

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

ANNOTATED MINUTES

MAY 25, 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 10:00 a.m. She requested a moment of silence for Mr. Robert Sumner, the former County Attorney, who had passed away recently.

**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Chairman Hildebrand noted items C14 and C28 were withdrawn. Agenda items C7, C17 and C25 were pulled for discussion or corrections.

COMMISSIONER MULIERI MOVED approval of the Consent Agenda with the exception of the noted items; **COMMISSIONER SCHRADER SECONDED.**

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

DEVELOPMENT SERVICES BRANCH
ENGINEERING SERVICES

C7 Locally Funded Agreement-Florida Department of Transportation-Transportation Infrastructure Improvements, Alternate U.S. 19 and Anclote Boulevard (\$57,000.00)
Memorandum ENA11-011
Recommendation: Approve
Comm. Dist. 1

Mr. Gallagher noted a correction to the District number, which should be District Three.

COMMISSIONER SCHRADER MOVED approval of the correction; **COMMISSIONER MULIERI SECONDED.**

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

C14 Release Maintenance Guarantee (\$7,246.05) and Accept the Right-of-Way Improvements for County Maintenance-Sunshine State Federal Savings and Loan-Sunshine State Federal Savings and Loan Eiland Boulevard and Dean Dairy Road Right-of-Way Improvements
Memorandum PMA11-143
Recommendation: Approve
Comm. Dist. 2

The item was withdrawn.

ENGINEERING SERVICES - REAL ESTATE

C17 To Declare the Old Ashley Aluminum Building and Property as Surplus and Authorize the Purchasing Department to Dispose of the Property-Pasco County Surplus Property-9515 Denton Avenue/Surplus and Dispose of Property

Memorandum REA11-085
Recommendation: Approve
Comm. Dist. 5

Commissioner Schrader asked what the procedure was for declaring a building surplus.

Mr. Gallagher reminded the Board that this property came to the Board as the result of a lawsuit and the continuation of Little Road to US 19. The County did not have any immediate use or long-term use for the building and it had started deteriorating over the last several years. The purchasing department would advertise, put it out for bid, and report back to the Board.

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

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

PUBLIC SERVICES BRANCH
PARKS AND RECREATION

C24 On-Site Security Agreement-Deputy Scott Raymer-Security at John S. Burks Memorial Park (50 Percent of the Monthly Electric Cost, Approximately \$80.00)
Memorandum PRA11-0317
Recommendation: Approve
Comm. Dist. 1

The item was approved as part of the Consent agenda.

COMMISSIONER SCHRADER MOVED to reconsider Agenda item C24;
COMMISSIONER MULIERI SECONDED.

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

The item was discussed with Agenda item C25.

C25 On-Site Security Agreement-Deputy Matthew Davidson-to Continue Park Security at Odessa Community Park (50 Percent of the Monthly Electric Cost, Approximately \$200.00)
Memorandum PRA11-0387
Recommendation: Approve
Comm. Dist. 3

Commissioner Wilson asked for an explanation of the utility bill, which he felt was high.

Mr. Gallagher asked the Board to continue this to later in the meeting so he could get more information.

Later in the meeting, Mr. Gallagher clarified that the utility fees for the Burks Park site was approximately \$80.00 and the fees for the Odessa Park were approximately \$200.00. The \$200.00 fee was just for electric as that facility was on a well and septic system, but it was a double-wide trailer. The other facility was for electric and utilities but it was for a single-wide unit. He requested Agenda item C25 be continued.

COMMISSIONER MARIANO MOVED to continue Agenda item C25; **COMMISSIONER SCHRADER SECONDED.**

Mr. Gallagher suggested withdrawing the item until he could send Staff out to check the home for energy leaks or other problems.

COMMISSIONER MARIANO WITHDREW HIS MOTION.

COMMISSIONER SCHRADER MOVED to continue Agenda items C24 and C25 to the next Board meeting; **COMMISSIONER WILSON SECONDED.**

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

UTILITIES SERVICES BRANCH

UTILITIES CONSTRUCTION AND CONTRACT MANAGEMENT

C28 Change Order No. 1 - Final (Reduces Contract Cost by \$7,629.16)-ERC General Contracting Services, Inc.-Ridge Road Sanitary Landfill Gas Collection System Repairs (PCU09-026.00)
Memorandum UTD11-348
Recommendation: Approve
Comm. Dist. 2

The item was withdrawn.

ADDENDUM

Regular: Office of Management and Budget
Solid Waste Disposal and Resource Recovery System Refunding Revenue
Bonds Series 2011 (AMT)

OMB11-11111
Recommendation: Approve
Comm. Dist. All

Mr. Mike Nurrenbrock, Director of the Office of Management and Budget, explained the item. He noted a correction to the date in the document; which should state Monday, May 23rd not June 23rd. He mentioned interest rates, creditworthiness, and savings from refinancing. Staff recommended approval of the item along with electronic transfers of final closing documents; all of which would be subject to Mr. Gallagher's approval of the various consultant fees included the cost of issuance. The savings would be realized between now and the year 2020, not all at once.

COMMISSIONER SCHRADER MOVED approval of the item with Mr. Nurrenbrock's stipulations; **COMMISSIONER MULIERI SECONDED.**

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

REGULAR

COMMISSIONER ITEMS **COMMISSIONER MULIERI**

R1 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA SUPPORTING THE IMPLEMENTATION OF TOBACCO FREE CAMPUSES FOR PASCO COUNTY.

Memorandum CAO11-5168

Recommendation: Approve

Comm. Dist. All

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

COMMISSIONER MULIERI MOVED adoption of the Resolution; **COMMISSIONER SCHRADER AND COMMISSIONER MARIANO SECONDED.**

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

Dr. Rebecca Yackel, from the Baldomero Lopez Veterans' Nursing Home, thanked the Board for the Resolution. She introduced and thanked a woman from the Pasco County Health Department who was instrumental in the efforts to make the campuses tobacco free.

R2 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA CONGRATULATING MS. NANCY FREDERICKS ON BEING CHOSEN AS ONE OF THE LIBRARY JOURNAL 2011 MOVERS AND SHAKERS - MOVING LIBRARIES FORWARD, SPONSORED BY THE AMERICAN LIBRARY ASSOCIATION.
Memorandum CAO11-5185
Recommendation: Approve
Comm. Dist. All

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

COMMISSIONER MULIERI MOVED adoption of the Resolution; **COMMISSIONER SCHRADER AND COMMISSIONER WILSON SECONDED.**

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

Ms. Fredricks thanked the Board for the recognition and thanked her Staff for all their efforts.

R3 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA DECLARING THE MONTH OF MAY 2011 AS MENTAL HEALTH MONTH IN PASCO COUNTY.
Memorandum CAO11-5187
Recommendation: Approve
Comm. Dist. All

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

COMMISSIONER MULIERI MOVED adoption of the Resolution; **COMMISSIONER SCHRADER SECONDED.**

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

Representatives from several local agencies spoke and thanked the Board for their recognition and support in this area. They spoke regarding veteran families, veterans returning to the community, funding, and community support.

R4 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA CONGRATULATING MR. GREG LENNERS ON

RECEIVING THE 2011 MAN OF THE YEAR AWARD BY THE LEUKEMIA AND LYMPHOMA SOCIETY SUNCOAST CHAPTER.

Memorandum CAO11-5193

Recommendation: Approve

Comm. Dist. All

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

COMMISSIONER MULIERI MOVED adoption of the Resolution; **COMMISSIONER SCHRADER SECONDED.**

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

Mr. Lenners thanked the Board for the Resolution and thanked the other people in his life that supported his efforts. He spoke further regarding the competition, the support from the local community, and the funds which were raised for the Leukemia and Lymphoma Society.

COMMISSIONER MARIANO

R5 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA DECLARING THE MONTH OF JUNE AS HURRICANE AWARENESS MONTH IN PASCO COUNTY.

Memorandum CAO11-5188

Recommendation: Approve

Comm. Dist. All

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

COMMISSIONER MARIANO MOVED adoption of the Resolution; **COMMISSIONER WILSON SECONDED.**

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

Ms. Michele Baker, Chief Assistant County Administrator, accepted the Resolution for Staff. She thanked the Board for bringing the need to be prepared to the attention of the citizens.

R6 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA CONGRATULATING CLARICE EMLEY ON CELEBRATING HER 100TH BIRTHDAY.

Memorandum CAO11-5192
Recommendation: Approve
Comm. Dist. All

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

COMMISSIONER MULIERI MOVED adoption of the Resolution; **COMMISSIONER WILSON SECONDED.**

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

Commissioner Mariano spoke about Ms. Emley's past in the community.

Ms. Emley thanked the Board for the Resolution.

COMMISSIONER WILSON

R7 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA COMMENDING THE MEMBERS OF THE PASCO SHERIFF'S OFFICE HONOR GUARD FOR THEIR OUTSTANDING COMMITMENT AND DEDICATION IN HONORING THE FALLEN LAW ENFORCEMENT OFFICERS OF PASCO COUNTY.

Memorandum CAO11-5186
Recommendation: Approve
Comm. Dist. All

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

COMMISSIONER WILSON MOVED adoption of the Resolution; **COMMISSIONER MULIERI AND COMMISSIONER MARIANO SECONDED.**

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

Sheriff Nocco thanked the Board for the recognition. He complimented his Staff on their performance and he spoke of the honor and commitment to the public.

R8 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA CONGRATULATING DANIEL KENNEDY ON ACHIEVING THE RANK OF EAGLE SCOUT.

Memorandum CAO11-5190
Recommendation: Approve

Comm. Dist. All

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

COMMISSIONER WILSON MOVED adoption of the Resolution; **COMMISSIONER MULIERI SECONDED.**

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

Mr. Daniel Kennedy thanked the Board for the recognition.

CONSTITUTIONAL OFFICERS

CLERK

R9 RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA EXPRESSING APPRECIATION TO ETHEL JULIA SUMNER, DEPUTY CLERK FOR THE OFFICE OF THE CLERK AND COMPTROLLER FOR HER OUTSTANDING SERVICE TO PASCO COUNTY.

(To Be Distributed)

Memorandum CO11-196

Recommendation: Approve

Comm. Dist. All

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

COMMISSIONER SCHRADER MOVED adoption of the Resolution; **COMMISSIONER MULIERI AND COMMISSIONER WILSON SECONDED.**

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

Ms. Sumner thanked the Board for the Resolution. She thanked Dr. O'Neil and her co-workers.

Chairman Hildebrand requested a motion to hear two emergency Resolutions.

COMMISSIONER MULIERI MOVED to hear the emergencies; **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 COMMENDING THE SERTOMA SPEECH & HEARING FOUNDATION OF FLORIDA, INC. FOR IT'S OUTSTANDING SERVICE AND DEDICATION TO THE CITIZENS OF OUR COMMUNITY AND DECLARING THE MONTH OF MAY AS BETTER HEARING AND SPEECH MONTH IN PASCO COUNTY.

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

COMMISSIONER SCHRADER MOVED adoption of the Resolution; **COMMISSIONER MULIERI SECONDED.**

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

A representative for the Sertoma Foundation thanked the Board for the recognition. She said the Sertoma Speech and Hearing Foundation was honored to serve the citizens of Pasco County.

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA DECLARING THE MONTH OF MAY AS CIVILITY MONTH IN PASCO COUNTY.

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

COMMISSIONER SCHRADER MOVED adoption of the Resolution; **COMMISSIONER MULIERI SECONDED.**

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

R10 Minutes-Financial Matters-Specific Approvals
Memorandum CO11-191
Recommendation: Approve
Comm. Dist. All

Chairman Hildebrand requested a motion for approval.

COMMISSIONER SCHRADER MOVED approval of the minutes and financial matters;

COMMISSIONER MULIERI SECONDED.

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

COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS
MISCELLANEOUS MATTERS

R11 PUBLIC-COMMENT--
Memorandum PC11-115
Recommendation: Not Applicable
Comm. Dist. All

Ms. Callie Plummer spoke regarding Armed Forces Day and Memorial Day. She recited and explained the Pledge of Allegiance. She thanked the men and women who had fought and died for the principals cited in the Pledge. Ms. Plummer distributed pencils to the Board members with the Pledge of Allegiance printed on them.

COMMISSIONER MULIERI MOVED to receive and file the pencils; **COMMISSIONER SCHRADER SECONDED.**

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

Mr. Rick Plummer spoke regarding the Oath of Office that police officers take. He felt the public could not live without the police department nor could it be weakened. He spoke further regarding police officers in the community and said he would prefer to pay more in taxes to avoid a shortage of police officers. He discussed the Oath further. He pointed out that a private security company did not take an oath and was not bound by any legality.

LEGISLATIVE/ADMINISTRATIVE
COUNTY ADMINISTRATOR

R12 Status Report-Dais Analytic Corporation-Regarding its Progress on the Commercialization of its Nanotechnology Product to Improve the Efficiencies of HVAC Systems Operating in Humid Climates (\$85,750.00)
Memorandum CA11M-5038
Recommendation: Approve
Comm. Dist. 3

Mr. Gallagher reminded the Board of a previous agreement whereby the Board

allocated matching funds for product development. Part of the agreement required Dais Analytic to update the Board on a regular basis.

Mr. Timothy Tangredi spoke regarding his firm's research into an improved air conditioning and refrigeration system. He gave a timeline, the next steps involved in the project, budget commitments, newly hired personnel, and possible uses of the technology.

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

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

DEVELOPMENT SERVICES BRANCH
PERMITS AND DEVELOPMENT INFORMATION SERVICES - BUILDING
INSPECTIONS

R13 Request for a Reduction in Previous Lien Imposed by the Pasco County Construction Board-Owner: Lynn Miholics-3352 Darlington Road, Holiday FL 34691, Parcel ID No. 25-26-15-006b-00000-7430
Memorandum BCS11-056
Recommendation: Approve
Comm. Dist. 3

Mr. Tim Moore, Building Official, explained the request and gave the details of the lien. Staff recommended approval of a reduction to the lien to \$4,350.00.

Mr. Michael Miholics explained that part of the delay was due to a variance request. He gave a timeline of the work and other information related to the case.

Discussion followed between the Board and Staff regarding the violation; the actual time period of noncompliance; the reason the fine was so high; the permit; and the costs associated with the case, both the petitioner's costs and Staffs' costs.

Commissioner Schrader felt the petitioner had adequate time in the beginning to take care of the problem and reducing the fine would send the wrong message to Staff. He was more inclined to support Staff's recommendation.

COMMISSIONER SCHRADER MOVED approval of Staff's recommendation.

The motion failed due to a lack of second.

Mr. Milholics stated he wanted the fine reduced to "zero."

COMMISSIONER MARIANO MOVED to reduce the fine to \$950.00 which was administrative costs; **COMMISSIONER MULIERI SECONDED.**

Chairman Hildebrand called on the motion; the motion failed with Commissioner Schrader, Commissioner Wilson, and Chairman Hildebrand voting nay.

Mr. Gallagher reminded the Board none of this would have happened if the petitioner had pulled a permit to begin with.

COMMISSIONER SCHRADER MOVED to reduce the fine by \$400.00 which was the fee paid by the applicant for the appeal; **COMMISSIONER WILSON SECONDED.**

Chairman Hildebrand clarified the reduced fine would be \$3,950.00.

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

ENGINEERING SERVICES

R14 Transportation Infrastructure Program Funding from Florida General Appropriations Act for Fiscal Year 2010-11 (\$4,211,970)-Joint Participation Agreements Between Florida Department of Transportation and Pasco County-Identifies Three Projects That Will Be Funded, Agreements Needed to Receive the Funding
Memorandum ENA11-014
Recommendation: Approve
Comm. Dist. All

Ms. Debbie Bolduc, Engineering Services Administration, explained the item. She said the County was being awarded \$4.2M for school-related transportation infrastructure improvements. She described the three prioritized projects. Staff recommended approval.

Discussion followed regarding Staff's efforts to gain grant money; "east side" projects; serious crashes at various intersections; and a review of the intersection at Lemon and Orchid Lake.

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

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

ENGINEERING SERVICES - REAL ESTATE

R15 Exchange of Property between Pasco County and-Withlacoochee River Electric Cooperative (WREC)-to Exchange Properties Needed for the Widening of S.R. 52 for a Parcel in the Connerton Area Needed for a New Substation, in Addition Four Easements for the Benefit of WREC
Memorandum REA11-053
Recommendation: Approve
Comm. Dist. 2

Mr. David Edwards, Real Estate Manager, explained this item was an exchange of property that would benefit both parties for future expansion projects. Staff recommended approval.

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

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

OFFICE OF MANAGEMENT AND BUDGET COMMUNITY DEVELOPMENT

R16 Termination of Grant Award-St. Jude's Homeless Veterans Resource Center-Lack of Capacity by Agency
Memorandum CD11-507
Recommendation: Approve
Comm. Dist. All

The item was withdrawn.

OFFICE OF MANAGEMENT AND BUDGET

R17 COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS-Board of County Commissioners-County Administrator-County Attorney-Clerk
Memorandum BCCA11-133
Recommendation: Not Applicable
Comm. Dist. All

DISTRICT ONE – COMMISSIONER SCHRADER

Commissioner Schrader asked what the June 14th workshop would cover because he had a conflict with that date.

Mr. Gallagher said that day would be mostly budget issues and that he had planned to ask the Board for a closed session on union issues. The workshop was scheduled for the entire day.

Discussion followed regarding how much time would be needed for the budget discussion. It was decided the Board members would check their calendars during the lunch break for other available days.

After lunch the Board agreed to change the workshop to June 8th. There would not be a workshop on the 14th.

Mr. Gallagher clarified that the June 8th workshop in Dade City would begin at 9:00 a.m. to accommodate the closed session with the Union.

The Board agreed.

DISTRICT TWO – COMMISSIONER MULIERI

Commissioner Mulieri reminded the Board of an earlier issue involving school buses and Wesley Chapel Loop. She spoke with Mr. Garret from Stormwater and taking care of the trees and the roads would be approximately \$3,500.00. To trim only the trees, which would allow the buses to get through the area, would cost approximately \$900.00.

After discussion, the Board decided not to take any action in this matter.

COMMISSIONER MULIERI MOVED approval of a one-time repair not to exceed \$480.00 on Pineland Drive; **COMMISSIONER SCHRADER SECONDED.**

Commissioner Wilson clarified this was not a County-maintained road.

Discussion followed regarding the specifics of one-time repairs, when the repairs are appropriate, and that public funds could not be spent on private roads.

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

DISTRICT THREE – COMMISSIONER WILSON

Commissioner Wilson gave an update on the recycling issues. He was pleased that the Board would be going to the Lee County recycle facility. He mentioned scrap metal collections, receipts, and other aspects of recycling. He thanked Staff for their efforts.

DISTRICT FIVE – COMMISSIONER MARIANO

Commissioner Mariano said the co-advocate for the SunWest mine dredging project went through very well. He thanked Ms. Baker for her assistance. The new DEP Staff focused on results, as opposed to the process, which got the project moving forward. He spoke further on Pasco County's efforts in Tallahassee regarding this project and future projects. He planned a presentation for a workshop in June regarding a future park project.

Commissioner Mariano said the Public Service Commission granted approval in a different fashion than what was originally planned but he felt confident of the outcome. The residents were very appreciative of the Board's support.

COUNTY ADMINISTRATOR

No items.

COUNTY ATTORNEY

Mr. Steinsnyder said there had been discussion regarding the Board members traveling to Lee County, either individually or collectively, to look at the Research Recovery Facility. There was a case in 2008 involving a School Board that took a tour of the County to view potentially impacted areas, bus routes, and other sites. He felt they "did everything right;" the Board members were separated by rows in the bus, and there was no discussion on the bus. However the Court found there was a Sunshine Law violation. He said they were taking an informational tour which was a matter that would be heard before that Board, which was different than this Board merely traveling together to a site. He felt there was a potential for a Sunshine Law violation in the

planned trip. In an earlier trip the Board made to Lacoochee, the Board was split and mixed in with all the local residents.

Commissioner Schrader commented that when the Board took a tour together regarding a project they would be making a decision on at a later date, there was a potential conflict. Additionally, the trip to Lacoochee involved many other people on the buses.

Mr. Steinsnyder stated he felt the Court ruling against the School Board in the case he cited earlier was a "bad decision" but he felt the need to bring it to the Board's attention. He gave other options such as noticing the meeting as a workshop and having every Commissioner go down individually. His recommendation was that if the Board wanted to see the facility, they do it individually.

After discussion, the Board agreed.

Chairman Hildebrand suggested Ms. Baker and Mr. Kennedy add the facility to a trip they had planned to Fort Myers to an FGUA meeting in the near future and possibly take a video camera to the site to show the Board.

Mr. Kennedy felt Staff could get information to report back to the Board.

After discussion, it was decided Commissioner Wilson would travel with Staff to see the site.

CLERK OF COURT

Dr. O'Neil thanked everyone for their support on Leadership Pasco Day.

NOTED ITEMS **AGENDAS/MINUTES**

Agenda items R18 through R30 were noted.

THE BOARD ADJOURNED AT 11:58 A.M. AND RECONVENED AT 1:30 P.M. ALL MEMBERS WERE PRESENT.

PUBLIC HEARINGS

PUBLIC HEARINGS AT 1:30 PM

PROPOSED ORDINANCES

P1 AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, AMENDING THE PASCO COUNTY TREE REMOVAL AND PROTECTION ORDINANCE, ORD. NO. 01-17, AS AMENDED, BY AMENDING SECTION 602.11, TREE MITIGATION FUND, OF THE PASCO COUNTY LAND DEVELOPMENT CODE, TO EXPAND THE TYPES OF TREES AND PLANTS ELIGIBLE TO BE PURCHASED, PLANTED AND MAINTAINED WITH MITIGATION FUNDS, PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

Memorandum CAO11-0030

Recommendation: Approve

Comm. Dist. All

Dr. O'Neil noted proof of publication.

Mr. Steinsnyder explained that the proposed Ordinance was to give flexibility to what plants the mitigation funds could purchase. Staff submitted two lists. The current Ordinance dictated native plant species only, broadening the list to include more drought-tolerant plants would be sufficient. However, Commissioner Schrader had raised the concern, at introduction, that both of the lists submitted by Staff were rather broad and should be tailored somewhat. The final revised lists would be approved by Staff and would do well in Pasco County. Staff recommended approval by roll call vote.

Commissioner Mulieri noted that the Ordinance said "property owned by Pasco County." She mentioned State Road 41 where Pasco County did not own the property but had agreed to provide maintenance of the landscaping in a particular area. She asked what would happen if one of the trees there died; would the County be able to replace it, even though Pasco County did not own the property.

Discussion between the Board and Staff followed regarding conditions of and changed by the current Ordinance; other facilities utilizing the tree funds; if the School District would be included to receive funds from the tree fund and if they would be bound by the same requirements as the County as far as purchases; co-location with Schools; the fund balance; grant and program opportunities; and other places and ways the funds could be used.

Mr. Steinsnyder said the Ordinance would need to be "tweaked" in the re-write phase if the Board wanted to allow the School Board access to funds. The advertisement for this hearing was not broad enough to allow the language to be added into this amendment. The language in the Ordinance would not allow the School Board to "dip into" the fund without the Board's permission; it would only make the school property another place the County could use the funds.

Mr. Chris Williams, Pasco School Board, spoke regarding co-location opportunities.

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

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

PUBLIC HEARINGS

P2 LPA Wesley Chapel Lakes DRI No. 166 (a.k.a. Meadow Pointe III and IV) Development Agreement Amendment-Wesley Chapel Lakes, Ltd.; Clearwater Bay Association, Inc.; Maxcy Development Group Holdings - Meadowpointe IV, Inc.; Meadow Pointe IV Community Development District; and Pasco Heights Development Corporation. The Project is Located on About 2,237.3 Acres South of and Abutting S.R. 54, Approximately 3.5 Miles East of I-75, Extending South to the County Line in Sections 10, 15, 16, 22, 26, 27, 33, 34, and 35, Township 26 South, Range 20 East
Memorandum PGM11-76
Recommendation: Approve
Comm. Dist. 2

Chairman Hildebrand welcomed Ms. Alison Crumbley, the School Board representative, to the meeting.

Dr. O'Neil noted proof of publication.

Ms. Cynthia Spidell, Growth Management, explained the item and gave the location and background of the property. Staff recommended approval.

Mr. Keith Brickelmyer, representing the applicant, focused on the page which represented the change made at the Development Review Committee meeting. He spoke of funding, impact fee credits, future infrastructure in the area, and the possibility of mobility fees replacing or reducing impact fees. He spoke further regarding the reduced value of impact fee credits. He felt his client's situation was "unique."

Discussion between the Board, Staff, and the applicant followed regarding impact fees; mobility fees; and escrow funds.

Mr. Gallagher felt the Board should wait until the Ordinance was prepared and in place. He said this case was not unique regarding the fee versus credit issue. He wanted to be able to show the Board the effect of what the applicant was asking the Board to do.

Mr. David Goldstein, Chief Assistant County Attorney, did not think this was a unique situation; many other developers would either believe they were also "unique" or this may start a precedent. He did not believe there was a "legal obligation to buy back the

credits.” The Board should hear from Mr. Gallagher and Staff regarding the financial impact before they made a decision.

Commissioner Schrader clarified that the Ordinance would contain an option to “opt out” of the mobility fee. He asked for the reason for that.

Mr. Goldstein agreed that the Ordinance would be drafted so that a developer could stay under the existing impact fee system if they desired. The biggest consideration would be economic impact. He spoke of other developers who had already indicated they would request a refund of impact fee credits.

SITTING AS THE LPA, 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.

P3 LPA Wyndfields Master Planned Unit Development, Development Agreement Amendment-Schickendanz Bros., Inc., and Pasco County Associates I, LLLP- Update the Provisions of the Original Wyndfields Roadway Development Agreement; the Property Subject to This Proposed Development Agreement is Located in Sections 14, 23, and 26; Township 26 South; Range 20 East, on the South Side of S.R. 54, Approximately Five Miles East of I-75; the Project is Currently Approved for 1,999 Residential Units, 185,000 Square Feet of Commercial and 41,000 Square Feet of Office
Memorandum ZN11-435
Recommendation: Approval with conditions
Comm. Dist. 2

Dr. O’Neil noted proof of publication.

Ms. Alison Crumbley, the School Board representative, was present.

Ms. Dianne Naeyaert, Planning and Growth Management, explained the request, gave a timeline of the project and gave the location of the property. She explained the five different components and the schedule of the Development Agreement. Staff recommended approval with conditions.

Ms. Donna Feldman, representing the applicant, agreed with the conditions.

SITTING AS THE LPA COMMISSIONER MULIERI MOVED approval of Staff’s recommendation; **COMMISSIONER SCHRADER SECONDED.**

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

carried.

P4 ZONING PETITION (Regular) Rezoning Request for Paradise Lakes Resort MPUD-Paradise Lakes Resort, LLC-Rezoning from MF-2 Multiple Family High Density, PUD Planned Unit Development, and C-2 General Commercial Districts to an MPUD Master Planned Unit Development District on 20.91 Acres to Allow 14 Additional Apartments and 34,455 Square Feet of Nonresidential; Located on the Southeast Side of Leonard Road, Approximately 750 West of Land O Lakes Boulevard and on the West Side of Brinson Road; Sections 25, 26, and 36, Township 26 South, Range 18 East
Memorandum ZN11-6967
Recommendation: Approval with conditions
Comm. Dist. 2

Dr. O'Neil noted proof of publication.

Mr. Steinsnyder read the procedures that would be followed into the record.

Dr. O'Neil swore in those who would present testimony.

Ms. Debra Zampetti, Zoning and Code Compliance Administrator, explained the application and gave the location of the property. This project would not impact access for the other residents and Staff would be notifying all interested parties at each step of development. Staff recommended approval with conditions.

Mr. Steve Booth, representing the applicant, discussed parking, access, and site plan review. He 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.

ADJOURN

P5 Memorandum ADJ11-115
Recommendation: Not Applicable
Comm. Dist. All

The meeting adjourned at 2:30 p.m.

BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING/REZONINGS
MAY 25, 2011

(SEAL)

ANN HILDEBRAND, CHAIRMAN

ATTEST:

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

Prepared by: Katie McCormick
Board Records Clerk