CALL TO ORDER - 10:00 A.M.

Vice-Chairman Cox called the meeting to order at 10:00 a.m.

INVOCATION
PLEDGE OF ALLEGIANCE

Ms Linda Dillon, Deputy Clerk, gave the Invocation and led the Pledge of Allegiance.

ROLL CALL

Ms. Dillon called the roll. All Commissioners were present except for Chairman Mulieri

Absent - Ms. Linda Dillon, Present
CONSENT AGENDA

Vice-Chairman Cox noted that Consent Agenda items C9, C12, C17, C25, and C33 were pulled from the Consent Agenda, and Agenda item C21 was withdrawn.

COMMISSIONER HILDEBRAND MOVED approval of the Consent Agenda with exception of the noted items; COMMISSIONER MARIANO AND COMMISSIONER SCHRADER SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

COUNTY ADMINISTRATION - TOURISM DEVELOPMENT

C9       Grant Agreement-Florida Sports Foundation-$5,000.00 Grant for Dick's Sporting Goods Tournament of Champions to Offset Sponsorship Costs (GRANT AGREEMENT TO BE DISTRIBUTED)
Memorandum TD10-031
Recommendation: Approve
Comm. Dist. All

Mr. Eric Keaton, Public Communications Manager, gave a brief history of the item and noted that it was the 3rd year that Florida Sports Foundation granted funds to the County to host the Dick’s Sporting Goods Tournament of Champions event. Staff recommended approval of the item.

Ms. Dillon requested that the motion be contingent upon the Clerk’s review.

COMMISSIONER MARIANO MOVED approval contingent upon the Clerk’s review; COMMISSIONER SCHRADER SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.
ENGINEERING SERVICES – PROJECT MANAGEMENT

C12 Change Order No. 4 to Task Order No. EDO06-030-Kisinger Campo & Associates Corp.-Tommytown Neighborhood Target Area (North of Locke Street) Construction Engineering and Inspection Services ($75,037.00)
Memorandum PMA 10-023
Recommendation: Approve
Comm. Dist. 1

Commissioner Schrader explained the reason why he pulled the item and noted that there was damage to 21st Street caused by the installation of underground utilities.

Mr. Widman said the repairs would be completed by the contractor and the resurfacing would be done.

COMMISSIONER SCHRADER MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

DEVELOPMENT SERVICES BRANCH
ENGINEERING SERVICES – REAL ESTATE

C17 Agreement for Sale and Purchase of Interest in Property ($100,891.95)-Darlene R. Cooper-Moon Lake Road, C9528.00, Parcel Nos. 187, 343, and Parent Parcel 223, Sections 08, 17, and 20, Township 25 South, Range 17 East
Memorandum REA10-043
Recommendation: Approve
Comm. Dist. 4

Mr. Dave Edwards, Real Estate Manager, explained that the item had an incorrect closing date on the front page and it should have read January 2010. He noted the change would need to be initialed by the Board and that the Clerk's office had the change.

COMMISSIONER SCHRADER MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Mr. Steinsnyder gave further explanation to the Board regarding their initials because the document had already been signed by the seller.
Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

**ZONING AND SITE DEVELOPMENT DEPARTMENT**

C21 Lien Resolution-Matsangos I. and K. Maris and Hotalene and A. and G. Karis, c/o Elestheria Maris-Property Maintenance Ordinance (Section 42-1), Lien Resolution; BCC 12/15/09, 10:00 a.m., NPR

Memorandum CC10-039
Recommendation: Approve
Comm. Dist. 3

The item was withdrawn by Staff.

**UTILITIES SERVICES BRANCH**

**UTILITIES CONSTRUCTION AND CONTRACT MANAGEMENT**

C25 Task Order No. 4-06, Revision No. 3 ($329,010.00)-Parsons Water and Infrastructure, Inc.-U.S. 41, Tower to Ridge, FDOT 30-Inch Water Main and Utility Adjustments (PCU04-053.00) (TASK ORDER TO BE DISTRIBUTED AT MEETING)

Memorandum UTD10-035
Recommendation: Approve
Comm. Dist. 2

Mr. Bruce Kennedy, Utilities Services Director, gave a brief history of the item and stated it was a revision to the Parsons Contract to oversee the utility adjustments and installation of additional infrastructure along US 41. He noted that it was necessary to terminate the contract with Kearney which resulted in losing the time, effort and benefits for inspecting and completing the work. Some of Kearney’s work had to be redone which added additional costs to the project. The total amount of the amendment was for $329,010.00. Staff recommended approval.

Discussion followed regarding the litigation, surety, and concerns about the change order.

Mr. Gallagher suggested that the Board approve the item contingent upon outside counsel review and the Clerk’s review.

**COMMISSIONER MARIANO MOVED** approval subject to review by outside counsel and the Clerk’s review; **COMMISSIONER HILDEBRAND SECONDED.**
Discussion followed regarding the Task Order revision date under Schedule C; the cost involved; working with the Surety company to seek reimbursement; the issue of delays and associated costs; and DOT concerns.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Later in the meeting Mr. Steinsnyder asked the Board to reconsider this item.

**COMMISSIONER HILDEBRAND MOVED** to reconsider Item C25; **COMMISSIONER SCHRADER SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. Steinsnyder stated that outside counsel had been working with Utilities and recommended that Revision 3 be approved for the amount of $58,025.00 to Parson’s Engineering as outlined in their December 14, 2009, letter to Pasco County Utilities which described the scope of work for the project. The County Attorney’s Office would bring the rest of the proposed Revision back to the Board at the January 12, 2010; meeting after outside counsel has found it to be acceptable to be reimbursed by the Surety.

**COMMISSIONER SCHRADER MOVED** approval: **COMMISSIONER HILDEBRAND SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

**PURCHASING**

C33 Selection of Consultant and Award of Agreement (Facilities Management)-Schneider Electric Buildings Americas, Inc.-for Investment Grade Audit Related to Energy Efficiency and Conservation Block Grant (EECBG) ($183,723.12) (Agreement to Be Distributed)
Memorandum PU10-063
Recommendation: Approve
Comm. Dist. All

Mr. Mike Nurrenbrock, OMB Director, explained the item and noted that it should have been on the Consent Agenda, but Staff had not received the contract in time for the agenda. The documents were distributed to the Board. He continued to explain the
audit and the annual savings from the improvements. Staff recommended approval contingent upon the Clerk’s review.

**COMMISSIONER SCHRADER MOVED** approval contingent upon the Clerk’s review; **COMMISSIONER HILDEBRAND SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

### REGULAR

**COMMISSIONER ITEMS**

**COMMISSIONER MARIANO**

R1 Veterans Second Florida Office-(continued from 12/1/09 BCC)-(TO BE DISTRIBUTED)

Memorandum BCCA10-110

Recommendation: Approve
Comm. Dist. All

Vice-Chairman Cox stated this item was withdrawn.

**CHAIRMAN MULIERI**

R2 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA-Congratulating Jonathan Philip Jeans-On Achieving the Rank of Eagle Scout.

Memorandum CAO10-4834

Recommendation: Approve
Comm. Dist. All

Ms. Dillon read the Resolution into the record.

**COMMISSIONER HILDEBRAND MOVED** adoption; **COMMISSIONER SCHRADER SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Vice-Chairman Cox presented the Resolution to Mr. Jonathan Phillip Jeans.

Mr. Jonathan Phillip Jeans thanked the Board.
COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS

COMMITTEE REPORTS

R3  LDC Stakeholders Committee-Follow Up Report--
    Memorandum PD10-027
    Recommendation: Not Applicable
    Comm. Dist. All

Ms. Cindy Jolly, Development Director, gave a status report on the item. Staff had identified existing Sections of the Code that pertained to policy issues regarding Land Use and Zoning Categories that needed to be discussed by the Board in a workshop. She mentioned that March 23, 2010, was the proposed date for a Board workshop.

Discussion followed regarding the Board’s direction on policy for Zoning and Land Use issues; process issues; technical issues; landscaping issues; variances; and the proper notice for the workshop.

The item was for information only. No action taken.

MISCELLANEOUS MATTERS

R4  Presentation by Mr. Bob Arnett and Mr. Joe Marina-Withlacoochee River Electric Cooperative, Inc.-RE Capital Credit Refund
    Memorandum CA10M-5011
    Recommendation: Not Applicable
    Comm. Dist. All

Mr. Bob Arnett, District Manager of West Pasco WREC, and Mr. Joe Marina, District Manager for East Pasco WREC, presented a check to the Board for $207,300.00 with a letter from Mr. Brown for each of the Board members. Mr. Arnett and Mr. Marina stated that Withlacoochee River Electric Cooperative, Incorporated was proud to refund to their member/owners $14 million dollars.

R5  PUBLIC-COMMENT--
    Memorandum PC10-105
    Recommendation: Not Applicable
    Comm. Dist. All

Vice-Chairman Cox asked for a motion to receive and file documentation for Public Comment.
COMMISSIONER HILDEBRAND MOVED to receive and file; COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Ms. Janet Doughtery, from J.D. Kovach & Associates, Inc., spoke regarding Code Compliance issues with Hays Road Sand Company, LLC. She said they were out of compliance on several issues and that she had been working with Mr. Lee Millard and Ms. Debra Zampetti from Staff. The bottom line was that there was material that had been in a pile for almost 6 years without any processing. She wanted the Board to be made aware of the issues and hopefully Zoning Staff would shut the business down.

Ms. Zampetti said that after she spoke to Ms. Dougherty she sent the Fire Marshal to the location and he had concerns about it. She sent Code Compliance personnel to check the property and there were violations and would bring the issue back before the Board.

LEGISLATIVE/ADMINISTRATIVE COUNTY ADMINISTRATOR

R6 Discussion of-Emergency Procedures-Powers
   Memorandum CA10M-5016
   Recommendation: Not Applicable
   Comm. Dist. All

Mr. Gallagher explained the memorandum to the Board regarding Emergency Procedures/Powers. He requested that his purchasing powers be raised to $100,000.00 and that his duties be modified to include authorization for immediate reaction to an emergency such as a tornado or flooding, and he be allowed to save the private property of County residents.

Discussion followed regarding how local state of emergency declarations were statutory; potential federal and state reimbursements; and the Ordinance regarding the emergency declarations would need to be amended to provide a step down authority.

Mr. Steinsnyder said that the Board needed to direct the County Attorney to make the changes as outlined in the Ordinance.

COMMISSIONER MARIANO MOVED to direct the County Attorney to make the changes as outlined in the Ordinance; COMMISSIONER SCHRADER SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.
DEVELOPMENT SERVICES BRANCH
PERMITS AND DEVELOPMENT INFORMATION SERVICES - BUILDING INSPECTIONS

R7 Request for a Lien Reduction as a Result of a Fine Imposed by the Pasco County Construction Code Enforcement Board-Wells Fargo Bank, NA, Trustee-4370 Craftsberry Drive, New Port Richey, Parcel ID No. 18-26-16-0510-00001-8360
Memorandum DV10-025
Recommendation: Approve
Comm. Dist. 3

Mr. Timothy Moore, Pasco County Building Official, explained the item and requested the Board approve the reduction in the lien amount to $3,000.00. Staff recommended approval of Alternative One.

Mr. Joe Koebel, Remax Real Estate Agent and Wells Fargo Bank representative, agreed with Staff’s recommendation.

COMMISSIONER HILDEBRAND MOVED approval of Staff’s recommendation;
COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

R8 Request for Reduction in Lien as a Result of a Previous Fine Imposed by the Pasco County Construction Code Enforcement Board-Morequity, Inc. (Current Owners)-7322 Belvedere Terrace, New Port Richey, Parcel ID No. 22-26-16-0040-00000-0380
Memorandum DV10-026
Recommendation: Approve
Comm. Dist. 3

Mr. Timothy Moore explained the item and requested the Board approve the reduction in the lien amount of $3,200.00. Staff recommended approval of Alternative One.

Mr. Moore noted that he spoke to the applicant yesterday and stated that they were in agreement with Staff’s recommendation.

COMMISSIONER HILDEBRAND MOVED approval of Staff’s recommendation;
COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.
Mr. Jim Widman, Engineering Services Director, introduced Mr. Domingo Noriega of URS Corporation who gave a brief presentation regarding the Interchange Justification Report (IJR) for the I-75 Overpass Road potential interchange.

Mr. Domingo Noriega, Manager-Traffic Engineering and Planning Group of URS Corporation, stated that he was present to seek the Board’s approval to initiate the IJR. He gave background information of the proposed interchange; noted why the interchange was needed; explained the interchange justification process; explained the PD&E process; and reviewed the cost estimates and schedules.

Discussion continued regarding the possibility of doing the PD&E study simultaneously with the initial study to accelerate the PD&E; the Wildcat Grove application and obtaining right-of-way; if the IJR would give the amount of ROW needed and where; location of the traffic lights at 301 and Kossik Road; the wetlands on the west side of the road; the design of the cloverleaf; the environmental potential impacts; where FDOT and FHWA come into play with the interchange; federal funding for the interchange; and the impacts of the interchange on SR 52 and SR 54.

Mr. Widman asked the Board to approve the item for a lump sum payment of $347,466.00 released in portions as sections are completed.

COMMISSIONER SCHRADER MOVED approval of Staff’s recommendation; COMMISSIONER HILDEBRAND SECONDED.

Commissioner Schrader asked Staff if this interchange would pull dollars from Clinton Avenue, Phase One.

Mr. Widman answered no to Commissioner Schrader’s question.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. Widman stated there would be a brief presentation by Mr. Rick Arico from Kisinger Campo & Associates Corp., regarding County Road 54 project and noted that they have reached the point where the County needed to select pond sites and flood plan mitigation facilities sites.

Mr. Richard Arico, Project Manager of Kisinger Campo & Associates, utilizing a slide presentation, addressed connecting the proposed six lanes section north of SR 56 to the proposed six lanes section north of Magnolia Boulevard; proposed a six lane section to fit within 150 feet of ROW and were consistent with the 2035 draft for the Long Range Transportation Plan; proposed to have seven drainage basins; one basin in Cypress Creek and the remaining six were in Trial Creek; discussed the evaluation matrix where they selected the preferred alternatives and met the long range County planning objectives; and discussed the preferred alternatives were evaluated for safety and environmental impacts as well as costs. He requested that the Board approve Alternative One.

COMMISSIONER SCHRADER MOVED approval of Staff’s recommendation; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

PUBLIC SERVICES BRANCH
EMERGENCY SERVICES

R11 Request for an Electronic Submission of the Staffing for Adequate Fire and Emergency Response (SAFER) Grant-United States Homeland Security-to Fill 33 Firefighter Positions Lost to Attrition
Memorandum ES10-1036
Recommendation: Approve
Comm. Dist. All

Mr. Anthony Lopinto, Emergency Services Director, gave a brief history of the item and further explained how they received a grant that was originally designed to enhance services and was then modified so that the nation's fire departments would be able to rehire firefighters that were laid off. Chief Lopinto had requested 33 positions with the grant and noted what it would cost the County if they did not have the grant. He recommended approval of Alternative One and requested to be given the authority to electronically file their application on or before December 18, 2009.

Discussion followed regarding application for funding for capital costs for fire stations; the stimulus grant versus the modified grant; salaries and expansion; savings on
overtime expenses; preparation for shortages for overtime and sick time; grants would be awarded by September of next year; would only hire personnel when the grant was awarded; another cycle for the SAFER grant for 2010; two phases of the approval process; discussion of the Sheriff’s grant; and financial stability.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

UTILITIES SERVICES BRANCH
UTILITIES CONSTRUCTION AND CONTRACT MANAGEMENT

Memorandum UTD10-178
Recommendation: Approve
Comm. Dist. 2

Mr. Bruce Kennedy, Utilities Services Director, gave a brief explanation of the item. Staff requested that the bidding process be waived and award the contract to Ripa and Associates, LLC.

COMMISSIONER SCHRADER MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF MANAGEMENT AND BUDGET

R13 COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS-Board of County Commissioners-County Administrator-County Attorney
Memorandum BCCA10-111
Recommendation: Not Applicable
Comm. Dist. All
DISTRICT ONE – COMMISSIONER SCHRADER

Commissioner Schrader wished everyone a Happy and Safe Holiday without any freezes, tornadoes or any no-named storms.

Commissioner Schrader brought up for discussion the Ridge Road Extension funding dilemma. He asked if it would be appropriate for the County Administrator to prepare a letter to be sent to Mr. Slater Bayless and his firm outlining the dilemma; what they were told; some assurances; and to begin dialog with the Turnpike Authority and any elected officials that were in the position to make decisions.

The Board discussed the issue and agreed to have the County Administrator write a letter and to also send it to the Legislative Delegation.

Commissioner Schrader discussed the Sportsplex and wanted his concerns and questions to be added as a follow-up to the issues he raised. He briefed the Board on the topics he wanted to discuss at the January meeting: the lack of available information regarding off-site development costs for the property; the business model that the Berghoff family demonstrated to them regarding the heads in beds and people coming to Pasco County; the site selection based on the costs; the Board to consider the Trinity Site to become the site selected; to identify a 2nd site in East Pasco County and felt that Wiregrass maybe the appropriate 2nd site; ask the Berghoff’s to discontinue discussion with Manatee County if Pasco was prepared to commit to them; additional sales tax on tourist tax dollars; and other funding opportunities.

Discussion followed regarding the top three sites being Trinity, Starkey and Wiregrass; Manatee County’s interest in having the Berghoff’s building a site; area demographics and density; a willingness to commit to the Berghoff’s; site selection; expansion of a 2nd site; surrounding counties wanting a sports complex; percentage of profits; entitlements for hotel accommodations; transportation improvements; economic impact of 2.8 million dollars; and the number of fields for tournaments.

Mr. Gallagher stated that Mr. Eric Keaton had prepared a Question and Answer handout regarding the Pasco County Multipurpose Sports Complex and if the Board wanted something added to let Ms. Baker know.

DISTRICT TWO – CHAIRMAN MULIERI

Chairman Mulieri was absent.
DISTRICT THREE – COMMISSIONER HILDEBRAND

Commissioner Hildebrand gave an update regarding the TBARTA meeting she attended and stated the Resolution was on the agenda. TBARTA decided to postpone the Resolution until the January meeting because it was not going to be a unanimous vote. TBARTA felt Pasco County was asking them to be taxed and did not know if they would ever be taxed for any transportation events. She wanted to be able to present it to the Legislative Delegation and noted that the non-chartered counties needed to have that piece of action in place.

DISTRICT FOUR – COMMISSIONER COX

Vice-Chairman Cox stated he had a request to appoint Mr. Rob Ages to the Pasco/Hernando Job’s Education Partnership Regional Board to be Superintendent Forentino’s representation and to be given voting capacity.

COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER SCHRADER SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

DISTRICT FIVE – COMMISSIONER MARIANO

Commissioner Mariano wanted to add another item regarding the Sportsplex. He wanted Mr. Eric Keaton to continue to do more research and to reach out to the Florida Sports Foundation regarding what Sunshine Tournaments they expected for nationwide tournaments in Pasco County. He stated he would like a response back from Florida Sports Foundation.

COUNTY ADMINISTRATOR

Mr. Gallagher asked to revisit an item regarding scheduling a Public Hearing on the Tourist Development Tax and the extra Penny on January 12th and noted that it was not advertised. He thought the Board should review it after the Sportsplex discussion because it was all part of the plan and was the Statute to justify the extra money. He recommended the Board postpone that discussion to the first meeting in February.
COUNTY ATTORNEY

Mr. Steinsnyder gave an update on the hearing regarding Kearney. The hearing was continued and scheduled for another hearing on December 17th before the Bankruptcy Judge to determine if Kearny could proceed with its Chapter 11 filing or convert to Chapter 7 liquidation. The County’s motion for relief would be better taken after that decision was made. The County Attorney’s Office decided not to oppose Kearney’s motion to continue the hearing. The County Attorney’s Office had placed Kearney on notice and they were given 96 hours to remove the debris from the site.

Discussion followed regarding when construction could begin again; the Board’s schedule to take action on any items; and the Board to call a Special Emergency Meeting if needed.

Mr. Steinsnyder mentioned that there were several different lawsuits pending throughout the states on local governments going after the online booking agents for their Tourist Development Tax. He gave examples of different cases. He asked if the Board wanted his office to research those lawsuits to see if the County wanted to be involved with them.

Ms. Elizabeth Blair, Senior Assistant County Attorney, explained the General Attorney’s lawsuit cases which came under the Florida Deceptive and Unfair Trade Practices Act. She noted how General Attorney only sought to obtain a declaration that the online travel companies have violated the act and that there were no monies for Pasco County to be had. She explained that there were three routes the County could take in regard to the lawsuits.

Vice-Chairman Cox said that this was a bigger issue then what he thought and asked the County Attorney’s Office to place it on a future agenda.

CLERK TO THE BOARD

No items.

NOTED ITEMS
AGENDAS/MINUTES

Agenda items R14 through R25 were noted.
THE BOARD RECESSED AT 11:59 A.M. AND RECONVEnED AT 1:29 P.M. ALL BOARD MEMBERS WERE PRESENT.

PUBLIC HEARINGS

PUBLIC HEARINGS AT 1.30 PM

P1 Annual Update of the Capital Improvements Element and Schedule-Fiscal Years 2010-14-BCC 12/15/09, 1:30 p.m., NPR Memorandum PGM10-08 Recommendation: Continuance Requested Comm. Dist. All

Ms. Dillon, Deputy Clerk, noted proof of publication.

Vice-Chairman Cox noted that Staff requested the item be continued to January 12, 2009, 1:30 p.m., Dade City.

COMMISSIONER SCHRADER MOVED to continue the item to January 12, 2009 in Dade City; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

P2 LPA Development Agreement-Mathetes, LLC-(Continued from 11/17/09 BCC) Memorandum ZN10-3 Recommendation: Approve Comm. Dist. 2

Ms. Dillon noted the proof of publication.

Ms. Debra Zampetti, Zoning/Code Compliance Administrator, read the item into the record and gave a brief explanation. Staff recommended Board approval sitting as the LPA.

Ms. Shelly Johnson, representative for the applicant, was in agreement with Staff’s recommendation.

There was no public comment.
SITTING AS THE LPA, COMMISSIONER SCHRADER MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

REZONINGS

Ms. Dillon noted proof of publication.

Mr. Steinsnyder read the procedures that would be followed.

Ms. Dillon swore in those who planned to present testimony.

Ms. Debra Zampetti, Zoning/Code Compliance Administrator, listed the Consent Agenda.

COMMISSIONER HILDEBRAND MOVED approval of the Consent Agenda; COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

P3 ZONING PETITION (Regular)-Mathetes, LLC-Located on the South Side of Pasco-Hernando County Line Road, Approximately 1-1/2 Miles West of the Suncoast Parkway; Section 04, Township 24 South, Range 18 East Memorandum ZN10-6875 Recommendation: Approve Comm. Dist. 2

Ms. Dillon noted proof of publication.

Ms. Zampetti requested the item be continued to January 26, 2010.

COMMISSIONER MARIANO MOVED approval to continue the item to January 26, 2010; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.
Ms. Dillon noted proof of publication.

Ms. Zampetti read the item into the record. Staff recommended approval with conditions.

Mr. Kent Reynolds, representative for the applicant, was in agreement with Staff’s recommendation.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

The item was approved on the Consent Agenda.

P6 ZONING PETITION (Consent)-Hidden Ridge, LLC, and Hidden Ridge Land Company, LLC-Request to Rezone from an R-4 High Density Residential District to a C-2 General Commercial District; Section 29, Township 25 South, Range 17 East
Memorandum ZN10-6856
Recommendation: Approve
Comm. Dist. 4

The item was approved on the Consent Agenda.

P7  ZONING PETITION (Consent)-Bass Lake Plaza, Inc./Pasco Food Store-
Conditional Use Request for the Sale of Alcoholic Beverages (2-APS) in
Conjunction with the Operation of a Convenience Store in a C-2 General
Commercial District; Location: Section 25, Township 25 South, Range 16 East
Memorandum ZN10-CU14
Recommendation: Approval with conditions
Comm. Dist. 4

The item was approved on the Consent Agenda.

P8  ZONING PETITION (Regular)-Lowe Family, Ltd./Hudson Antiques and Red Barn
Auction House-Conditional Use Request for an Indoor Auction House in a C-2
General Commercial District; Section 34, Township 24 South, Range 16 East
Memorandum ZN10-CU12
Recommendation: Approval with conditions
Comm. Dist. 5

Ms. Dillon noted proof of publication.

Ms. Zampetti read the item into the record. Staff recommended approval with
conditions.

Mr. Matt Shinsky, representative for the applicant, was in agreement with Staff's
recommendation.

There was no public comment.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER HILDEBRAND
SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion
carried.

P9  CPAL09-01(03) Large-Scale Comprehensive Plan Map Amendment Mitchell-
Location: West Side of U.S. 41, Approximately Midway between S.R. 52 and
County Line Road-from AG/R and RES-1 to RES-3, OFF, IL, and CON
Memorandum PGM10-39
Recommendation: Withdraw
Comm. Dist. 2

Ms. Dillon noted proof of publication.

Staff requested the item be withdrawn. It would be and brought back to a future meeting in 2010.

P10 CPAS09-(13) Small-Scale Comprehensive Plan Amendment-Daniel H. Bender-from RES-6 (Residential - 6 du/ga) to COM (Commercial); Location: Little Road, Just North of Ridge Road, Northeast and Southeast Corners of Little Road and Adonis Road Intersection
Memorandum PGM10-14
Recommendation: Approve
Comm. Dist. 4

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended adoption by a roll call vote.

Mr. Roland Dove, representative for the applicant, was in agreement with Staff’s recommendation.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED adoption; COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the motion was unanimous and the motion carried.

Ms. Dillon called the roll; the vote carried unanimously by a roll call vote with Chairman Mulieri absent.

P11 CPAL09-1(22) Large-Scale Comprehensive Plan Amendment Legacy-Applicant: Behnke Land Trust Number One-from RES-3 (Residential-3 du/ ga) to PD (Planned Development) and CON (Conservation Lands), Located North of and Abutting S.R. 54, East of Gunn Highway, and Approximately One Mile West of Suncoast Parkway; BCC 12/15/09, 1:30 p.m., NPR
Memorandum PGM10-21
Recommendation: Approve
Agenda Items P11, P12, and P13 were heard together.

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended adoption by roll call vote.

There was no public comment.

**COMMISSIONER HILDEBRAND MOVED** approval of Staff’s recommendation; **COMMISSIONER MARIANO SECONDED.**

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Chairman Mulieri absent.

P12  **ZONING PETITION (Regular)-Behnke Land Trust Number One/Legacy MPUD-Rezoning Request from an MPUD Master Planned Unit Development District Amendment and Settlement Agreement, Located on the East and West Sides of Pasco Road, Approximately 1,350 Feet North of S.R. 52, Sections 04, 05, 08, and 09, Township 25 South, Range 20 East Memorandum ZN10-6668 Recommendation: Approval with conditions**  

Comm. Dist. 3

Agenda Items P11, P12, and P13 were heard together.

Ms. Dillon noted proof of publication.

Ms. Zampetti read the item into the record. Staff recommended approval with conditions.

Mr. Dave Smolker, the representative for the applicant, said he was in agreement with Staff’s recommendation, but asked to read into the record two modifications.

**COMMISSIONER HILDEBRAND MOVED** to receive and file documents from Mr. Smolker; **COMMISSIONER MARIANO SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. Smolker said the two changes were to modify Condition Number 50 to read “Minimum lot width, lot area and lot setbacks may be reduced below the minimum
standards set forth above provided that the lot and unit configuration and the design of the single-family units proposed for such development are approved by the Zoning Administrator” and then “Minimum side yard setbacks may be reduced to 5 feet where there is a TND design or as otherwise approved by the Zoning Administrator.” The next proposed change was to modify Condition Number 54 to read “If the County adopts generally applicable Transit Oriented Development requirements for the S.R. 54 corridor, such design standards shall supersede the design standards set forth above with respect to any preliminary plans/preliminary site plans not previously approved as of the effective date of such design standards; provided, however, that such adoption shall not require compliance with existing Article 800 of the Land Development Code; except as provided in Condition 50.” He noted that both items were agreed to by Staff.

Discussion followed regarding the language that was lined out of the applicants' document “developed as TND, in accordance with County regulations”; conditions of approval; rigid TND standards; should be directed to the DRC and not go to public hearing; and the design professionals should work on the TND.

Mr. Smolker noted that he spoke to his client and had agreed that the language in Condition 50 be amended to add, “that it would go to the DRC.”

Vice-Chairman Cox stated that in Condition 50 they would strike out where it said the “Zoning Administrator” and be changed to read the “Development Review Committee.”

Discussion followed regarding the item be advertised as a hearing; the recommendations of ULI; the intent of an advertised meeting; zoning standards; whatever happened to DRC as a body; delegate a different body than DRC; how the Development Order worked; TND Standards; capped at 590 residential single detached units; the first 360 conventional and if it went above that it would have to be TND; and the transition order design standards concept plan.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED approval with the recommendation that the item would go to DRC in the event it was necessary for Condition Number 50; COMMISSIONER SCHRADER SECONDED.

Vice-Chairman Cox asked if the motion was to encompass the proposed changes to Conditions 50 and 54 as amended by the applicant and then amended by Commissioner Schrader.

The Board agreed.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried with Commissioner Mulieri absent.
P13 Development Agreement Relating to Behnke Land Trust Number One/Legacy MPUD-Claim for Relief-Pursuant to Section 70.51, Florida Statutes Memorandum CAO10-3205
Recommendation: Approve
Comm. Dist. 3

Agenda Items P11, P12, and P13 were heard together.

Ms. Dillon noted proof of publication.

Mr. David Goldstein, Chief Assistant County Attorney, read the item into the record. Staff recommended approval subject to the approval of the Planning Amendment and the MPUD Rezoning, and any changes made in the Rezoning that would necessitate changes to the Development Agreement.

COMMISSIONER HILDEBRAND MOVED approval of Staff’s recommendation; COMMISSIONER SCHRADER SECONDED.

Mr. Goldstein informed the Board that the motion needed to include the same changes as in item P12.

COMMISSIONER HILDEBRAND amended her motion to encompass the proposed changes to Conditions 50 and 54 as amended by the applicant and then amended by Commissioner Schrader; COMMISSIONER MARIANO SECONDED.

Discussion followed regarding on street parking; traditional neighborhood design which allowed for garages to be shifted back which allowed the vehicles to be parked in; to address the parking situation; needs to be revisited as part of P12; not to allow the road ROW to be reduced before the standard roads ROW at 52; and not reducing that below 25 feet for the front setback.

Vice-Chairman Cox called on the amended motion; the vote was unanimous and the motion carried.

P14 CPAL09-1(04b) Large-Scale Comprehensive Plan Map Amendment Harvey/Madison-South Side of S.R. 54, East of Madison Street-from RES-6 to RES-12, RES-24, COM, and IL (ATTACHMENTS TO BE DISTRIBUTED) Memorandum PGM10-40 Recommendation: Approve Comm. Dist. 3

Ms. Dillon noted proof of publication.
Ms. Carol Clarke read the item into the record. She explained there was a revision which was given to the Clerk that split sub-area policy C into two so that the limitation on 50 dwelling units single-family detached was clear. She noted that the issues that had risen were environmental because of the location near the Anclote River. The amendments to the proposal were because of that concern. She also addressed the wetland and spring outflow and proposed an amendment to the sub-area policy to make it clear that the area designated CON may increase once jurisdictional studies have been done. Staff recommended adoption by roll call vote.

Ms. Barbara Wilhite, the representative for the applicant, asked the Board to adopt the Amendment and that she reserved their time for rebuttal.

There was no public comment.

Commissioner Mariano stated he had met with the applicant and requested Ms. Clarke address Conditions K, L and M.

Ms. Clarke distributed a handout addressing concerns on Potential Subarea Policy Additions. She explained the issue that was raised to protect the river resources and capitalize on some recreational opportunities. She explained Conditions K, L and M regarding future land use for a neighborhood park.

Discussion followed regarding neighborhood parks; recreational needs of the residents within the community; a public access park; non-profit group to run the park; concept proposed revolving acquisition; a possible canoe launch connection; the item had been changed in the last four hours; and a historical flooded area.

Ms. Wilhite stated that Mr. Helie wanted to present to the Board some context about the inclusion of the three items K, L and M.

Mr. King Helie, representative for the applicant, stated he would like to distribute a handout to the Board.

**COMMISSIONER HILDEBRAND MOVED** to receive and file; **COMMISSIONER SCHRADER SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. Helie said that the proposed document gave reasons why the 63 acres should come under public ownership called Harvey Springs Preserve.

Ms. Wilhite objected to the Subarea Policies K, L and M because of the timing and the way it was presented, but ultimately because they were not necessary or appropriate. She gave a list of specific reasons. She requested the Board approve Staff’s recommendation without the unnecessary and inappropriate Subarea Policies.
Discussion followed regarding the applicant working with Staff regarding the issues of K, L and M; the appropriateness of being in Subarea Policies of the Comp Plan; a public access for a kayak launch; a public/private partnership; the non-profit group consisting of four people at the same address; and the potential for a group who would have resources to move something forward.

COMMISSIONER HILDEBRAND MOVED approval of Staff’s recommendation; COMMISSIONER MARIANO SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P15 CPAL09-1(07) Conservation Element-and CPAL09-1(13) Critical Linkages-BCC Adoption and Transmittal to the Florida Department of Community Affairs Memorandum PGM10-46 Recommendation: Approve Comm. Dist. All

Ms. Carol Clarke read the item into the record. She noted that there was parallel Critical Linkage language in the Transportation Element dealing with those portions of the Critical Linkage in regard to what was done with roadways. Staff recommended approval by a roll call vote.

Mr. Cody McBride, a Spring Hill resident, stated he was still opposed to the Critical Linkage because the County was taking a large portion of his land and he was not compensated for it.

Mr. Jerry Figurski, attorney for Angelo’s Aggregate Materials, LTD., Stony Point Limited Partnership, Angela Iafrate Construction Company and Angelo’s Aggregate Materials, LLC d/b/a Angelo’s Recycled Materials, stated that he did not object to the item at prior hearings, but in rereading the various Comp Plan Amendments, specifically Section 1.6.17 Aquifer Recharge, he objected to them now. He requested that his written comments be distributed and made part of the record.

COMMISSIONER SCHRADER MOVED to receive and file comments from Mr. Figurski; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. King Helie commented on the Critical Linkages draft Ordinance that was brought to the Stakeholder’s Committee which he was member of. He said that the variance
procedures would not work and the Ordinance needed to be tweaked through an MPUD to allow some flexibility for the Board.

Mr. Mac Davis, representative and Trustee of the Gulfcoast Conservancy, felt that the County’s insistence on removing the protection of Court mandated Wildlife Corridors from the Comprehensive Plan and leaving them subject to action of the BCC would result in the need to redraft and reinforce these protections. A plan they had been waiting for since 45 days after Sept 6, 2000, was still not in place 9 ½ years later.

Mr. Jim McBride, a Spring Hill resident, was concerned about the 2,200 feet for the Critical Linkage and the white tail deer in Florida. He requested the Board listen to the property owners regarding the issue of 2,200 feet which was in excess of what it should be.

COMMISSIONER SCHRADER MOVED approval of Staff’s recommendation; COMMISSIONER HILDEBRAND SECONDED.

Commissioner Mariano asked for more discussion on the variance procedure; rewriting the Land Development Code; going forward for small land owners being victims; ongoing dialog with property owners; Staff was exploring another alternative to keep them out of the variance box including analysis/criteria; procedures for property owners so as not to penalize them with fees for hearings; and the discussion that was held did not apply to the Ordinance.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P16 CPAL09-1(12) Staff Initiated Comprehensive Plan Text Amendments- Public/Semi Public Uses-BCC Adoption and Transmittal to the Florida Department of Community Affairs Memorandum PGM10-45 Recommendation: Approve Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. She noted the objection of FDCA regarding the language that Mr. Figurski raised about the high volume Aquifer Recharge area. She said that it was existing language in the plan policy and Staff was moving it to a different location. Staff recommended approval by a roll call vote.

Mr. Jerry Figurski, attorney for Angelo’s Aggregate Materials, LTD., Stony Point Limited Partnership, Angela Iafrate Construction Company and Angelo’s Aggregate Materials, LLC d/b/a Angelo’s Recycled Materials, said that his clients would be affected adversely
by these proposed Comp Plan amendments. He submitted his original detailed objections at the BCC meeting on August 25, 2009, under Item P10 and adopted those comments herein. He noted the objection of the FDCA to the public/semi public amendment based on the lack of meaningful guidelines and said he did not agree with Staff’s recommendations.

There was no public comment.

COMMISSIONER SCHRAIDER MOVED approval of Staff’s recommendation; COMMISSIONER HILDEBRAND SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P17 CPAL09-1(10) Staff Initiated Comprehensive Plan Text Amendments, FLU 1.10 Compatibility-Future Land Use Element-BCC, 1:30 p.m., NPR
Memorandum PGM10-51
Recommendation: Approve
Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. She noted that there was no objection from DCA. Staff recommended approval by a roll call vote.

Mr. Jerry Figurski, attorney for Angelo’s Aggregate Materials, LTD., Stony Point Limited Partnership, Angela Iafrate Construction Company and Angelo’s Aggregate Materials, LLC d/b/a Angelo’s Recycled Materials, said that his clients would be affected adversely by these proposed Comp Plan amendments. He submitted his original detailed objections at the BCC meeting on August 25, 2009, under Item P10 and adopted those comments herein.

There was no public comment.

COMMISSIONER SCHRAIDER MOVED approval of Staff’s recommendation; COMMISSIONER HILDEBRAND SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P18 CPAL09-01(17) Staff Initiated Comprehensive Plan Text Amendments-Public Schools Facility and Future Land Use-BCC 12/15/09, 1:30 p.m., NPR
Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

**COMMISSIONER HILDEBRAND MOVED** adoption; **COMMISSIONER MARIANO SECONDED.**

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

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**P19** CPAL09-1(19) Staff Initiated Comprehensive Plan Text Amendments, IL and IH FLU Revision-Future Land Use Appendix-BCC, 1:30 p.m., NPR

Memorandum PGM10-53
Recommendation: Approve
Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

**COMMISSIONER HILDEBRAND MOVED** approval; **COMMISSIONER MARIANO SECONDED.**

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

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**P20** CPAL09-1(05) Staff Initiated Comprehensive Plan Map Amendments-Comprehensive Plan Map Series-BCC Adoption and Transmittal to the Florida Department of Community Affairs

Memorandum PGM10-41
Recommendation: Approve
Comm. Dist. All
Ms. Dillon noted proof of publication.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P21 CPAL09-1(11) Staff Initiated Comprehensive Plan Text Amendments-Future Land Use and Coastal Management Elements-BCC Adoption and Transmittal to the Florida Department of Community Affairs Memorandum PGM10-44 Recommendation: Approve Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P22 CPAL09-1(18) Staff Initiated Comprehensive Plan Text Amendments-Glossary-BCC Adoption and Transmittal to Florida Department of Community Affairs Memorandum PGM10-47 Recommendation: Approve Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.
COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P23 CPAL09-1(08) Staff Initiated Comprehensive Plan Text Amendments-Housing Element-BCC Adoption and Transmittal to the Florida Department of Community Affairs
Memorandum PGM10-43
Recommendation: Approve
Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P24 CPAL09-1(09) Staff Initiated Comprehensive Plan Text Amendments EC FLU Mix-of-Use Exceptions for Small Project-Future Land Use Element Appendix-BCC, 1:30 p.m., NPR
Memorandum PGM10-50
Recommendation: Approve
Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER SCHRADER SECONDED.
Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P25 CPAL09-1(06) Staff Initiated Comprehensive Plan Text Amendments-Administration Element-Board of County Commissioners Adoption and Transmittal to the Florida Department of Community Affairs
Memorandum PGM10-42
Recommendation: Approve
Comm. Dist. All

Ms. Dillon noted proof of publication.
Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

P26 CPAL09-1(20) Staff Initiated Comprehensive Plan Text Amendments, Corridor Preservation Tables Revision-Transportation Element-BCC, 1:30 p.m., NPR Memorandum PGM10-54
Recommendation: Approve
Comm. Dist. All

Ms. Dillon noted proof of publication.
Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.
Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.

Ms. Dillon noted proof of publication.

Ms. Carol Clarke read the item into the record. An objection from DCA was received because Staff did not specify what the uses were in Cross Park and has since been corrected. Staff recommended approval by a roll call vote.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED approval; COMMISSIONER SCHRADER SECONDED.

Ms. Dillon called the roll; the motion carried unanimously by a roll call vote with Commissioner Mulieri absent.
Ms. Dillon noted proof of publication.

Ms. Zampetti read the item into the record. Staff recommended approval with conditions.

Mr. Joel Tew, the representative for the applicant, stated he had one correction and asked to distribute the document to the Board.

COMMISSIONER MARIANO MOVED to receive and file the document from Mr. Tew; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. Tew explained the correction. The Day Care Center was improperly located and needed to be deleted from retail and added under supporting use for office/employment uses per the EC nomenclature. Other than this correction his client was in agreement with all of the conditions stated by Staff.

There was no public comment.

COMMISSIONER MARIANO MOVED approval; COMMISSIONER HILDEBRAND AND COMMISSIONER SCHRADER SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.
Mr. Richard Gehring, Growth Management Administrator, explained the item and recommended approval.

Ms. Georgianne Ratliff, the applicant’s representative, agreed with Staff’s recommendation.

Mr. Peter Hansel, a resident of Wesley Chapel, spoke in favor of the item.

Mr. Steve Grossenbacher asked to distribute a handout to the Board.

**COMMISSIONER MARIANO MOVED** to receive and file the document from Mr. Grossenbacher; **COMMISSIONER SCHRADE SECONDED.**

Vice-Chairman called on the motion; the vote was unanimous and the motion carried.

Mr. Grossenbacher, a resident of Wesley Chapel, spoke in favor of the item.

Ms. Karen Hansel, a resident of Wesley Chapel, spoke in favor of the item.

**COMMISSIONER HILDEBRAND MOVED** approval; **COMMISSIONER MARIANO SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

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P31 Cypress Creek Town Center Development of Regional Impact Development Agreement Amendment-Pasco 54, Ltd.; Pasco Ranch, Inc.; and Pasco Properties of Tampa Bay, Inc.-South Central Area of Pasco County, Just West of I-75, between I-75 and Wesley Chapel Boulevard, Spanning North and South of S.R. 56
Memorandum PGM10-27
Recommendation: Approve
Comm. Dist. 2

Ms. Dillon noted proof of publication.

Mr. Richard Gehring explained the item and recommended approval.

Ms. Georgianne Ratliff, the applicant’s representative, agreed with Staff’s recommendation.

There was no public comment.
COMMISSIONER SCHRADER MOVED approval; COMMISSIONER MARIANO SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

P32 Vacation of Alleys and Portions of Right-of-Way-JSK Partnership, LLP-The Lyon Company's Subdivision, S.R. 54 and Gunn Highway/Section 27, Township 26 South, Range 17 East/Vacation of Right-of-Way
Memorandum REA10-047
Recommendation: Approve
Comm. Dist. 3

Ms. Dillon noted proof of publication.

Mr. Dave Edwards, Real Estate Manager, read the item into the record and gave a brief explanation using the overhead projector. Staff recommended approval with conditions.

Mr. Michael Horner, the applicant’s representative, agreed with Staff’s recommendations.

There was no public comment.

COMMISSIONER SCHRADER MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

P33 Vacation of Portion of Alley and Right-of-Way-Daniel L. and Rebekah J. Pitts, Robert D. and Susan K. Nelson, and Rodger B. King-Griffin Park, Section 12, Township 25 South, Range 16 East, REV09-007/Vacation of Canton Avenue and Alleyway
Memorandum REA10-048
Recommendation: Approve
Comm. Dist. 5

Ms. Dillon noted proof of publication.

Mr. Dave Edwards read the item into the record and gave a brief explanation using the overhead projector. Staff recommended approval of the request to vacate the 10 foot alley, Exhibit A and recommend the denial of the request to vacate Canton Avenue, Exhibit B.
Commissioner Mariano noted for the record he had met with the applicant.

Mr. Dan Pitts, applicant, stated he had handouts to distribute to the Board.

**COMMISSIONER MARIANO MOVED** to receive and file the handouts from Mr. Pitts; **COMMISSIONER SCHRADER SECONDED.**

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

Mr. Pitts referenced the pictures in the handout and stated that Canton Avenue had never been used as a public roadway; had never been improved or maintained by Pasco County, had never been a community access road; has a commercial site with parked cars, repaired vehicles for sale, dumpsters, and lawnmowers; there was a blue metal building permitted and was within 15 feet of the roadway and not in compliance; and no curb cut for Canton Avenue. Under Tab 6 there was an e-mail from Mr. Edwards’ office stating the County had completed their review of the process and recommended approval of the vacation of Canton ROW. The last page was the Resolution drafted by Staff and given to him stating there were no objections and recommended approval of Canton Avenue. He was asked by Staff to bring in a check for $325.00 before the ads were run. He was never contacted about the changes made today and said it was unacceptable.

Mr. Gallagher, County Administrator, said that the issue was brought to him by the County Attorney’s office and Mr. Edwards. He questioned them as to why they were vacating something that gave them access to SR 52.

Mr. Steinsnyder said the vacation made no sense and recommended not to vacate.

Discussion followed by Staff, the Board and Mr. Pitts regarding FDOT; SR 52; the cross access of Canton Avenue; changed the median; FDOT’s intent was to use Ogalala as a reverse frontage road; rebuild the median from Chicago to Canton Avenue; school traffic to be funneled; the notice from Mr. Edwards office to utilize the 50 foot ROW for parking; eliminate the 35 foot setback requirements; conflicting reports from the Real Estate office and the County Attorney’s Office; a solution was to keep the easement on the property and not the ROW; drainage inlets; developing grid systems; protecting the grid system; never be able to have ingress and egress or access points; access to SR 52; information was provided to the County from the applicant; perpetual easement language; would require a special construction to build a driveway; adjustments for the curve and inlet would be difficult; a DOT controlled ROW; to vacate the portion to eliminate access to SR 52; and the added expense.

Mr. Bob Krane, a resident of Lutz, spoke in regard to the postponement to the January meeting and wanted support and communication from Pasco County Staff.
COMMISSIONER MARIANO MOVED to continue this item to January 12, 2010, at 1:30 p.m. in Dade City; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

P34 Creation of a Streetlight Service Area (Annual Charges of $30,599.16)-Withlacoochee River Electric Cooperative, Inc.-Westbrook Estates; BCC 12/15/09, 1:30 p.m., NPR Memorandum UTFSSP10-084 Recommendation: Approve Comm. Dist. 2

Ms. Dillon noted proof of publication.

Mr. Bruce Kennedy, Utilities Services Director, read the item into the record and gave a brief explanation. Staff recommended approval after public hearing.

There was no public comment.

COMMISSIONER SCHRADER MOVED approval; COMMISSIONER HILDEBRAND SECONDED.

Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

P35 2010 Non-De Minimis Roadway List-BCC-LDC 402.5.C.2 Requires the BCC to Adopt Annually for Purposes of De Minimis Determination under the Concurrency Ordinance Memorandum ZN10-50 Recommendation: Approve Comm. Dist. All

Ms. Dillon noted proof of publication.

Ms. Zampetti read the item into the record. Staff recommended adoption after public comment.

There was no public comment.

COMMISSIONER HILDEBRAND MOVED adoption; COMMISSIONER SCHRADER SECONDED.
Vice-Chairman Cox called on the motion; the vote was unanimous and the motion carried.

**ADJOURN**
P36  -----  
Memorandum ADJ10-105  
Recommendation: Not Applicable  
Comm. Dist. All  

The meeting adjourned at 4:24 p.m.