

AGENDA ITEM # 1
September 23, 2014

1. APPROVAL OF MINUTES:

Regular meeting held August 19, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, AUGUST 19, 2014 – 2:05 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Others Present: Mark S. Woodard, County Administrator; Jewel White, Chief Assistant County Attorney; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt and Trudy Futch, Board Reporters, Deputy Clerks.

INVOCATION: Reverend Bob Scott, Peace Memorial Presbyterian Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Justice.

PRESENTATIONS AND AWARDS:

Emily Venech 100th Birthday Proclamation

CITIZENS TO BE HEARD – (New Board-Related Business)

Noel J. Howard, Largo, re handicap awareness.

John Chase, Palm Harbor, re Pinellas marijuana arrest rate (spoke for group of eight).

CONSENT AGENDA ITEMS NOS. 1 THROUGH 9d – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 2b AND 9c, WHICH WERE CONSIDERED UNDER ITEM NO. 10.

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

1 Minutes of regular meeting of July 15, 2014 approved.

2 Reports Received for Filing:

- a. Tax Collector's certification of the Recapitulation of 2013 Tax Roll (CD).
- b. See Item No. 10.

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- c. Pinellas County Quarterly Donation Listings of \$500 or more for the periods ended March 31, 2014 and June 30, 2014.
- d. Juvenile Welfare Board Monthly Financial and Investment Report dated June 30, 2014.

3 Vouchers and Bills – None.

4 Miscellaneous Items Received for Filing:

- a. City of Dunedin Notice of Public Hearing regarding proposed Ordinance No. 14-15 to be held September 25, 2014, annexing certain property.
- b. City of Largo Notice of Public Hearing held August 12, 2014, regarding proposed Ordinances Nos. 2014-74 through 2014-123 and 2014-125 through 2014-144 annexing certain property.
- c. City of Oldsmar Ordinance No. 2014-07 adopted July 15, 2014, annexing certain property.
- d. City of Seminole Notice of Ordinance Enactment and Public Hearings held August 12, 2014, regarding proposed Ordinances Nos. 12-2014 through 14-2014 voluntarily annexing certain property.
- e. City of Pinellas Park Notice of Public Hearing held August 14, 2014, regarding proposed Ordinance No. 3891 voluntarily annexing certain property.
- f. City of Pinellas Park Notices of Public Hearings to be held August 28, 2014, regarding proposed Ordinances Nos. 3892 and 3893 voluntarily annexing certain property.

5a 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>
1.	Airport	Airline Operating Permit with Sunwing Airlines, Inc. for use of airport facilities	\$111,492.00 annual revenue	7.24.14

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
2. Animal Services	Grant Agreement with Florida Animal Friend, Inc. for spay/neuter services for low income residents	\$25,000.00 grant revenue. no County match	7.29.14
3. Convention and Visitors Bureau	(a) Nondisclosure Agreement with The Mark Travel Corporation for use of proprietary data to provide target market information	(a) N/A	7.23.14
	(b) Grant Application with Florida Sports Foundation for the 2014 Bright House Clearwater Super Boat National Championship	(b) \$30,000.00 grant revenue. no County match	
4. Convention and Visitors Bureau	Grant Agreements with Florida Sports Foundation for:		6.17.14
	(a) 2014 American Athletic Conference Baseball Championship	(a) \$10,000.00 grant revenue. no County match	
	(b) NSA B Girls Fastpitch World Series	(b) \$8,000.00 grant revenue. no County match	
5. Economic Development	Amendment to Agreement for Consulting Services with the University of South Florida to extend the termination date to December 31, 2014	N/A	6.25.14
6. Environment and Infrastructure	Termination of Easement by General Release in favor of Allan Stowell for construction purposes	\$750.00 revenue	7.29.14
7. Environment and Infrastructure	GrantSolutions.gov Grantee User Account Request Form giving staff permission to submit grant requests on behalf of the County	N/A	7.17.14
8. Environment and Infrastructure	Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT) for reimbursement of costs to maintain traffic signals	\$223,214.00 revenue	7.16.14
9. Environment and Infrastructure	Interlocal Agreement with the City of St. Pete Beach for replacement of dune walkovers at public beach access sites	\$50,000.00	6.24.14
10. Environment and Infrastructure	Release of Liens (16)	Liens are paid in full	6.18.14

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
11. Environment and Infrastructure	Notice of Liens (18)	N/A	6.10.14
12. Environment and Infrastructure	Release of Liens (30)	Liens are paid in full	6.9.14
13. Environment and Infrastructure	Notice of Liens (2)	N/A	6.4.14
14. Environment and Infrastructure	Notice of Liens (2)	N/A	5.30.14
15. Health and Community Services	Community Agency Agreement with Duke Energy Florida, Inc. to provide financial assistance for payment of utility bills and deposits for eligible citizens	N/A	7.29.14
16. Health and Community Services	Expanded Services Grant Application with the U.S. Department of Health and Human Services for the mobile medical unit	\$185,476.00 grant revenue, no County match	7.16.14
17. Health and Community Services	(a) Specific Performance Agreement with Catholic Charities, Diocese of St. Petersburg for homeless assistance through the Emergency Solutions Grant Program (ESG)	(a) \$84,000.00 ESG funds pool	7.14.14
	(b) Cooperative Agreement with U.S. Department of Health and Human Services for a no-cost extension of the 2013 Cooperative Agreement	(b) N/A	
	(c) Grant Application to the U.S. Department of Health and Human Services for 2014 Cooperative Agreement to support navigators in Federally facilitated and State partnership marketplaces	(c) \$600,000.00 grant funds, no County match	
18. Health and Community Services	Specific Performance Agreement with the Pinellas County Housing Authority for homeless assistance through the Emergency Solutions Grant Program (ESG)	\$84,000.00 ESG funds pool, no County match	6.29.14
19. Health and Community Services	(a) Transportation for Disadvantaged Agreement with Pinellas Suncoast Transit Authority for reduced cost transportation to qualified residents	(a) \$15,000.00	6.25.14
	(b) Satisfaction of Mortgage (1)	(b) Lien is paid in full	
20. Health and Community Services	Satisfaction of Mortgages (2)	Liens are paid in full	6.19.14

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
21. Health and Community Services	Satisfaction of Mortgages (2)	Liens are paid in full	6.17.14
22. Health and Community Services	Satisfaction of Mortgage (1)	Lien is paid in full	6.16.14
23. Health and Community Services	Satisfaction of Mortgages (2)	Liens are paid in full	6.13.14
24. Health and Community Services	Payment of invoice for services rendered by Suncoast Center, Inc. for behavioral health services	\$85,951.16	6.12.14
25. Health and Community Services	Satisfaction of Mortgages (2)	Liens are paid in full	6.10.14
26. Justice and Consumer Services	(a) Amendment No. 1 to Service Funding Agreement with WestCare Gulfcoast – Florida, Inc. for the You Can! grant program	(a) \$19,111.00 grant revenue	7.29.14
	(b) Amendment No. 1 to Service Funding Agreement with Center for Rational Living for the You Can! grant program	(b) \$17,929.00 grant revenue	
27. Justice and Consumer Services	Designation of Authority to the Director of Justice and Consumer Services to submit an on-line grant application for School Justice Collaboration Program	\$600,000.00 grant revenue over three years, no County match	7.17.14
28. Justice and Consumer Services	Agreement with the State of Florida Office of the Attorney General for grant funds for the Crime Stoppers Program	\$226,790.01 grant revenue, no County match	6.30.14
29. Justice and Consumer Services	Memorandum of Understanding with the City of St. Petersburg and Pinellas County Sheriff's Office for U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance grant application	\$134,028.50 grant revenue, no County match	5.30.14
30. Office of Management and Budget	Grant Application to the Florida Department of Environmental Protection for Land and Water Conservation at Joe's Creek Greenway Park	\$250,000.00 grant revenue, \$250,000.00 County match	7.25.14

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
31. Parks and Conservation Services	Assistance Amendment with the U.S. Environmental Protection Agency for ambient monitoring program	\$63,326.00 grant revenue, no County match and \$26,674 EPA in-kind assistance	7.8.14
32. Real Estate Management	Temporary Construction Easement to the City of Largo for the City's Wet Weather Pumping and Monitoring System project	N/A	7.29.14
33. Real Estate Management	(a) Distribution Easement in favor of Duke Energy for installation of power facilities at the chiller plant site	(a) N/A	7.14.14
	(b) First Amendment to Lease Agreement with 14100 ICOT, LLC to correct scrivener's error	(b) N/A	
34. Real Estate Management	Short Form Lease Agreement with Donna K. Baldwin for property adjacent to Martin Borrow Pit	N/A	7.2.14
35. Real Estate Management	Access License Agreement with FDOT for installation of equipment on County owned property	N/A	6.30.14

5b In accordance with Resolution No. 05-61, the Report of Write-Offs for Accounting Purposes Delegated to the County Administrator for Approval for the period through March 31, 2014 was received for filing (total amount of write-offs, \$3,330,098.02).

5c In accordance with Resolution No. 05-61, the Department of Environment and Infrastructure Report of Write-Offs approved for Accounting Purposes Delegated to the County Administrator for Approval for the period through September 30, 2012 was received for filing (Water and Sewer accounts receivable in the amount of \$32,363.21).

6 Award of bid for Veterinary Drugs and Supplies (Re-bid) (Contract No. 134-0343-B) approved on the basis of being the lowest responsive, responsible bid received meeting specifications; estimated 24-month expenditure not to exceed \$525,081.76, as follows:

- Butler Animal Health Holding Company, LLC d/b/a Henry Schein Animal Health for Groups 1-3 and 5-7.
- Patterson Veterinary Supply, Inc., for Group 4.

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- Zoetis, Inc. d/b/a Zoetis, LLC for Group 8.
- Bayer Medication received no bid and will be re-procured at a later date. Potential suppliers indicated that they were to bid on all line items in this group because most items are proprietary to Bayer Healthcare, Group 9.

Contract is for 24-months. Unit prices are adjustable at 12-months after commencement date and thereafter for the life of the contract as set forth in the agenda memorandum dated August 19, 2014. Contract provides for one 24-month extension to be exercised only if all terms and conditions remain the same and approval is granted by the County Administrator.

7 Plats, Guaranties, Sureties, and Agreements:

Innisbrook Parcel F – plat accepted and approved for recording; private street sign installation guarantee and sidewalk guarantee from Jen Florida XVI, LLC, accepted for recording.

8 Resolution No. 14-62 adopted supplementing the Fiscal Year 2014 Fleet Management Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated intergovernmental and intragovernmental revenues in the amount of \$1,878,630.00).

9 Notice of new lawsuit and defense of the same by the County Attorney in the cases of:

- a. Best Pro Services, Inc. versus Estate of James F. Manderscheid, et al., - Circuit Civil Case No. 14-005224-CI-8 – Quiet Title.
- b. Brian Elliston and Jeri Elliston, His Wife versus Pinellas County - Circuit Civil Case No. 14-005177-CI-13 - Allegations of Improper Procurement Procedures.
- c. See Item No. 10.
- d. The Richman Group of Florida, Inc versus Pinellas County, et al. - Circuit Civil Case No. 14-005608CI-15 – Allegations of Violations of Equal Protection and Due Process Rights.

- #10 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller):

- # 2b Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2014-22 dated July 17, 2014 – Audit of Housing Finance Authority, Bright Community Trust Inc., Conveyed Pinellas County Surplus Property.

Commissioner Welch noted that the audit of the Community Land Trust was clean with no findings or opportunities for improvement; whereupon, Chairman Seel related that the audit includes a history of the Land Trust; and that staff is augmenting the information to keep it up to date.

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

- # 9c GCS Energy Recovery of Pinellas, Inc., a Delaware Corporation versus Pinellas County, Florida – Circuit Civil Case No.14-005220-CI-13 – Allegations of Improper Procurement Procedures.

Commissioner Roche indicated that he would like to have the Board remain strategically involved in the lawsuit due to the magnitude of the case. He recommended that a shadow, or shade, meeting be scheduled, with the Board as the governing body, to consider the legal strategy and what options and alternatives the Board would have.

County Attorney Jewel White indicated that outside counsel has been obtained; that staff will be meeting with them soon; that the Sunshine Law allows such a meeting as Commissioner Roche is requesting; that the case is in its early stages; and that it would probably be more appropriate to have the meeting at a later date; whereupon, Chairman Seel, with input by Attorney White, recommended that the Board be involved in the settlement discussions, if needed.

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

- #11 Fiscal Year 2015 Elite Event Funding Recommendations from the Tourist Development Council (TDC) approved to fund the following Fiscal Year 2015 Elite Events for a total cost of \$1,059,900.00: Firestone Grand Prix of St. Petersburg, The Outback Bowl/

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Clearwater Beach Day, Bitcoin St. Petersburg Bowl, Valspar PGA Championship, Clearwater Jazz Holiday, Bright House Clearwater National Super Boat Championship, Sugar Sand Festival, and the East-West Shrine Game.

Motion - Commissioner Welch
Second - Commissioner Latvala

Chairman Seel reported that, although the TDC recommendation had initially been to fund the East-West Shrine Game for \$50,000.00, the amount was raised to \$75,000.00 after extensive Council discussion; and that TDC member Timothy Bogott had expressed considerable interest in having at least one more year of the higher funding; whereupon, Chairman Seel remarked that next year's TDC Chair will want to pay particular attention to the event.

Vote - 7 – 0

- #12 Waiver of Ethical Conflict for Tourist Development Council Appointee Jenny R. Carlisle as authorized by Florida Statutes, Section 112.313(12) approved. Form 4A, Disclosure of Business Transaction, Relationship or Interest, to be kept on file in Board Records.

Mr. Woodard noted that the Tourist Development Council serves in an advisory capacity to the Board; and that should the conflict be waived, the appointee would be required to abstain on certain votes and file the required state paper work.

Motion - Commissioner Latvala
Second - Commissioner Roche

Commissioner Welch indicated that he is in support of the item, and noted that almost every member of the Council is either connected to or stands to benefit from items brought before them; whereupon, he recommended that when a member is required to abstain from a vote, the member also abstain from discussion on the item, and Chairman Seel agreed, noting that Ms. Carlisle would be amenable to such a condition.

Attorney White discussed how state ethics laws differ with regard to elected officials and appointed officers, and related that, legally, Ms. Carlisle would have the ability to file a voting waiver form prior to discussion on any item where a conflict of interest exists; and that even though she would be required to abstain from voting on the item, she could fully participate in any discussion. She indicated that the Board has previously discussed enacting regulations at the local level requiring appointed officers to abstain from voting and refrain from discussion when there is a conflict of interest; whereupon, she stated that she would review the matter and return with more information at a future date.

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During discussion and in response to further comments and queries by Commissioner Welch, Managing Assistant County Attorney Michael A. Zas stated that, upon his advice, Ms. Carlisle has indicated that she will not participate in Council discussions if granted the waiver and will abstain from voting as per state law, and Chairman Seel provided input.

Commissioner Latvala briefly discussed the selection of appointees from various tourism-related industries, and noted that specific categories are required when making appointments. She related that highly-qualified candidates who have wide-ranging expertise in their respective industries greatly assist the County Commission by offering thoughtful recommendations; and that she considers it appropriate to have such Council members; whereupon, Commissioners Latvala and Morroni and Chairman Seel related that they have recused themselves from past agenda items when conflicts have arisen; and Chairman Seel related that upon review of other counties, she found two in a comparable situation with regard to Council members who specifically pursued funding for events.

Commissioner Long discussed the importance of public perception and public trust, and related that because the Clearwater Marine Aquarium may soon be asking for a considerable amount of money, and because Ms. Carlisle is employed by the Aquarium as Director of Tourism Marketing, public perception may exist that she has undue influence sitting as a Council member; whereupon, Commissioner Long opined that just because something is not illegal does not make it right.

In response to queries by Commissioner Justice, Attorney White discussed the difference between a direct benefit and an indirect benefit to a Council member, noting that the Aquarium could potentially receive a direct financial benefit if a monetary request is made on its behalf by Ms. Carlisle; whereupon, she related that even though the general public may perceive conflicts of interest, the framers of the Special Act intended for local stakeholders to sit on the Council in an advisory capacity and offer recommendations to the County Commission, and discussion ensued.

Commissioner Roche related that this is an after-the-fact situation; and that the individual was appointed to the Council prior to employment with the Aquarium. Referring to previous member comments, he asked that a legal opinion be issued determining whether the County Commission has the authority to go above and beyond what is provided for in statute, noting that he would support such a local regulation.

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Chairman Seel requested that staff return with policy language for a local regulation requiring appointed members of all Boards and committees to refrain from discussion when there is a conflict of interest; whereupon, Commissioner Latvala expressed support for a policy change in which the members do not participate in discussion when they would directly benefit.

Attorney White indicated that the Aquarium has not been awarded anything as of yet, nor has an application been submitted; and that the appointee came forward in anticipation of there being a conflict; whereupon, she confirmed that she would return with a policy regarding advisory board members prior to the possible Aquarium request, and Chairman Seel reiterated that the policy should cover any Board that falls under the County Commission.

Chairman Seel related that she did not wish to delay action on the item at hand, and Commissioners Latvala and Morroni agreed.

Thereupon, noting that five affirmative votes are needed for the item to pass, Commissioner Seel called for the vote.

Vote - 6 – 1 (Commissioner Justice dissenting)

- #13 Resolution No. 14-63 adopted waiving the provisions of the Pinellas County Purchasing Code to allow the Department of Health and Community Services authority to negotiate terms for contracts to build a Specialty Care Network for provision of health care services; total amount for Pinellas County Health Program health care services related to the waiver is approximately \$5,050,000.00 (Companion to Agenda Items Nos. 14a and 14b).

Mr. Woodard related that Agenda Items Nos. 13, 14a, and 14b are related to the indigent health care program; that his office is presently negotiating an agreement where the management of specialty care contracts will be under the auspices of the Health Department; and that Pinellas County staff will continue to manage the various specialty and ancillary care efforts until the agreement is finalized.

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

- #14a Pinellas County Health Program Specialty Provider Master Agreement approved. County Administrator authorized to execute individual agreements pursuant to the list of current specialty care providers attached to the agenda memorandum as Exhibit Number One. Individual agreements are paid from a pool of funds, not to exceed \$3,715,000.00 for all individual agreements; no individual agreement shall be compensated in excess of \$250,000.00 per the County Administrator's delegated authority. Master Agreement shall be in effect from October 1, 2014 through September 30, 2015 (Companion to Agenda Item No. 13).

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

- #14b Pinellas County Health Program Ancillary Provider Master Agreement approved. County Administrator authorized to execute individual agreements pursuant to the list of current ancillary care providers attached to the agenda memorandum as Exhibit Number One. Individual agreements are paid from a pool of funds, not to exceed \$500,000.00 for all individual agreements; no individual agreement shall be compensated in excess of \$250,000.00 per the County Administrator's delegated authority. Master Agreement shall be in effect from October 1, 2014 through September 30, 2015 (Companion to Agenda Item No. 13).

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

- #15 Purchase Agreement for the sale of State Tax Credit Certificate No. 290 to ConAgra Foods, Inc. approved (new revenue generated, \$398,623.43; revenue to broker upon completion of sale, \$12,750.00; net proceeds, \$385,873.43); Chairman authorized to execute the agreement.

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

- #16 Resolution No. 14-64 adopted establishing the Fiscal Year 2015 schedule of fees for services to be rendered by non-proprietary departments and the Department of Environment and Infrastructure, the Airport, and Utilities Divisions, effective October 1, 2014.

Motion	-	Commissioner Roche
Second	-	Commissioner Long

During discussion and in response to comments and queries by Commissioner Welch, Mr. Woodard, with input by Senior Financial Management and Budget Analyst Katherine Burbridge, indicated that Economic Development Director Mike Meidel will inform the business community regarding the process for obtaining waivers with respect to Economic Development approved projects; and that his staff will make the determination regarding the issuance of those waivers.

Mr. Woodard related that a policy has been in place for several years allowing developers to pay a premium fee in order to obtain expedited permits; and that a similar process has been utilized for affordable housing projects; and in response to comments and queries by Chairman Seel, he confirmed that there has been little activity in either the Economic Development or Affordable Housing categories; whereupon, Commissioner Roche noted that many of the fees did not change, and some decreased.

Vote - 7 – 0

- #17 Fiscal Year 2014 Board Budget Amendments Nos. 15 and 16 were filed and made a part of the record. Budget Amendment No. 15 realigns appropriations within the General Fund and the Fire Districts Fund to provide the required funding for payment of the Property Appraiser's commissions in accordance with Section 192.091(1)(a), Florida Statutes. Budget Amendment No. 16 realigns appropriation from the General Government Non-Program cost center to the County Administration cost center within the General Fund.

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

- #18 Project B4030342594 as a qualified applicant for financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program pulled from the agenda at the request of the County Administrator.

Mr. Woodard reported that the item has been pulled as the applicant does not presently meet state requirements for the program.

- #19 Interlocal Agreement for the creation of the Metropolitan Planning Organization (MPO) approved; Chairman authorized to sign the agreement and the Clerk to attest.

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

Chairman Seel related that three BCC members will serve on the re-established MPO Policy Board, and Commissioners Justice, Morroni, Roche, Welch, and Chairman Seel expressed their desire to serve. Following lengthy discussion regarding the term of the appointment, current election cycle, selecting three appointees from a field of five, and similar topics, Commissioners Roche and Justice withdrew their names; whereupon, Commissioner Latvala moved, seconded by Commissioner Roche, that Commissioners Morroni and Welch and Chairman Seel be appointed to serve on the MPO Policy Board. Upon call for the vote, the motion carried unanimously.

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

- #20 Ranking of firms and final negotiated agreement with the number one ranked firm, Black and Veatch Corporation, for professional engineering consulting services for a water and sewer optimization study (Contract No. 134-0166-CN) approved; estimated five-year expenditure, \$2,500,000.00 (rates are fixed for the full five-year term of the contract, effective upon date of award). Chairman authorized to sign the agreement and the Clerk to attest.

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

- #21 Other Administrative Matters:

- a. Public Hearing Announcement re the Stormwater Assessment Fee Ordinance.

Mr. Woodard indicated that on June 24, 2014, the Board adopted the Preliminary Surface Water Rate Resolution to establish the top rate at which the surface water assessment may be levied; and that at the September 11, 2014 meeting, Transportation and Stormwater staff will bring forward a public hearing item regarding the Surface Water Rate Resolution for the Fiscal Year 2014-2015 Surface Water Service Assessment.

- b. Authorization granted to advertise a public hearing to be held on September 11, 2014 regarding a proposed amendment to the Pinellas County Code for the purpose of modifying the structure of the Palm Harbor Community Services District.

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Mr. Woodard indicated that the proposed ordinance provides for the addition of one member to the Palm Harbor Community Services District Board of Directors from the East Lake Youth Sports Association in anticipation of the creation of the new East Lake Recreation Services District; whereupon, he indicated that a companion item on the September 11 agenda will address the operating agreement between the Palm Harbor Community Services Agency and Pinellas County on behalf of the East Lake Recreation Services District.

In response to query by Chairman Seel, Mr. Woodard recommended that the members approve the authority to advertise; and remarked that the regularly scheduled budget hearing will also take place that evening.

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

#22 County Attorney Miscellaneous – None.

#23 Third amendment and time extension for Banking Services with Wells Fargo Bank, N.A. (Contract No. 056-0483-P) approved; estimated total expenditure for third amendment and time extension, \$242,323.00; based on the estimated expense using the current fee structure through September 1, 2014 and the extension period through January 31, 2015. the estimated expenditure over this term (17 months) for banking services is \$823,901.00; Chairman authorized to sign and the Clerk to attest.

Mr. Woodard pointed out a scrivener's error on Page 2 of the agenda memorandum. noting that the \$581,578.00 figure in the Fiscal Impact Section should read \$823,901.00.

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

#24 Sitting as the Pinellas County Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 14-65 revising the EMS allowable costs (estimated annual expenditure, \$406,894.22) (Companion to Agenda Item No. 26).

Mr. Woodard indicated that Agenda Items Nos. 24, 25, and 26 relate to bringing forward a conclusion to the longstanding EMS issue; that he wished to thank all of the providers, city and county staff, and other stakeholders involved in the process; that the providers have indicated that they will be taking the agreements to their respective Councils; that

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each of the agreements will then come back to the County; and that pursuant to Agenda Item No. 26, the Chairman will have the authority to execute the items.

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

- #25 Sitting as the Pinellas County Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 14-66 revising emergency medical service districts (Companion to Agenda Item No. 26).

Mr. Woodard related that a revised item has been placed in the agenda packet; that Lealman has indicated its desire to have the Town of Kenneth City contained within the Lealman Fire Rescue District; that all parties have agreed to the amendment; and that the modification has no fiscal or operational impact on the remainder of the agreement.

Motion	-	Commissioner Roche
Second	-	Commissioner Morroni

Commissioner Welch expressed support for the item, but questioned whether the revised agenda memorandum should actually read “Lealman EMS District,” and responding to his queries, Managing Assistant County Attorney Don S. Crowell briefly discussed the Special Act, relating that the “Lealman Fire Rescue District” verbiage is correct; whereupon, Mr. Woodard indicated that even though the Agenda Addendum contains incorrect terminology, the controlling language is contained in the agenda packet and is what the members will be taking action on.

Vote	-	7 – 0
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- #26 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the Master Advanced Life Support (ALS) First Responder Agreement between the Authority and the 17 municipalities and fire districts, as listed in Appendix C of the agreement; Chairman authorized to execute the agreement. Agreement is for a period of three years, commencing on October 1, 2014, with the option to renew for an additional two years; estimated Fiscal Year 2014-2015 expenditure, \$27,744,227.00 (Companion to Agenda Items Nos. 24 and 25).

Mr. Woodard reported that Appendix D has been modified to accommodate the previously-discussed revision.

Motion	-	Commissioner Welch
Second	-	Commissioner Roche

Commissioner Roche related that even though he is encouraged by the progress that has been made, it is a long-term challenge and will need ongoing review; whereupon, Mr. Woodard related that the agreement accomplishes two of the Board's primary policy goals: providing fiscal sustainability in the system, and attempting to "level the playing field" by treating each partner in a uniform manner. In response to comments by Commissioner Latvala, he indicated that the ongoing success of the agreement is based on current forecast assumptions.

Commissioner Morroni thanked Interim Chief of Staff Bruce Moeller and Mr. Woodard for their collaborative approach in opening the lines of communication with the providers, thus contributing to a positive outcome, and Chairman Seel agreed.

Vote - 7 – 0

- #27 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the appointment/reappointments to the EMS Advisory Council, as delineated in the Board memorandum dated August 19, 2014.

Motion - Commissioner Morroni

Second - Commissioner Long

Vote - 7 – 0

- #28 County Administrator Report

Trap, Neuter, and Release Update

Mr. Woodard related that Animal Services Director Maureen A. Freaney will present a status report on the ongoing efforts pertaining to the Trap, Neuter, Vaccinate, and Return (TNVR) policy for cats.

Ms. Freaney indicated that in September 2013, staff was directed by the Board to work with interested stakeholders to develop a pilot program to be based on an approved business plan and bring forward proposed ordinance changes to support the effort; whereupon, she indicated that the focus has been to strike a balance between public health, public safety, private property rights, and state law requirements; and that the ultimate goal is to educate the community and reduce the number of free-roaming cats in Pinellas County.

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Referring to the agenda memorandum, Ms. Freaney indicated that general agreement exists between the Humane Society of Pinellas, SPCA Tampa Bay, MEOW Now, and Pinellas County Animal Services regarding many of the issues discussed, but that there are two primary areas where overall agreement among the stakeholders could not be attained with respect to current rabies vaccinations and registration and training for community cat caregivers; whereupon, she related that the Humane Society of Pinellas and SPCA Tampa Bay have stated their intent to submit a joint business plan in September; that based on receipt of that business plan, staff will likely bring proposed ordinance changes to the Board in November; and that staff will continue to work with MEOW Now to address its concerns.

During discussion and in response to queries by Commissioner Latvala, Assistant County Attorney Miles S. Belknap discussed the challenges of crafting a TNVR ordinance that complies with state statute requiring dogs and cats to be vaccinated against rabies, and related that even though ordinance language can easily be crafted regarding licensing requirements, at-large animals, and nuisance violations, state law does not allow for flexibility with regard to mandatory rabies vaccinations, and discussion ensued.

In response to queries by Chairman Seel and Commissioner Long, Ms. Freaney related that one of the sticking points during stakeholder discussions was the requirement that all owned and community cats be vaccinated against rabies; and that aside from all of the rhetoric, up-to-date rabies vaccinations are important for disease prevention, are backed by the Centers for Disease Control, and are mandated by state law. Ms. Freaney explained the one-year and three-year timeframes for vaccinating cats, indicating that individual caregivers would be responsible for capturing community cats and bearing the expense of keeping vaccinations current; whereupon, she discussed the fundamental requirements for being a feline caregiver.

In response to queries by Commissioner Long, Dan Hester, Seminole, related that Animal Services and MEOW Now have been working for approximately one year on a program to address the 100,000 to 150,000 free-roaming cats in Pinellas County; that the present focus of MEOW Now is on unowned cats; that he does not support the ordinance as he considers it over engineered; and that the goal is to enact a pilot program and reduce the number of cats euthanized, which was approximately 7,000 last year.

Mr. Hester indicated that if the pilot program is not successful, it will be discontinued; that many unowned cats in the county have never been spayed, neutered, or vaccinated; that every cat trapped by a caregiver is vaccinated at least once; and that MEOW Now

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will never interfere with property rights; whereupon, he questioned the authority of Animal Services to require and approve a business plan by MEOW Now.

Commissioner Roche related that discussion regarding the matter has been taking place for at least two years; that now is the time for action; and that the pilot program should proceed. He agreed that the proposed ordinance is over engineered, and indicated that the ordinance does not need to be changed in order for the pilot program to move forward; and that he has been asking for a comparison of costs associated with TNVR versus euthanasia for three years; whereupon, Commissioner Latvala agreed that the item needs to be addressed now, indicating that it is not possible to write an ordinance that comports with state law; and that local citizens who wish to spend their time and resources to help address the problem should be allowed to do so.

Commissioner Long stated that she agrees with Commissioners Roche and Latvala; that common sense should prevail; and that a decision should be made to proceed; whereupon, Commissioner Latvala related that the members could make a decision to do nothing; and Mr. Hester suggested that if the members wish to move forward and simplify the process, they could pass a resolution as an alternative, but that by doing nothing, the current ordinance remains on the books and restricts the ability to obtain grant money.

In response to queries by Commissioner Welch, Mr. Hester indicated that the current ordinance restricts MEOW Now by stating that it is illegal to feed wildlife, which includes putting out food for community cats; whereupon, Ms. Freaney presented further information regarding the Code, and related that Animal Services became involved when the animal advocates were searching for a legal pathway to accomplish their goals.

In response to queries by Commissioner Latvala, Ms. Freaney related that staff will return with the proposed ordinance changes in November and will submit the Humane Society of Pinellas and SPCA Tampa Bay business plan at that time; and that the ordinance will be revised to exclude certain things under community cats so that the caregivers will have a legal pathway to proceed, and Commissioner Roche provided input.

Mr. Woodard related that while it is good news that two excellent non-profit partners are ready and willing to move forward, it would be even better news if all three partners were on board; and that his office will continue working with MEOW Now to craft something

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that will be agreeable to all of the partners, and Chairman Seel indicated that she is comfortable moving in that direction.

Discussion ensued regarding previous efforts by Animal Services to eliminate rabies in raccoons by dropping pellets containing vaccine, and Mr. Hester reported that cat-to-human transmission of rabies has not occurred in the United States in over 30 years; whereupon, Chairman Seel pointed out that state law still mandates vaccinations, and Commissioner Latvala provided input.

Thereupon, Stacie Wadsworth, DVM, Director of Veterinary Services, Pinellas County Animal Services, reading from the *Centers of Disease Control Compendium on Animal Rabies Prevention and Control*, discussed the importance of initial and subsequent rabies vaccinations for dogs, cats, and ferrets; whereupon, Mr. Woodard related that staff will move forward with the revised ordinance, and Chairman Seel thanked staff and the stakeholders for their hard work.

CITIZENS TO BE HEARD (Continued) (General Issues)

Lenore Faulkner, Madeira Beach, re middle school excellence.

David Ballard Geddis, Jr., Palm Harbor, re new appropriations, new guards, new Constitution in the Declaration of Independence.

Greg Pound, Largo, re truth.

- #29 Appointment of Herb Polson to the Pinellas County Canvassing Board for the November 2014 election cycle approved.

Chairman Seel indicated that the item is an Administrative Order to appoint; that the Chief Judge has been notified that the Chair of the Board of County Commissioners and other Commissioners are unable to serve on the Pinellas County Canvassing Board for the November 2014 election cycle; and that she is recommending that Herb Polson, a former member of the St. Petersburg City Council and current instructor at St. Petersburg College, be named as a substitute.

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

Following the vote, Commissioner Seel referred to her August 19, 2014 memorandum, and related that she is appointing former County Commissioner Calvin Harris to serve as

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an alternate member to the Canvassing Board for the August 26 and November 4, 2014 elections.

#30 County Commission Miscellaneous:

- a. Commissioner Welch discussed resolution of Emergency Medical Services issue and thanked everyone involved in the process.

expressed appreciation for the Agenda Addendum.

requested information re 9-1-1 and dual lightning strike issues that took place on August 15; Interim Chief of Staff Bruce Moeller provided an update.
- b. Commissioner Morroni expressed appreciation to Commissioner Justice for withdrawing name re serving on new PPC/MPO Board.
- c. Commissioner Latvala requested information re members of the public campaigning during County Commission meetings; Attorney White related that certain campaign activities are not permitted on public property per state election laws; and that she would review state guidelines, determine what is and is not allowable, and provide information to the members.

reported that RESTORE (Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economy) Act rules have been released by Treasury Department.
- d. Commissioner Long discussed proposed Broward County resolution re climate change.
- e. Commissioner Justice reported that Tampa Bay Estuary Program mini grants are available at TBEP.org.

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- f. Chairman Seel discussed citizen request for a resolution on Common Core Standards, and related that it is a School Board matter; and that she would not opine on it, and no objections were noted.

* * * *

At this time, 4:10 P.M., the meeting was recessed and reconvened at 6:03 P.M. with all Commissioners in attendance.

* * * *

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

- #31 Proposed Interlocal Agreement with the City of Indian Rocks Beach for acquisition of the Indian Rocks Beach Wastewater Collection and Transmission System. Staff recommends approval. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Welch

In response to queries by Commissioner Welch, Mr. Woodard indicated that the five-percent discount rate is based on a 20-year bond, which will amortize the value of the system; and that it is the standard discounting rate used in valuation; whereupon, Commissioner Roche commented that the rate will decrease and a cost savings will be realized by the citizens of Indian Rocks Beach.

Vote - 7 – 0

- #32a Resolution No. 14-67 adopted approving the application of Cowles Pinellas Properties, LLC, in care of John Ross, Representative, for a change of zoning from C-2, General Retail Commercial and Limited Services, to C-3, Commercial, Wholesale, Warehousing and Industrial Support (Z-12-7-14), re approximately 0.51 acre located at the southwest corner of North Pinellas Avenue and Poinsettia Avenue in the unincorporated area of Tarpon Springs (street address: 1844 N. Pinellas Avenue). The Local Planning Agency recommended approval of the application based on the staff report. No correspondence has been received.

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Referring to an aerial photograph and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the location of the subject property and described surrounding land uses, noting that the C-3 zoning will allow the applicant to park fleet vehicles on the subject property; and that the C-3 zoning will generate less traffic on U.S. Alternate Highway 19, which is currently at a level of service "F."

Responding to queries by the members, Mr. Cueva indicated that the trucks will enter the property from U.S. Alternate Highway 19; that he is unsure if Berkley Avenue connects to Poinsettia, which is an unimproved road; that there is currently no access for the trucks to reach the rear of the property; and that the property to the south is designated as C-3, and is a warehouse with no fleet vehicles.

In response to the Chairman's call for the applicant, John Ross, appeared and being duly sworn, indicated that the limited driveway in the back of the property is 12 feet wide; and that the septic system consumes the back of the parcel, which allows no room for parking. He stated that the fence behind the building is chain link, and the applicant felt that a PVC fence will provide additional privacy for the residents, noting that the neighboring C-3 property is an eyesore and the fence and landscaping will improve the area.

Responding to queries by Commissioners Welch and Roche, Mr. Ross replied that the fence will run parallel to Poinsettia Avenue; that the eight to ten fleet vehicles will be parked on the south side of the property, to the side of the building; and that there is additional parking in the front of the building for visitors.

Responding to the Chairman's call for objectors to the application, Steve Tsangarinos and Lia Rativ, Tarpon Springs, appeared and being duly sworn, stated their concerns, indicating that the six-foot-high fence would be ineffective, as the subject property is much lower in elevation; that Poinsettia Avenue is a private drive and the right-of-way adjacent to the private drive, which has not been developed or maintained by the County, has become an illegal dumping ground; and that the Pinellas County trucks, along with private power and cable trucks which carry heavy loads, utilize Poinsettia Avenue, causing extensive pavement deterioration.

Mr. Cueva pointed out that the C-2 zoning designation could result in a multitude of nuisance issues that a C-3 zoning would not allow; whereupon, Commissioner Long noted that the applicant's hours of operation would be important to the decision-making process of the Board.

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During discussion regarding Poinsettia Avenue's designation on the zoning map as a public road right-of-way and in response to queries by Commissioners Roche and Welch, Mr. Cueva explained that the map indicates that Poinsettia Avenue joins Berkley Avenue.

Later in the meeting and in reference to a photograph, Commissioner Welch pointed out some foliage to the east; whereupon, Mr. Ross, with input by Mr. Tsangarinos, presented various photographs and explained that the photographs depict the undeveloped public right-of-way, which is at the northernmost part of the subject parcel; that the applicant's parking will be located to the south of the parcel; that the County suggested vacating the right-of-way area, but the other property owner would not accept the vacation due to tax liabilities; that the subject property cannot be seen in the photograph, as the foliage is about 30 feet tall; and that the right-of-way has nothing to do with the subject property, and discussion ensued.

In rebuttal and in response to queries by the members, Mr. Ross clarified that the hours of operation would be Monday through Friday, 7:00 a.m. to 5:00 p.m., with no weekends; and that there will be no large vehicles, equipment, or backhoes, only pickup trucks and vans parking on the south side of the property; whereupon, in response to query by Commissioner Welch, Attorney White, with input by Mr. Cueva, indicated that a condition requiring the applicant to park the vehicles on the south end of the property could not be imposed, as no variance has been requested, although it could be considered during site plan review; and that the 20-foot performance standard setback will restrict the vehicle parking on the property.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long

Commissioner Roche commented that the County needs to look at the right-of-way and decide whether to improve it, accept it, or clean it, and Chairman Seel concurred; whereupon, Mr. Woodard indicated that he has put the item on the "to-do" list.

Vote	-	7 - 0
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- #32b Resolution No. 14-68 adopted denying the application of GIB Properties, LLC through Steven A. Williamson, Esquire, Representative, for a change of zoning from E-1, Estate Residential, to IL, Institutional Limited; a change in land use designation from Residential Suburban to Institutional; a Development Agreement for an assisted living facility (ALF) not to exceed 16 feet in height; a variance for parking to allow 20 spaces where 71 are required; and a variance to allow an ALF within 950 feet of another facility where 1,000 feet of separation is required (Z/LU-8-5-14), re 1.6-acre parcel located on

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the southwest corner of Park Boulevard and 128th Street North (street address: 7770 128th Street North) and a portion of a 1.3-acre parcel located on the southeast corner of Park Boulevard and DeLong Way (street address: 7749 DeLong Way) in the unincorporated area of Seminole. The Local Planning Agency recommended approval of the application with an added condition regarding the location of the parking. Eight letters in opposition to the application have been received.

Pointing out that the way the parcel is described on the agenda has caused confusion, Planning Department Zoning Manager John F. Cueva clarified that the land use and zoning change request only applies to the .55-acre parcel; that, if the application is approved, the .55-acre parcel will become part of the parcel containing the existing ALF; and that the combined parcels total 2.15 acres, which is referenced in the Development Agreement as the whole property; whereupon, he pointed out the location of the subject properties and described surrounding land uses, noting that the applicant owns the single-family home south of the subject property, which is not part of the application.

Mr. Cueva discussed the Development Agreement that resulted from comments received at the Local Planning Agency, noting that the restrictions include maximum occupancy of beds, building height, residents' age, facility type, unloading of commercial vehicles, and parking, and discussion ensued.

In response to queries by Commissioner Long, Mr. Cueva indicated that the property to be rezoned is visible from DeLong Way and will be landscaped, as it will become the entrance, and will allow for nine new parking spaces on the property; and that the Code requires 71 parking spaces and the property will contain 11 parking spaces, with additional parking spaces across the street at Winn Dixie. He stated that staff is considering amending the Code, as the Board of Adjustment usually grants variances to decrease the parking spaces in assisted living facilities since the spaces are usually not used.

During discussion regarding the agreement with Winn Dixie, Mr. Cueva noted that staff encouraged the parking agreement in case a parking problem would arise; and that the parking lot at the ALF was never full when staff visited the property.

Following discussion regarding the variance request for a reduction in distance requirements between assisted living facilities and in response to queries by Chairman Seel, Mr. Cueva indicated that the reason the applicant is requesting a change to

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Institutional is that it allows a higher density in bed count; and that the current zoning would only allow three beds per acre.

In response to the Chairman's call for the applicant, Steven A. Williamson, Clearwater, appeared and being duly sworn, indicated that he represents the applicant. Referring to aerial photographs of the facility and in response to queries by Commissioners Long and Roche, he stated that the residence was taken out of the application to appease the surrounding neighbors; and that GIB Properties, LLC owns both the residence and the ALF, but the residence will not become part of the ALF. He stated that the parcel in the application is zoned as one E-1 platted lot; and that the applicant is requesting a change from E-1 to an institutional zoning so that the properties can be legally combined; whereupon, Mr. Williamson explained the request for some of the parking to be located on the grass and presented an overview of the proposed application.

Responding to queries by Commissioner Morroni, Mr. Williamson stated that the Local Planning Agency approved the application with the understanding that the vehicles would face Park Boulevard when parking on the grass, and the residents would be limited to the elderly; and that the Development Agreement provides for additional restrictions, including separation requirements from the other nearby group home facility; whereupon, he indicated that he would submit visitor logs for evidence as to the existing parking use, and discussion ensued regarding DeLong Way.

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:

Barbara Krall, Seminole
Tom Krall, Seminole
Glen Getchell, Seminole
Patty Gaston, Seminole
Susan Koontz, Seminole
Donna Chisholm, Seminole

Mike Ward, Seminole
Michael Mygharbel, Madeira Beach
Michael Lydon, Seminole
Bill Cunningham, Tallahassee
Delane D. Ward, Seminole (Spoke on behalf of
five people in attendance)

Concerns expressed by the objectors included the following:

- Protect and preserve the essential character of the neighborhood.
- Liability of the County regarding parking at Winn Dixie.
- Parking encroachment on the private drive.
- Denial of the request would not present a hardship to the owner.

- No shortages of ALFs in the area.
- Domino effect of zoning approvals.
- Detrimental effect on marketability and value of homes in the neighborhood.
- Commercial encroachment into the neighborhood.
- Lack of parking, including handicapped spaces.
- Last state inspection for the ALF showed 13 violations.
- Would affect the integrity and viability of the neighborhood.
- Parking agreement with Winn Dixie is illegal.
- Safety of ALF patients in relation to Park Boulevard.

Responding to queries by the members, Mr. Cueva indicated that the E-1 parcel is too small for two residences and could not be split into two lots unless the request is approved; and that citizens are still requesting that homes be built on the vacant lots on Park Boulevard, despite the fact that it is a highly traveled road.

During rebuttal and in response to comments and queries raised by the citizens, Mr. Williamson indicated that he is unsure of the report Ms. Ward is referencing, as the most recent inspection report of the ALF reflects no deficiencies; and that the applicant has mitigated the legitimate concerns of the residents with the restrictions imposed in the Development Agreement.

In response to a previous query by Commissioner Long and queries by Chairman Seel, Mr. Williamson, with input by a staff member from the ALF, indicated that one or two staff members park at the Winn Dixie parking lot at Mr. Williamson's request; that there are five to six staff members on the premises throughout the day, which includes the owner; and that many of the staff members use public transportation, walk, or are dropped off by their spouse.

During discussion and in response to queries by Commissioner Welch, Mr. Williamson stated that the existing ALF property was changed from an E-1 zoning to an institutional zoning with a Development Agreement that limited the beds to 34 in 2007; that an amendment to the Development Agreement to increase the beds from 34 to 39 was approved in 2009; that he does not anticipate another request for an increase in beds; and that any increase would have to go before the Board at a public hearing.

Commissioner Welch pointed out that Mr. Cunningham had indicated that the facility use could be changed to a Boley Center or another facility type under the current zoning. Mr. Williamson related that the use could be changed under the existing zoning, but the

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original Development Agreement limits the use to only the elderly; whereupon, Chairman Seel indicated that the Development Agreement is only effective for five years.

Mr. Williamson related that the Code limits the Development Agreement to five years, but statutes allow a 20-year limitation; and that there is, as part of the current packet, a declaration of restrictions that will be recorded in public records to run perpetually that imposes all restrictions in the Development Agreement at the time it was approved in 2007 and can only be changed by an amendment approved by the Board; whereupon, in response to query by Commissioner Long in regard to building the ALF a certain way and then sending a form to the Agency for Health Care Administration (AHCA) to request double occupancy, Mr. Williamson indicated that the County Code and the Development Agreement would prohibit a request to the AHCA for double occupancy.

Discussion ensued concerning the size of E-1 lots compared to the E-1 lots south of 74th Avenue, and the American Disabilities Act and AHCA required parking spaces; whereupon, Commissioner Roche stated that he would not support the application.

Commissioner Justice moved, seconded by Commissioner Morroni, that the item be denied.

Motion	-	Commissioner Justice
Second	-	Commissioner Morroni

In response to query by Chairman Seel as to what could be done with the parcel if the application is denied, Mr. Cueva indicated that a group home could not be opened; and that the house would remain a single-family residence unless a special exception is requested from the Board of Adjustment.

Commissioner Latvala stated that she would support the motion, but expressed her concern, indicating that no one wants an ALF in their neighborhood, but everyone will need one; whereupon, she suggested that a workshop be scheduled to explore the future of these facilities.

Noting that Commissioner Latvala has brought up valid points, Commissioner Morroni commented that he is unsure if this ALF has been a good neighbor, as the whole community opposes the application; and that he will be supporting the denial.

Commissioner Long responded to Commissioner Latvala's concerns, indicating that she would also be interested in having a conversation about assisted living facilities; and that

there are many congregate living facilities in the Seminole communities where the neighborhoods participate in the facilities in a cohesive way; whereupon, Chairman Seel closed the public hearing and called for the vote.

Vote - 7 – 0

Noting that the applicant has amended the ALF and/or property four times already, Chairman Seel expressed her concern regarding incremental progression, or one variance begetting another; and opined that it is unfair and problematic to the neighborhood, and Commissioner Long concurred.

- #32c Resolution No. 14-69 adopted approving the application of 7179 40th Avenue, LLC through Steven A. Williamson, Representative, for a change of zoning from RM-7.5, Residential, Multiple Family, 7.5 units per acre, to IL, Institutional Limited, a Development Agreement, and a parking variance to allow 38 parking spaces where 78 are required; and Ordinance No. 14-35 adopted approving a change in land use designation from Residential Urban to Institutional (Z/LU-14-7-14), re an existing ALF containing approximately 2.55 acres located at 7179 40th Avenue North in the unincorporated area of St. Petersburg. The Local Planning Agency recommended approval of the application with conditions. Two letters in opposition to the application have been received.

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

In response to queries by the members, Mr. Cueva indicated that no new construction has been requested, only an increase in the number of beds from 58 to 78; and that a parking variance has been requested to allow 38 parking spaces where 78 are required; whereupon, he pointed out the location of the parking lots.

No one appeared in response to the Chairman's call for objectors to the application.

Steven A. Williamson, Clearwater, appeared and being duly sworn, indicated that he represents the applicant. In response to queries by Commissioners Roche and Latvala, he displayed photographs of the subject property and confirmed that no new construction has been requested on the property, and discussion ensued.

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Thereupon, Chairman Seel closed the public hearing; whereupon, Commissioner Welch moved, seconded by Commissioner Justice, that the item be approved.

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

#33 Meeting adjourned at 8:18 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk