

**BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY, FLORIDA
REGULAR MEETING/REZONINGS**

ANNOTATED MINUTES

**THE MINUTES WERE PREPARED
IN AGENDA ORDER AS PUBLISHED
AND NOT IN THE ORDER IN WHICH
THE ITEMS WERE HEARD**

MARCH 22, 2011

**West Pasco Government Center, Board Room
7530 Little Road, New Port Richey, FL 34654**

County Commissioners	Chairman Ann Hildebrand, District 3 Vice-Chairman Ted Schrader, District 1 Pat Mulieri, Ed.D., District 2 Henry Wilson, District 4 Jack Mariano, District 5
County Administrator	John J. Gallagher
County Attorney	Jeffrey N. Steinsnyder
Clerk to the Board	Paula S. O'Neil, Ph.D.

CALL TO ORDER

Chairman Hildebrand called the meeting to order at 10:03 a.m.

**INVOCATION
PLEDGE OF ALLEGIANCE**

Dr. O'Neil gave the invocation and led the Pledge of Allegiance to the Flag.

ROLL CALL

Dr. O'Neil called the roll. All Board members were present.

CONSENT

Chairman Hildebrand noted Agenda items C38 and C12 were pulled from the agenda.

COMMISSIONER MULIERI moved approval of the Consent Agenda with exception of the noted items; **COMMISSIONER WILSON SECONDED.**

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

ENGINEERING SERVICES - REAL ESTATE

C12 Real Estate Appraisal Task Order No. RET11-001 (\$57,700.00) - Durrance & Associates, P.A. - Clinton Avenue, C3216.30
Memorandum REA11-073
Recommendation: Approve
Comm. Dist. 4

Mr. Gallagher noted a correction to the District number from 4 to District 1.

COMMISSIONER SCHRADER MOVED approval with corrections; **COMMISSIONER WILSON SECONDED.**

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

PURCHASING

C38 Selection and Request to Negotiate an Agreement (Emergency Services/Facilities Management) - Fleischman Garcia - for Professional Architectural Services Related to Design of Fire Stations Throughout the County
Memorandum PU11-106
Recommendation: Approve
Comm. Dist. All

Commissioner Wilson asked Mr. Stromer to explain the item.

Mr. Scott Stromer, Purchasing Director, explained that the committee reviewed the presentations of the qualified firms, only one being local. After the presentations were given, the Committee saw innovative ideas as well as money saving solutions, and were pleased with the results of their selection.

COMMISSIONER WILSON MOVED approval; **COMMISSIONER SCHRADER SECONDED.**

Discussion followed regarding the design.

Commissioner Schrader pointed out that Fleischman Garcia selected two firms to work below them, providing support. Four out of the five presenters showed the same flaws in the current design.

Commissioner Mulieri expressed concern regarding a previous project that did not work out with Fleischman Garcia.

Mr. Steinsnyder explained that Fleischman Garcia was previously selected for the fire station design. However, due to negotiation issues, all bids for that project were rejected and the firm was never hired.

Commissioner Mariano explained there were previous negotiation issues with Fleischman Garcia and he was concerned with using this company again. He suggested Spring Engineering, who brought a project in under schedule with no issues. He stated they were a local firm with great success and he felt that they should not be eliminated. He was not in support of negotiating an agreement with Fleischman Garcia.

Mr. Dan Johnson, Assistant County Administrator, stated one of the sub-contractors was an out of state firm with experience in fire station design. The overall costs were much higher because of being an out of state company. Staff had worked with Fleischman Garcia on other projects. Based on the style of construction of fire stations in the Tampa Bay area designed by the firm, the committee ranked Fleischman Garcia number one.

Chairman Hildebrand called on the motion; the motion carried with Commissioner Mariano and Chairman Hildebrand voting nay.

REGULAR

COMMISSIONER ITEMS **COMMISSIONER MARIANO**

- R1 Consulate Health Care of New Port Richey - April 9, 2011, Fundraiser - for Pasco County Elderly Nutrition Program
Memorandum BCCA11-127
Recommendation: Approve
Comm. Dist. All

Mr. Dan Johnson, Assistant County Administrator, explained the sixth annual fundraiser for Elderly Nutrition. The Board needed to authorize the use of the County's name and Elderly Nutrition for the fundraiser.

COMMISSIONER MARIANO MOVED approval of the fundraiser on April 9, 2011 with the County's involvement; **COMMISSIONER MULIERI SECONDED.**

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

R2 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, COMMENDING HUDSON MIDDLE SCHOOL FOR THEIR OUTSTANDING VOLUNTEER SERVICE TO THE TOYS FOR TOTS PROGRAM SPONSORED BY THE UNITED STATES MARINE CORPS RESERVE OF WEST PASCO AND JUDY WALKER.
Memorandum CAO11-5143
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

COMMISSIONER MARIANO MOVED adoption; **COMMISSIONER SCHRADER AND COMMISSIONER MULIERI SECONDED.**

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

Ms. Dawn Ferlita thanked Ms. Walker and everyone who was involved in this program.

R3 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, COMMENDING PASCO COUNTY SHERIFF'S OFFICE DEPUTY KELLY ENDRICKS FOR HIS BRAVERY DEMONSTRATED WHILE RESCUING A VICTIM FROM A BURNING VEHICLE.
Memorandum CAO11-5160
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

Commissioner Mariano asked Deputy Ferguson to come forward as well. He was Deputy Ferguson's trainer.

Deputy Endricks thanked Deputy Ferguson, the Sheriff's Office, and his family for this recognition.

R4 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, COMMENDING BERT FERGUSON FOR TWENTY YEARS OF DEDICATED SERVICE TO THE CITIZENS OF PASCO COUNTY.
Memorandum CAO11-5161
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

Deputy Ferguson thanked the Board and stated it was his pleasure serving this County over the last twenty years. He shared that over the past two years the leading cause of motor vehicle accidents were linked to texting while driving. He would like to see a State Statute made against texting and driving, as this led to hundreds of people being killed.

R5 Seeking Direction in Regards to Parking Citations-Issued by the Pasco County Sheriff's Office-to Patrons at Robert J. Strickland Memorial Park
Memorandum CAO11-0025
Recommendation: Approve
Comm. Dist. 5

Commissioner Mariano explained a letter was sent to the Sheriff's Office asking for dismissal of all citations that were issued at the Robert Strickland Park.

Mr. Steinsnyder explained that there were approximately twenty one citations issued. Seventeen citations were issued after 5:00 p.m., three citations were issued within the parameters of the timeframe when citations should be issued, and two citations were unreadable. There was no indication that any of the citations that were issued after 5:00 p.m. had been paid. An authorized letter, signed by the Chairman, needed to be sent to Sheriff White to dismiss the citations.

COMMISSIONER MARIANO MOVED approval for the Chairman to sign a letter directing the dismissal of parking citations; **COMMISSIONER WILSON SECONDED.**

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

COMMISSIONER WILSON

R6 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, RECOGNIZING MARCH 25, 2011 AS THE 190TH ANNIVERSARY OF GREEK INDEPENDENCE DAY.
Memorandum CAO11-5156
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

R7 Property - Moon Lake Christian Fellowship - Habitat for Humanity
Memorandum BCCA11-124
Recommendation: Not Applicable
Comm. Dist. All

Pastor Lad Dubovsky, from Moon Lake Christian Fellowship Church, spoke regarding interest in property located off of Moon Lake Road. This land was previously given to another organization. Nothing had been done with this piece of land. Pastor Lad was interested in obtaining the property to build a community center where free services would be provided to the community. These services included: medical clinic, after school activities, computers, sports, counseling, food and drug awareness, clothing pantry, and other helpful services that would benefit the community. This would be done with all the businesses and churches in the local area that came together. He stated there were also Block Grants available.

Mr. Steve Simpson, an Elder from Moon Lake Christian Fellowship Church, explained the church's vision for this piece of land. The focus was a safe haven for kids.

Mr. Gallagher stated he would write a letter to the existing organization asking for the property back.

Mr. Mike Nurrenbrock, Office of Management and Budget Director, explained that Mr. George Romagnoli, from Community Development, had been working with Habitat for Humanity to provide low income housing for that area. They have since withdrawn. He also clarified that Block Grants were not a viable source.

R8 ComPark 75---(TO BE DISTRIBUTED)
Memorandum BCCA11-126
Recommendation: Not Applicable
Comm. Dist. All

Mr. David Goldstein, Chief Assistant County Attorney, explained the proposed agreement for the ComPark75 Public Safety site. The proposed agreement was structured to ensure the site would be conveyed to a target industry that would create at least ten full time jobs, with an annual average wage of 115% of the annual average wage for the County. This was the minimum job requirement to qualify for incentives under the Incentive Ordinance. A portion of the sales price was an incentive from the County to the target industry which reduced the impact of the County's General Fund. The maximum base price was \$50,000.00 less than the Property Appraiser's value. HR Pasco would be allowed to increase the base price if the target industry created additional jobs as long as they agreed to rebate back to the target industry the same amount that the County would award the target industry under the Incentive Ordinance.

Commissioner Mulieri was not in agreement of the proposal.

There was detailed discussion regarding other proposal options.

Commissioner Mariano shared his ideas for a proposal that would simplify the agreement and move forward, putting the property back on the Tax Roll.

Ms. Barbara Wilhite, representative for ComPark75, spoke regarding language changes that created issues with the real estate transaction. She had previously proposed three different agreements and would like to see an agreement at the Property Appraiser's market value, allowing HR Pasco to make more investment in the property.

COMMISSIONER MULIERI MOVED to sell the property at the Property Appraiser's value and move forward.

No second was made to the motion.

Discussion continued regarding the sale and appraised value of the property.

COMMISSIONER SCHRADER MOVED approval of Staff recommendation that was presented by Mr. Goldstein.

No second was made to the motion.

COMMISSIONER MARIANO MOVED to support the proposed Ordinance, selling the property at 50% of the assessed value, thereby protecting the County with a \$175,000.00 built-in incentive; **COMMISSIONER SCHRADER SECONDED.**

Chairman Hildebrand called on the motion; the motion carried with Commissioner Mulieri and Commissioner Wilson voting nay.

CHAIRMAN HILDEBRAND

R9 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, CONGRATULATING STEVEN CARTER ON BEING NAMED THE 2010 EMPLOYEE OF THE YEAR BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS.
Memorandum CAO11-5157
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

Mr. Steven Carter thanked the Board for the recognition.

R10 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, COMMENDING MARIA VASQUEZ FOR TWENTY-ONE AND ONE-HALF (21.5) YEARS OF DEDICATED SERVICE TO THE CITIZENS OF PASCO COUNTY AND CONGRATULATING HER ON HER RETIREMENT.
Memorandum CAO11-5158
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

Ms. Maria Vasquez thanked the Board and her co-workers.

R11 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, DECLARING THE MONTH OF APRIL AS WATER CONSERVATION MONTH IN PASCO COUNTY.
Memorandum CAO11-5159
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

Mr. Bruce Kennedy thanked the Board for the recognition. He also spoke regarding water resources. The reclaimed water program was recognized throughout the region as being innovative. Tampa Bay Regional Water Supply Authority and Southwest Florida Water Management District were great partnerships in this effort to effectively use our water resources in a beneficial way.

CONSTITUTIONAL OFFICERS
CLERK

R12 Minutes-Financial Matters - Specific Approvals
Memorandum CO11-169
Recommendation: Approve
Comm. Dist. All

COMMISSIONER MULIERI MOVED approval; **COMMISSIONER SCHRADER SECONDED.**

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

R13 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, EXPRESSING APPRECIATION TO ELLEN FLEISCHMANN, DEPUTY CLERK FOR THE OFFICE OF THE CLERK & COMPTROLLER FOR HER OUTSTANDING SERVICE TO PASCO COUNTY.
(To Be Distributed)
Memorandum CO11-172
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil read the Resolution into the record.

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

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

Ms. Ellen Fleischmann thanked the Board, the Clerk, and her teammates.

COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS
MISCELLANEOUS MATTERS

R14 PUBLIC-COMMENT--
Memorandum PC11-111
Recommendation: Not Applicable
Comm. Dist. All

Ms. Lynda Wittkopp, Ms. Marsha DiCioccio, Mr. Ken Winnacott, Mr. James Foster, Mr. Robert Provost, and a gentleman from Palm Terrace Gardens, all spoke regarding the unsatisfactory water conditions and rate increases with Aqua Utilities.

COMMISSIONER MULIERI MOVED to receive and File a document from Ms. Wittkopp;
COMMISSIONER MARIANO SECONDED.

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

Ms. Nancy Hazelwood and Ms. Alma Coston spoke regarding mobility fees.

COMMISSIONER MULIERI MOVED to receive and file a document from Ms. Coston;
COMMISSIONER SCHRADER SECONDED.

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

Mr. Earl Back spoke about wanting to see more change to the Sheriff's Office. He stated there was still a need for more deputies, security, and safety in the community.

LEGISLATIVE/ADMINISTRATIVE
COUNTY ATTORNEY

R15 Mobility Fees Discussion - Pasco County Board of County Commissioners - (TO BE HEARD AFTER THE PUBLIC HEARING ITEMS)
Memorandum CAO11-3504
Recommendation: Approve
Comm. Dist. All

Mr. Goldstein explained the history of the item and explained the differences of the three scenarios of the proposed fees. He described what the mobility fees were and were not, and the affects of the fees. This was an optional system for developers allowing for more entitlements that credits could be used for and would eliminate concurrency review. There would be an Administration Fee to cover costs. The fee would be \$396.00 per residential permit, \$198.00 per non-residential permit, 2% for residential additions and remodels, and 1% for non-residential additions and remodels. This was a one time flat fee per building permit. Five market areas were combined into three areas. A significant portion of the tax increment revenue would fund transit operations. There was a commitment to adopt the mobility fees in the next ninety days. If the Board chose one scenario, a full fee schedule would be prepared. The corrected date that this would be brought back to the Board was June 21, 2011 instead of the June 7, 2011 meeting.

There was discussion from Board and Staff regarding the fees and the percentages with single family and multi-family.

Mr. Bill Oliver, from Tindale-Oliver & Associates, explained the reductions and the fee schedules.

Commissioner Mariano spoke about the program being a great strategic plan, promoting growth and improving the tax base. Businesses would be encouraged to come to the County. The County would be very competitive with the surrounding counties.

Mr. Lou Freidland, a local developer, encouraged the completion of the project.

Mr. J.D. Porter, from Wiregrass Ranch, spoke regarding DRI's and having the project done right. Retail needed to be addressed. There was uncertainty in the plan. A mobility fee plan should work before one was implemented and he was unsure if the plan would work for every DRI.

Ms. Barbara Wilhite, representing SB Associates, Crown Development, Developers of Seven Oaks, and Watergrass, voiced her client's concerns with Investment in 581 and the DRI. She asked the Board and Staff to keep an open mind to the specific factual issues as the Ordinance was written, as the issues with the companies were unique.

Mr. Stew Gibbons spoke about the importance of the process in finding the right solution. There were special situations that needed to be dealt with, but a structure must be in place to start from. The starting point represented a leadership position for the County.

Mr. John Hagen, Pasco Economic Development Council, spoke regarding the different scenarios. Any of the plans were workable.

COMMISSIONER MARIANO MOVED approval of Alternative Number 2 at 33.1%;
COMMISSIONER MULIERI SECONDED.

There was further discussion. Mr. Goldstein explained over the next ninety days there would be a full fee schedule developed. He explained some of the fees may have minor adjustments. Fees would not go up, but they may come down after the final constructions costs, growth rate, or tax increment was looked at.

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

R16 Offer of Judgment-Hillcrest Property, LLP, v. Pasco County - Case No. 8:10-CV-819-T-23TBM (TO BE DISTRIBUTED)
Memorandum CAO11-4720
Recommendation: Approve
Comm. Dist. 1

Ms. Nicki Spirtos, County Attorney's Office, explained the item.

COMMISSIONER SCHRADER MOVED approval of Alternative Number 1;
COMMISSIONER MULIERI SECONDED.

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

R17 Resolution of Necessity - Project No. 0755.00 - Shady Hills Road and Peace Boulevard Intersection Improvement
Memorandum CAO11-4721
Recommendation: Approve
Comm. Dist. 2

Ms. Spirtos explained the item and gave a brief overview.

COMMISSIONER MULIERI MOVED approval; **COMMISSIONER SCHRADER SECONDED.**

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

DEVELOPMENT SERVICES BRANCH
ENGINEERING SERVICES

R18 Highway Beautification Maintenance Agreement - Florida Dept. of Transportation
S.R. 54 from East of I-75 to East of C.R. 577, Curley Road
Memorandum ENA11-009
Recommendation: Approve
Comm. Dist. 1, 2

Ms. Debra Bolduc, Engineering Services Administration, explained the item and the annual fee of \$51,000.00 that covered the cost of mowing and the maintenance of 315 Crape Myrtles.

Commissioner Mulieri talked about expanding the Tree Fund where maintenance would be included.

Mr. Steinsnyder explained that maintenance was a whole different area and money from the Tree Fund would not be able to be used for mowing and maintenance. He explained that the Board restricted the Tree Fund to use only native plants. However, the Board was able make that change and expand the funds to include other plants.

There was discussion regarding the maintenance and the funding.

COMMISSIONER SCHRADER MOVED approval of Staff recommendation;
COMMISSIONER MULIERI SECONDED.

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

ENGINEERING SERVICES - PROJECT MANAGEMENT

R19 Task Order No. EDO10-018, Route and Pond Siting Study - Florida Design
Consultants Hudson Avenue (U.S. 19 to Fivay Road)
Memorandum PMA11-081
Recommendation: Approve
Comm. Dist. 5

Mr. Bipin Parikh, Assistant County Administrator, withdrew the item.

UTILITIES SERVICES BRANCH
UTILITIES CONSTRUCTION AND CONTRACT MANAGEMENT

R20 Award of Contract and Change Order No. 1, Agreement for Construction of Reclaimed Transmission Main (\$17,907,427.00)-Reynolds, Inc., d/b/a John Reynolds & Sons, Inc. -U.S. 41, S.R. 52, Symphony Parkway, Old Pasco Road, and Overpass Road, PCU06-095.00
Memorandum UTD11-260
Recommendation: Approve
Comm. Dist. 2

Mr. Bruce Kennedy, Assistant County Administrator, explained the item and gave the location. He explained the reasons for the Change Order and he explained the process of the project. Over seventeen bids were submitted. There would be 50% of cost sharing with the District. The South Florida Water Management District had funds to reimburse for half of the cost of the program. The base bid for the contract was \$17,907,427.00.

COMMISSIONER SCHRADER MOVED approval of Staff's recommendation;
COMMISSIONER MARIANO SECONDED.

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

OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF MANAGEMENT AND BUDGET

R21 COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS - Board of County Commissioners - County Administrator - County Attorney - Clerk
Memorandum BCCA11-125
Recommendation: Not Applicable
Comm. Dist. All

DISTRICT ONE – COMMISSIONER SCHRADER

No items.

DISTRICT TWO – COMMISSIONER MULIERI

Commissioner Mulieri asked the Board to waive part of the fees for the art show. She thought the total was \$1,291.00.

COMMISSIONER MULIERI MOVED approval to waive the art show event fees not to exceed \$1,000.00; **COMMISSIONER MARIANO SECONDED**.

Chairman Hildebrand called on the motion; the motion carried with Commissioner Schrader voting nay.

DISTRICT THREE – COMMISSIONER HILDEBRAND

No items.

DISTRICT FOUR – COMMISSIONER WILSON

Commissioner Wilson read recycling information into the record.

He was looking into the idea of putting a gun/rifle range in the County with the ability to recycle the lead and brass, as a possible revenue generator. The National Rifle Association was interested in this idea. It would be something that was maintained by the NRA and possibly the County as well. Revenue would go to help Parks and Recreation.

Mr. Steinsnyder spoke about liability concerns that needed to be looked at.

There was Board discussion regarding a large enough piece of land in the County that would hide the noise issue.

Commissioner Schrader suggested an abandoned landfill off of Enterprise Road on the East side of the County.

Commissioner Wilson stated he would be looking into this and would bring back information to the Board.

DISTRICT FIVE – COMMISSIONER MARIANO

Commissioner Mariano had an idea regarding the tweaking of the Tree Ordinance. With new developments coming in, a great incentive would be for the developers to tap into the fund, helping them to get trees.

Commissioner Mariano requested an emergency item be heard.

COMMISSIONER MARIANO MOVED to hear the emergency; **COMMISSIONER SCHRADER SECONDED**.

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

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, URGING THE FLORIDA PUBLIC SERVICE COMMISSION TO DILIGENTLY FULFILL IT'S ROLE OF ENSURING THAT FLORIDA'S CONSUMERS RECEIVE SOME OF THEIR MOST ESSENTIAL SERVICES – ELECTRIC, NATURAL GAS, TELEPHONE, WATER, AND WASTEWATER – IN A SAFE, AFFORDABLE, AND RELIABLE MANNER DURING IT'S REVIEW OF THE AQUA UTILITIES RATE CASE DOCKET 100330, "APPLICATION FOR INCREASE IN WATER/WASTEWATER RATES IN ALACHUA, BREVARD, DESOTO, HARDEE, HIGHLANDS, LAKE, LEE MARION, ORANGE, PALM BEACH, PASCO, POLK, PUTNAM, SEMINOLE, SUMTER, VOLUSIA, AND WASHINGTON COUNTIES, BY AQUA UTILITIES FLORIDA, INC."

Dr. O'Neil read the Resolution from the March 11, 2011 Board meeting into the record.

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

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

Mr. Dave Bussey thanked the Board for everything they were doing to help the residents have a voice against Aqua Utilities.

Mr. Frank Reams spoke regarding the outrageous rate increases and bad actions of this company. They account for 47% of the total complaints by 160 water companies that were regulated by the State of Florida. A bus trip was scheduled to Tallahassee to attend a meeting on May 24, 2011, to voice complaints. The Board was invited to come for support.

Commissioner Mariano spoke about the issues with the poor water quality and rate increases with Aqua Utilities. He would like the Board to move the May 24, 2011 Board meeting to a different date so that the Board would have the opportunity to go to Tallahassee and fight for the people on this issue.

COMMISSIONER MARIANO MOVED to change the BOCC meeting from Tuesday, May 24, 2011 to Wednesday, May 25, 2011; **COMMISSIONER SCHRADER SECONDED.**

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

COUNTY ADMINISTRATOR

Mr. Gallagher reminded the Board about the letter that was received from Sportsplex. There was a work session scheduled with the Board on Parks and Recreation.

Ms. Michele Baker spoke regarding the location of the upcoming Stakeholders meetings. PHCC informed her that there would be a charge for security and custodial, but they were willing to waive the room rental fees. She looked at having the Stakeholder's meetings in the County Board rooms when the room was available. A meeting was scheduled for Thursday, April 7, 2011 in the Dade City Historic Courthouse, and a meeting was scheduled for Monday, April 18, 2011 in the New Port Richey Board room.

Mr. Gallagher requested the Board to look at the presentation that was made to the School Board at the last School Board meeting.

COUNTY ATTORNEY

Mr. Steinsnyder thanked Mr. Goldstein for all of his hard work on the many projects he was working on.

CLERK TO THE BOARD

No items.

NOTED ITEMS **AGENDAS/MINUTES**

Agenda items R22 through R53 were noted.

THE BOARD RECESSED AT 12:03 P.M. AND RECONVENED AT 1:33 P.M. ALL BOARD MEMBERS WERE PRESENT.

THE BOARD RECESSED AT 3:35 P.M. AND RECONVENED AT 3:45 P.M. ALL BOARD MEMBERS WERE PRESENT.

PUBLIC HEARINGS

Mr. Richard Gehring, Growth Management Administrator, spoke regarding the "One Bay Award" that Staff received and shared the award with the Board.

PUBLIC HEARINGS AT 1.30 PM
PROPOSED ORDINANCES

P1 AN ORDINANCE AMENDING CHAPTER 78, ARTICLE II OF THE PASCO CODE OF ORDINANCES RELATING TO IMPACT FEES; AMENDING DIVISIONS 4 THROUGH 7, PARKS AND RECREATION, LIBRARY, FIRE COMBAT AND RESCUE SERVICE, AND HURRICANE PREPAREDNESS IMPACT FEES - TO PROVIDE FOR THE TEMPORARY SUSPENSION OF THE FACILITIES PORTION OF THE PARKS AND RECREATION, LIBRARY, FIRE COMBAT AND RESCUE SERVICE IMPACT FEES, AND THE TEMPORARY SUSPENSION OF THE HURRICANE PREPAREDNESS IMPACT FEES FOR-BUILDING PERMITS APPLIED FOR OR ISSUED ON OR AFTER MARCH 1, 2011, THROUGH DECEMBER 31, 2012; PROVIDING FOR SEVERABILITY, APPLICABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.
Memorandum CAO11-3503
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil noted proof of publication.

Mr. Goldstein explained the Ordinance and the areas of the fees that would be temporarily suspended. The timeframe of suspension was from March 1, 2011 through December 31, 2012.

Mr. Lew Friedland, Mr. Jim Deitch, Ms. Jackie Lewnes, and Mr Mark Abbott, all spoke regarding the building industry and how the current businesses were hurting.

Mr. Clay Colson spoke about impact fees and home construction in the County. He explained that Florida was number one for home vacancies in the nation. He did not understand the sense in jobs created to build more homes just to put us back in the same position the County was in now. Home builders have overbuilt the State and taxpayers would have to take up the shortfall. This was not going to create jobs or sell homes.

Mr. Richard Riley asked the Board not to reduce the impact fees. He asked to submit to the Board a document that was compiled by Mr. Colson.

COMMISSIONER MULIERI MOVED to receive and file the document from Mr. Riley;
COMMISSIONER WILSON SECONDED.

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

Mr. Alex Deeb spoke regarding the effect the impact fees would have on businesses. There were other ways to save money other than reduced fees.

Commissioner Mariano explained there was a 30% drop in the construction industry. The reduction was a good way to show across the Board that the Commissioners wanted people to come to Pasco County. There was a 1.7% sales tax revenue that came back to the County. This would revive the economy and compete with the surrounding counties.

COMMISSIONER MARIANO MOVED adoption of the Ordinance; **COMMISSIONER SCHRADER SECONDED.**

Dr. O'Neil called the roll; the motion carried unanimously on a roll call vote.

REZONINGS

Dr. O'Neil noted proof of publication for zoning agenda items P2 through P9.

Mr. Steinsnyder read the procedure that would be followed.

Dr. O'Neil swore in those who planned on presenting testimony.

Ms. Debra Zampetti, Zoning and Code Compliance Administrator, read the Rezoning Consent Agenda into the record, excluding agenda item P4, which was pulled from the Consent Agenda.

COMMISSIONER MULIERI MOVED approval of the Rezoning Consent Agenda, excluding the noted agenda item; **COMMISSIONER MARIANO SECONDED.**

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

P2 ZONING PETITION (Consent) Waiver Request - Sandra L. Archer - Waiver of the Minimum Lot Area Requirement of 15,000 Square Feet and the Minimum Lot Width Requirement of 100 Feet for a Zoning Amendment
Memorandum ZN11-141
Recommendation: Approve
Comm. Dist. 3

The item was approved as part of the Consent Agenda.

P3 ZONING PETITION (Consent) Rezoning Request - Sandra L. Archer - from an R-4 High Density Residential District to a PO-2 Professional Office District
Memorandum ZN11-6957
Recommendation: Approve
Comm. Dist. 3

The item was approved as part of the Consent Agenda.

P4 ZONING PETITION (Consent) Rezoning Request - Waste Services of Florida, Inc. - from A-C Agricultural and A-R Agricultural-Residential Districts to an I-1 Light Industrial Park District
Memorandum ZN11-6960
Recommendation: Approve
Comm. Dist. 2

Ms. Zampetti explained the item and gave the location of the property.

Dr. O'Neil swore in Mr. Roland Waller, the applicant's representative.

Mr. Waller agreed with Staff's recommendation.

COMMISSIONER SCHRADER MOVED approval of Staff's recommendation;
COMMISSIONER MULIERI SECONDED.

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

P5 ZONING PETITION (Consent) Waiver Request - Barnhill's Country Buffet - Waiver of the Specific Distance Limitation of 1,000 Feet from a Church for Conditional Use Consideration, Located in Southwest Pasco County, on the North Side of S.R. 54, Approximately 120 Feet West of Virginia City Drive; Section 16, Township 26 South, Range 16 East
Memorandum ZN11-210
Recommendation: Approve
Comm. Dist. 3

The item was approved as part of the Consent Agenda.

- P6 ZONING PETITION (Consent) Conditional Use Request - Silverton Financial Management, Inc./Barnhill's Country Buffet-for the Sale of Alcoholic Beverages (4-COP-SRX); Beer, Wine and Liquor, On-Premises Consumption, in Conjunction with the Operation of a Restaurant in a C-2 General Commercial District
Memorandum ZN11-CU10
Recommendation: Approval with conditions
Comm. Dist. 3

The item was approved as part of the Consent Agenda.

- P7 ZONING PETITION (Consent) Waiver Request - Jozef and Krystyna Gajdzis/Hobbs Hideaway - Waiver of the Specific Distance Limitation of 1,000 Feet from a Church
Memorandum ZN11-211
Recommendation: Approve
Comm. Dist. 5

The item was approved as part of the Consent Agenda.

- P8 ZONING PETITION (Consent) Conditional Use Request - Jozef and Krystyna Gajdzis/Hobbs Hideaway - for the Sale of Alcoholic Beverages (2-COP); Beer and Wine Only, on-Premises Consumption, in Conjunction with the Operation of a Pub in a C-2 General Commercial District
Memorandum ZN11-CU12
Recommendation: Approval with conditions
Comm. Dist. 5

The item was approved as part of the Consent Agenda.

- P9 ZONING PETITION (Regular) Rezoning Request - Roman Salamaca – from an MF-2 Multiple Family High Density District to a C-1 Neighborhood Commercial District
Memorandum ZN11-6958
Recommendation: Approve
Comm. Dist. 3

Ms. Zampetti explained the item and gave the location of the property. The item was previously before the Board approximately two years ago with a request for a Special Exception. There was opposition and a code violation process. The request was denied and appealed. The same zoning district was requested, but not the same use. They were willing to sign a deed restriction stating there would not be any RV or boat storage on the property. Staff recommended approval.

Ms. Shelly Johnson, the applicant's representative, spoke regarding the conditions.

COMMISSIONER SCHRADER MOVED approval of Staff's recommendation;
COMMISSIONER MULIERI SECONDED.

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

EMERGENCY

Wynfields Master Planned Unit Development – Development Agreement
Amendment, Schickendanz Bros., Inc., and Pasco County Associates I, LLP,
LPA 3/22/11, 1:30 p.m., NPR
Memorandum ZN11-224
Recommendation: Continue
Comm. Dist. 2

Dr. O'Neil noted proof of publication.

Ms. Zampetti requested the item be continued to May 10, 2011 in Dade City.

Ms. Donna Feldman, the applicant's representative, concurred.

COMMISSIONER MULIERI MOVED to continue to May 10, 2011 in Dade City;
COMMISSIONER SCHRADER SECONDED.

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

P10 Small-Scale Comprehensive Plan Amendment CPAS11(02) Campport at Hays
Road -Applicant: Santangelo - from RES-1 (Residential - 1 du/ga) to IL (Industrial
- Light), Located in Northwest Pasco; BCC 3/22/11, 1:30 p.m. NPR; BCC
Approval
Memorandum PGM11-42
Recommendation: Approve
Comm. Dist. 2

Dr. O'Neil noted proof of publication.

Ms. Carol Clarke, Planning and Growth Management, explained the item and gave the location of the property. Staff recommended approval by a roll call vote.

Commissioner Schrader raised concern with parking of the garbage trucks being a problem.

Mr. Roland Waller, the applicant's representative, spoke regarding the parking for the garbage trucks. Waste Services had a facility for the trucks to park.

COMMISSIONER SCHRADER MOVED approval; **COMMISSIONER MULIERI SECONDED.**

Dr. O'Neil called the roll; the motion carried unanimously on a roll call vote

P11 CPAL11(01) Public/Semipublic Text Amendment and West Pasco Government Center Map Amendment - from ROR (Retail/Office/Residential) and RES 6 (Residential - 6 du/ga) to P/SP (Public/Semipublic)-Staff – Initiated Comprehensive Plan Amendment; BCC 3/22/11, 1:30 p.m., NPR Memorandum PGM11-46
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil noted proof of publication.

Ms. Smita Ambadi, Planning and Growth Management, explained the item. Staff recommended approval.

Mr. Gerald Figurski submitted documents to the Board.

COMMISSIONER MULIERI MOVED to receive and file documents from Mr. Figurski; **COMMISSIONER SCHRADER SECONDED.**

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

Mr. Figurski was the representative for Angelo's Aggregate Materials Limited, Angelo lafrate Construction Company, and Stony Point Limited Partnership. He included the company name lafrate Properties LLC. His concerns were about residential and the landfill. He was in opposition of the proposed amendment. There was no data or analysis to support the amendment.

There was discussion regarding the floor area ratio.

Mr. David Goldstein, Chief Assistant County Attorney, explained that one of the objections raised by Angelo's was that the PSP category did not have an intensity standard. If there was a map amendment to PSP then that would be the appropriate time to add an intensity standard to that category. This was the first map amendment to that category, so an intensity standard was added.

Ms. Clarke stated that after looking at the range of activities that would go into the public/semi public category they recognized a number of facilities that were not like buildings. This was the recommendation after an analysis was done and looking at the requirement for the 20% open space available that would serve as a buffer.

COMMISSIONER SCHRADER MOVED approval of Staff's recommendation;
COMMISSIONER MULIERI SECONDED.

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

P12 Mill Run 2, PVAS No. 3009, Single Public Hearing – BCC - Accept the Petition and Authorize the Engineering Services Department to Proceed with the Resurfacing of Mill Run 2; Approve the Attached Assessment Roll; and Adopt the Attached Resolution Setting a Maximum Assessment of \$1,560.67 per ERU After the Discount, with Annual Installments Over a Ten-Year Period, with 4.25 Percent Interest on the Unpaid Principal Balance
Memorandum PMA11-072
Recommendation: Approve
Comm. Dist. 4

Dr. O'Neil noted proof of publication.

Mr. David Brown, Engineering Services, explained the item and gave the location. There were 124 lots in this project. Staff recommended approval.

The following people spoke regarding the deteriorating roads and the need for paving: Ms. Diana Novich, Mr. Russell Jeroth, Mr. Lance Howard, Mr. Frank Frey, Mr. Bill Lueders, and Keith Kulyk.

COMMISSIONER WILSON MOVED approval of Staff's recommendation;
COMMISSIONER MARIANO SECONDED.

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

P13 Vacation of Utility/Drainage Easement-Mayfair Townhomes, LLC - Holiday Garden Estates, Section 17, Township 26 South, Range 16
East Memorandum REA11-066
Recommendation: Approve
Comm. Dist. 3

Dr. O'Neil noted proof of publication.

Mr. David Edwards, Real Estate Division, explained the item and location. Staff recommended approval with conditions to include that the petitioner would convey a Utility Easement to Progress Energy as well as a temporary Blanket Utility Drainage and Access Easement to the County that shall terminate upon the first to occur: (1.) the platting of the easement area occurs or (2.) the conveyance of the easement area is to the County.

Mr. Ralph Hayter spoke regarding the small community of fifty eight homes where he resided. He expressed concern with the poor drainage. By the County vacating the Easement, it made Mayfair responsible for repairs. The homeowners in the community were concerned because of their small budget and the flooding in the past.

Mr. Mike Garrett, Public Works Director, explained the drainage system. They were not vacating everything. The ditch that drained would remain. It would be Mayfair's responsibility for repairs. The County would have an easement if Mayfair failed to maintain it. Because of the flooding issues on Trouble Creek, Mayfair agreed to run a pipe from Trouble Creek back to the pond system so inlets could be put in at a later date to correct flooding. They would have access across the roads to get to the pond so that the pond could be maintained. He stated that currently there were holes everywhere that water did not drain from. He felt very comfortable with this project moving forward.

COMMISSIONER SCHRADER MOVED approval; **COMMISSIONER MULIERI SECONDED.**

Commissioner Mariano expressed concern with the flooding that showed around the entire area. He wanted to see this item brought back when there were more answers and they could take a better look at the design. He was uncertain that the design was the best it could be. There was another storm event that would allow the water to hold longer which would keep people from getting flooded.

Mr. Edwards explained that construction plans had already been approved.

Mr. Sean Cashen, from Gulf Coast Consulting, spoke regarding the review and approval of the project. They were aware of the off sight drainage issues and that was an integral part of their design. The western ditch was about fifty five to sixty feet in width. They narrowed it down to thirty five feet in width, and the drainage was going to be conveyed through the reconfigured ditch as well as a storm sewer pipe. This was a dual system and a hundred year design. Conveyance calculations were done to make sure there wasn't any adverse impact. There would still be an easement in place. The ditch was in very poor condition and was not being maintained.

Commissioner Mulieri questioned changing this project to an area of special concern and what the time line would be.

Mr. Steinsnyder explained that if it was not currently listed as an area of special concern, they would have to redesign the plans that were already approved, which would create longer hold times of water on site before it was metered out.

COMMISSIONER SCHRADER MOVED approval; **COMMISSIONER MULIERI SECONDED.**

Chairman Hildebrand called on the motion; the motion carried with Commissioner Mariano voting nay.

P14 Vacation of Water Line Easement - Gulf View Associates, an Ohio Partnership - Section 21, Township 25 South, Range 26 East/Gulf View Square Mall
Memorandum REA11-077
Recommendation: Approve
Comm. Dist. 5

Dr. O'Neil noted proof of publication.

Mr. Edwards, Real Estate Division, explained the item and gave the location. Staff recommended approval.

COMMISSIONER MULIERI MOVED approval; **COMMISSIONER SCHRADER SECONDED.**

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

ADDENDUM

Robert J. Strickland Memorial Park – Boat Trailer Parking Lot

Mr. Gallagher withdrew the item.

ADJOURN

P15 -----
Memorandum ADJ11-111
Recommendation: Not Applicable
Comm. Dist. All

The meeting adjourned at 5:05 p.m.

BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING/REZONINGS
MARCH 22, 2011

(SEAL)

ANN HILDEBRAND, CHAIRMAN

ATTEST:

OFFICE OF PAULA S. O'NEIL, CLERK & COMPTROLLER

Prepared by: Brenda White
Board Records Clerk