ballot language until August 2014; and discussion ensued wherein Chairman Welch related that the County has taken a very conservative approach.

Noting that the Alternative Analysis has been discussed at a prior PSTA meeting, Commissioner Long stated that remaining idle is no longer an option; and that the Commissioners were elected to lead the community and take Pinellas County into the future; whereupon, she moved, seconded by Commissioner Latvala, that the word "initially" be deleted, and the ordinance be approved.

Motion	-	Commissioner Long
Second	-	Commissioner Latvala

Pointing out that the Commission has debated a rail system since 1983, Commissioner Seel stated that some economic development opportunities would be unavailable unless the County moves forward; and that building more roads would not alleviate the traffic congestion.

Vote	-	6 – 1, with Commissioner Roche dissenting.
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At this time, 10:03 P.M., the meeting was recessed and reconvened at 10:13 P.M. with all members present.

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- #49 Resolution No. 13-206 adopted granting the application of Speckled Trout Marina LLC through Katherine E. Cole, Esquire, Representative, for a change of zoning from R-4, One, Two and Three Family Residential to CR, Commercial Recreation, with a Development Agreement limiting the use of the site for parking, storage of automobiles, boats and transient units not to exceed 45 feet in height on approximately 3.25 acres; Resolution No. 13-207 adopted granting a Conditional Use to allow a commercial marina on approximately 3.25 Acres; Ordinance No. 13-35 adopted amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use Designation from Residential Low to Commercial Recreation on approximately 3.25 acres, re property located 160 feet south of Bay Street and being on the east and west side of Bayshore Drive (Street Address: 343 Bayshore Drive, Ozona) (Z/LU/CU-7-3-13). Public hearing was properly advertised. Affidavit of Publication has been received for filing. One petition in support with 220 signatures, one letter in opposition on behalf of 20 property owners, one petition in opposition with 62 signatures, and 22 letters in opposition to the petition were received for the LPA meeting of November 14, 2013. One letter in opposition to the petition has been received for today's hearing. Staff recommended approval of the zoning amendment, the associated development agreement, and the conditional use, subject to the conditions recommended by the LPA at its November 14, 2013 meeting.

Referring to an aerial photograph and the zoning and land use map, Mr. Cueva pointed out the location of the subject property, described surrounding land uses, and provided background information regarding the application, noting that the subject property contains three separate parcels, and is located in the Ozona community overlay district.

Pointing out that, if the marina expansion is granted, this is the best possible scenario for Ozona, Mr. Cueva indicated that staff is strongly recommending conditional approval of the request, due to its importance to the Comprehensive Plan, and discussed the conditions that would apply to the parcels, including:

1. The following conditions would apply to all three parcels:
 - (a) Full site plan review, including review for compliance with County landscaping and parking regulations, is required for the property (Parcels 1, 2, and 3), with site development to be done substantially in conformance with the Concept Plan.
 - (b) Property owner will apply for (within a year of site plan approval) and retain State of Florida certification as a Clean Marina.
 - (c) Hours of operation are sunrise to sundown.

- (d) If security lighting and/or cameras are installed on the property, the lighting shall be low level and lights/cameras shall be directed away from the adjacent residential areas. Outdoor intercoms are not permitted.
 - (e) No vehicular ingress or egress to the property is allowed off of, or on to, Banana Street, unless for routine grounds maintenance.
 - (f) Minimal boat maintenance is allowed on the property. However, crab trap storage, boat building activities, fiberglass repairs, engine rebuilding, spray painting, pressure washing of boats, sanding, blasting, or any other activity that emits noise or noxious odors in violation of County Code are prohibited on the property.
 - (g) Other than the duplex permitted on Parcel 3, no other residential development is permitted on the property.
 - (h) Nothing herein shall restrict construction of restroom facilities on the property consistent with an approved site plan.
 - (i) In the event any of the General or Specific Conditions are not met, the Board of County Commissioners may rescind the Conditional Use on this property.
2. On Parcel 1 of the property, the following specific conditions apply:
- (a) On the northwestern-most “rectangle” of Parcel 1 – vehicles, or vehicles with boat trailers, are permitted. Storage of boats is not permitted (note that “vehicles” means passenger vehicles, not boats or boat trailers); however, temporary drop-off of boats is allowed prior to storage.
 - (b) On the southern “rectangle” of Parcel 1, a 10-foot setback is required on the western and southern perimeter. Only vehicles are permitted to park within that setback area. Storage of boats and/or boat trailers is not permitted.
 - (c) Boat storage, including vehicles with boat trailers, may park elsewhere on that “rectangle,” but not within the setback area described in 2(b) above.
 - (d) A six-foot-high opaque fence or solid masonry wall is required along the southernmost, western and northern portions of the parcel which abut residential properties not owned by the property owner, as depicted on the Concept Plan.
3. On Parcel 2 of the property, the following specific conditions apply:
- (a) On the northern side of the parcel, a landscape buffer/setback with an average width of 20 feet is required. The landscape buffer/setback may be of varying widths designed to accommodate/

- protect the existing trees as much as possible. No vehicles, boats, or trailers may park, or be stored, within that setback/buffer area.
- (b) On the southern side of the parcel, a landscape buffer/setback is required. The landscape buffer/setback shall generally average ten feet, but can be variable in order to best protect/retain the existing trees. No vehicles, boats, or trailers may park, or be stored, within the landscape buffer/setback area.
 - (c) Boats and boat trailers may be parked elsewhere on the parcel.
 - (d) A storage shed, no taller than 15 feet in height and no larger than 25 feet by 40 feet, is permitted on Parcel 2; no other vertical development is allowed, except as provided in 1(h) above. There shall be no boat storage in the storage shed.
 - (e) A six-foot-high opaque fence or solid masonry wall is required along the northern and southern perimeters of the parcel, as depicted on the Concept Plan. A similar fence is required along the eastern perimeter of the boat storage area but may include a locked gate for maintenance/emergency access.
 - (f) Regarding the portion of the parcel depicted on the Concept Plan as the Banana Street buffer, no uses are permitted other than stormwater retention. To the extent possible, retention of the tree canopy in the buffer area is required and will be addressed at the time of site plan review.
4. On Parcel 3 of the property, the following specific conditions apply:
- (a) A bait/snack shop, no larger than 300 square feet, is permitted on Parcel 3.
 - (b) A duplex is permitted to be constructed on Parcel 3; no other residential units are permitted.

Development Agreement - The applicant chose to submit a Development Agreement with the case, primarily to address staff and community concerns over the planned marina activities and potential impacts. The Agreement includes a Concept Plan, which generally depicts the proposed site layout, buffers, access, etc. However, activities on the entire property (i.e., Parcels 1, 2, and 3) will still be subject to full site plan review and full compliance with the County Code. The Agreement requires adherence to the conditions itemized above, and specifically requires adherence to stormwater and floodplain regulations in place at the time of development.

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In response to comments and queries by the members throughout the presentation, Mr. Cueva indicated that the Banana Street buffer, located on the southern border, currently consists of a fence and locked gate that would allow employee entry for maintenance of the landscaping and the two retention ponds; that the storage, currently located on Parcel 1, would be moved to the storage shed to be built on Parcel 2; that the duplex to be constructed on Parcel 3 has been previously approved, and is immaterial to this rezoning request; that the CR zoning would allow three residential units, one residential unit per parcel, and the applicant is foregoing one residential unit in order to maintain the duplex on one parcel; and that the bait shop on Parcel 3 would remain non-conforming and would not be permitted to expand.

Mr. Cueva discussed the Ozona Overlay and the various goals that the development would meet, indicating that the Ozona community would benefit by having a clean marina and proper stormwater drainage and treatment, as currently the polluted water drains directly into the estuary; and he reiterated that staff recommends approval of the application with the Development Agreement that memorializes the required conditions.

Responding to the Chairman's call for the applicant, Katie Cole, Esquire, Clearwater, appeared and being duly sworn, indicated that she represents the applicant. She discussed the history of the subject property, noting that the County initiated a land use plan amendment in Ozona in the 90s that led to a suit by the previous property owner to enforce its property rights to continue to operate the marina; and that this suit resulted in the existing NC40 designation.

Ms. Cole indicated that the reason for the current application is that the applicant purchased a residential subdivision behind the marina and desires to use a portion of that property to expand the marina; and that the applicant was previously cited for improper use of a residential zoning for boat storage. She discussed the current options available to the applicant, pointing out that the applicant has previously met with the President of the Ozona Village Improvement Society (OVIS), County staff, and Mr. Cueva to incorporate specific stipulations into the Development Agreement; and discussion ensued wherein Rick Bennett, applicant/owner, explained the current marina operation.

In response to the Chairman's call for proponents, the following individuals appeared and being duly sworn, spoke in support of the application:

Jill Howard, Palm Harbor
Howard G. Levy, Palm Harbor
Carmen Butrico, Palm Harbor

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Doug Guilfoile, Dunedin
John c. Landon, Palm Harbor
Scott Cook, Palm Harbor
Lacey Bennett, Palm Harbor

In response to the Chairman's call for opponents, the following individuals appeared and being duly sworn, spoke in opposition to the application:

Julie Longnen, Palm Harbor
Paula Dalton, Ozona
Maureen Bracy, Ozona (submitted document)
Wesley Bracy, Ozona
Dennis Green, Ozona
Daniel P. Morse, Ozona
Brian Smith, Ozona
Donald Conover, Palm Harbor
Ms. Moneymaker, Ozona/Palm Harbor
Peg Mahara, Ozona
Carol Hewett (speaking for group of five) (submitted document)

Chairman Welch stated for the record that the following individuals submitted cards indicating their support of or opposition to the application:

In Support:

Edward Collins, Dunedin
Walter Murray, Clearwater
Wanda Edwards, Dunedin
Robert Essery, Dunedin
Mike Nemes, Dunedin
Monzoa Tran, Tampa
Steven Tran, Tampa
Wendy Montjoy, Clearwater
Scott Montjoy, Clearwater
Daniel Horn, Tampa

Walt Wickman, Dunedin
Jane Luong Wickman, Dunedin
Robert Adam, Palm Harbor
Richard A. Mesher, Palm Harbor
Kirstin Flinn, Tampa
Maria Collins, Dunedin
Tom Richard Bennett, Palm Harbor
Denna Bennett, Palm Harbor
Theodore Muzyczka, Palm Harbor

In Opposition:

Francis S. Emanuel, Ozona
Gerald Emanuel, Ozona
Gary R. Mullins, Ozona
Jana Joyner, Ozona
Pat Winkelman, Ozona

Undecided:

Anthony Marino

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In response to queries by the members, OVIS President Brian Smith related that he is unsure as to the applicant's interest in the Ozona Overlay when it passed in 2010, as the applicant did not take ownership of the property until 2011; that many of the marina owners felt that the Overlay constrained their marinas; that the Overlay was adopted with businesses, restaurants, and marinas in balance; that the non-conforming use is not meant to be geographically expanded; and that the applicant's marina is a very healthy business under the non-conforming designation; whereupon, Commissioner Latvala pointed out that stating that the business is successful is rather bold; that ramp access to the water needs to be preserved, as there are very few in the County; and that the marina has been in business for 100 years, and this is a positive change for the community.

Carol Hewett, Ozona, appeared and being duly sworn, submitted a 2005 Board of Adjustment decision conditionally approving the construction of the duplex on Parcel 3, a copy of which has been filed and made a part of the record, and related that page two of the document indicates that a permit would need to be obtained within 45 days of construction commencement; that only one extension for one year is permitted by the Pinellas County zoning authorities, and additional extensions are to go before the Board of Adjustment at a regular public hearing; and that there are no fewer than eight extensions for the duplex approved by County staff rather than the Board of Adjustment, which makes the current permit for the duplex void; whereupon, Ms. Cole objected to the document submission; and Attorney Bennett suggested hearing the relevance of the evidence prior to objection of the submission.

In response to query by Commissioner Roche regarding the source of the information, Ms. Hewett indicated that the documents were pulled from the Building records; whereupon, Commissioner Roche indicated that there is a series of permits, denials, abandons, re-permits, and extensions granted, when only one is allowed.

Thereupon, Chairman Welch closed the public hearing.

In response to the allegations made by Ms. Hewett, Mr. Cueva explained that once the variance is approved the applicant has one year to commence construction; that the applicant activated the variance by constructing the pilings; and that the Building Official granted the continuance of the permit pursuant to the rules of the Planning Department; and discussion ensued regarding the case being controversial.

Following discussion and in response to queries by Commissioner Long regarding the setting of a precedent, Mr. Cueva indicated that, if approved, the applicant would be granted a conditional use with a Development Agreement, which would be a positive precedent to set; that future applicants would be required to go through full site plan review and have water treatments to improve the water quality that is emitted from the site, rather than pollute the Gulf; that a Holiday Inn would not be allowed on-site with the restricted conditions; that the applicant is providing additional parking and boat storage, which would preempt the roadside traffic; and that the duplex could be built over the bait house; whereupon, Mr. Bennett noted that, when the original variance was approved, staff conveyed that he could not build a structure to code over a structure that is not up to code; and that, if the application is not approved, the bait house could be moved.

Responding to queries and comments by Commissioners Roche and Latvala, Mr. Cueva related that Conditions 1(a) through 1(h) apply to the entire site; and he discussed the application's consistencies with the Comprehensive Plan, specifically the County goals laid out in the Recreation, Open Space and Culture and the Economic Element sections; whereupon, Commissioner Seel suggested that only Parcel 1 and 3 should be rezoned, as Parcel 2 is zoned residential, and, if rezoned, the abutting residents would view a two-acre boat yard accommodating 176 boats; and discussion ensued regarding denial of the application and the extensive northern buffer.

Pointing out that she has never seen as many conditions placed upon a property, Commissioner Latvala stated that the 20-foot buffer and the opaque fence would be a huge improvement to the chain link fence currently on the property.

Attorney Bennett advised that, if the applicant desires to respond to the document submitted by Ms. Hewett so that the Board could decide whether to accept the late item, the applicant should not be penalized in rebuttal time, and Chairman Welch concurred.

Ms. Cole objected to the discussion regarding the duplex, stating that the duplex is properly permitted, as the variance was issued by the Board of Adjustment in 2005; that the extension of the time limits regarding non-controversial cases is vested upon the receipt of a building permit and pursuant to County policies; and that the continued building permit and the construction of the duplex are irrelevant to this hearing.

In response to query by Chairman Welch, Attorney Bennett stated that policy and statute dictate the extension of permits; that with the recent recession, the state statute dictated that permits could be automatically extended; and that it would not be appropriate to

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accept Ms. Hewet's document into evidence; whereupon, Chairman Welch called for the applicant's final rebuttal.

Stating that it may be difficult to correct some misinformation provided by the residents, Ms. Cole refuted the information in the cover letter regarding the residential designation of the properties and stated that the Speckled Trout Marina's existence was established during the 90's litigation, which also determined the non-conforming status of the property; and that the applicant strongly objects to any expansion of the restrictions that staff has placed upon the conditional use permit, as it is already more restrictive than what is currently on the property.

Objecting to Commissioner Morroni's statement regarding the marina being incompatible with the Ozona Overlay, Ms. Cole pointed out that staff's report cites four pages of the marina's consistency with the Ozona Overlay; that this is a successful business attempting to provide a service that the Board has identified is needed; that the marina is less intrusive to the neighborhood, as it provides significant buffers with the Development Agreement and restrictions; and that the applicant is willing to include a recorded Deed Restriction that would strip all other business opportunities from this property.

Chairman Welch closed the public hearing, and discussion ensued among the members wherein Commissioner Roche expressed his concern, indicating that at least four other marinas have boat slips available; whereupon, Commissioner Latvala stated that what is located on Parcel 3 is legal and approved; that currently the marina does not meet standards and pollutes the Gulf of Mexico; that the Development Agreement is incredibly stringent and would generate a clean marina; and that no one else would relinquish the property rights that is being requested of the applicant.

Commissioner Latvala moved, seconded by Commissioner Long, that the application be approved as recommended by staff with the conditional use, Development Agreement, and added Deed Restriction.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	4 – 3 with Commissioners Roche, Morroni, and Seel dissenting

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#50 First public hearing regarding a proposed ordinance amending Section 138-1332 of the Pinellas County Land Development Code relating to the dispensing of alcoholic beverages within the M-1 zoning district. Public Hearing was properly advertised. Affidavit of Publication has been received for filing. No correspondence has been received. No citizens appeared to be heard. Second public hearing to be held January 14, 2014.

#51 Ordinance No. 13-36 adopted amending Chapter 134 of the Pinellas County Land Development Code establishing the Annual Concurrency Test Statement. Public hearing was properly advertised. Affidavit of Publication has been received for filing. The Local Planning Agency recommended approval of the proposed ordinance based on the staff report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Seel
Second	-	Commissioner Morroni
Vote	-	6 – 1 with Commissioner Roche dissenting

#52 Meeting adjourned at 12:36 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk