

**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**

JUNE 7, 2011

**Historic Pasco County Courthouse, Board Room, 2nd Floor
37918 Meridian Avenue, Dade City, Florida 33525**

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 9:59 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Chairman Hildebrand noted that Consent Agenda items C11 and C13 were withdrawn. Consent Agenda items C1, C8, C21, C23, C24, C35, and C36 were pulled for discussion.

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.

CONSTITUTIONAL OFFICERS CLERK

C1 Letter Dated May 23, 2011 - Requesting Removal of Tangible Personal Property Items from Fixed Assets Master File - Paula S. O'Neil, Ph.D., Clerk and Comptroller - as a Result of the Annual Fixed Assets Audit
Memorandum CO11-205
Recommendation: Approve
Comm. Dist. All

Dr. O'Neil explained the agenda item was regarding an annual request for items to be removed from the books. She requested permission for removal. She explained that the items have been traded in, missing, or destroyed, and Law enforcement reports had been completed on these items. None of the items have been recovered to date. She requested approval of the revised form.

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

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

LEGISLATIVE/ADMINISTRATIVE COUNTY ATTORNEY

C8 Extension of Interlocal Agreement - Between Pasco County and the Sixth Judicial Circuit of Florida for County Funded Court Employees
Memorandum CAO11-0031
Recommendation: Approve
Comm. Dist. All

Mr. Steinsnyder explained the revision was regarding a vacant position that was to be

funded under the Interlocal Agreement. He requested approval with the revised attachment.

COMMISSIONER SCHRADER MOVED approval to include the revised attachment;
COMMISSIONER WILSON SECONDED.

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

FACILITIES MANAGEMENT

C21 Agreement to Furnish Professional Architectural Services - Heery International, Inc. - Perform Design Criteria of the Central Criminal Courts Facility (\$773,900.00)
Memorandum FAC11-148
Recommendation: Approve
Comm. Dist. 2

Commissioner Schrader asked Mr. Dan Johnson, Assistant County Administrator, to give a brief presentation.

Mr. Johnson explained the key item was money for the design criteria package which would be leading up to a design build construction of the Central Criminal Courts Facility in Land O Lakes, adjacent to the jail. The funding source was from traffic citations. There was approximately 6 to 6.5 million dollars that had accumulated. That money would only be used for court facility improvements. This would leave the courthouse in Dade City and the West Pasco Judicial Center in New Port Richey only handling civil matters. The plan for the Central Criminal Courts Facility was tentatively approved. There would be eight court rooms with expansion capabilities. The estimated cost was approximately 24 to 25 million dollars. The difference between the money collected and the total estimated cost would be bonded, pledging future traffic citations. The Board had not approved moving forward with construction. This was just the design criteria package. In the future, the only Ad Valorem dollars that would be used would be for operation and maintenance. The estimated cost was approximately \$470,000.00. There would be some savings due to consolidation.

Mr. Nurrenbrock explained that he didn't have a lot of experience using this type of revenue source to pledge on bonds. He noted that Wall Street may want a high coverage ratio. If it was not a revenue source that they were familiar with, they may require a lower amount be borrowed.

Commissioner Mariano raised concern with building the facility "green", as well as the expected savings.

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

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

PARKS AND RECREATION

C23 On-Site Security Agreement - Deputy Scott Raymer - Security at John S. Burks Memorial Park (Cost of Utilities at 50 Percent ((\$40.00)) of the Estimated Monthly Cost of \$80.00)
Memorandum PRA11-0317
Recommendation: Approve
Comm. Dist. 1

Commissioner Wilson asked Mr. Rick Buckman, Parks and Recreation Director, to explain agenda items C23 and C24.

Mr. Buckman explained the utility costs for the mobile homes used for the deputies in John S. Burks Memorial Park and at the Odessa Community Park. The total estimated cost for Burks Park was \$80.00 not \$160.00. The total cost for the Odessa Center was \$200.00 not \$400.00.

COMMISSIONER WILSON MOVED approval Agenda items C23 and C24;
COMMISSIONER SCHRADER SECONDED.

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

C24 On-Site Security Agreement-Deputy Matthew Davidson-to Continue Park Security at Odessa Community Park (Cost of Utilities at 50 Percent ((\$100.00)) of the Estimated Monthly Cost of \$200.00)
Memorandum PRA11-0387
Recommendation: Approve
Comm. Dist. 3

The item was heard with C23.

PURCHASING

C35 Request to Lease Copier (Emergency Services) - Konica Minolta Business Solutions U.S.A, Inc., c/o Dex Imaging, Inc. for Installation and Use in the Emergency Services Department's Land O' Lakes Office (\$2,730.72/Year)
Memorandum PU11-147
Recommendation: Approve
Comm. Dist. 2

Commissioner Mariano gave credit to Mr. Scott Stromer and Staff for obtaining a State contract and then worked with a local company to take over that contract.

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

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

C36 Selection and Request to Negotiate an Agreement (Public Transportation) - Blackjack Media Group, Inc. for Interior and Exterior Advertising on County Owned Transit Buses
Memorandum PU11-151
Recommendation: Approve
Comm. Dist. All

Commissioner Mariano explained that a local company had won the bid. He noted that now there would be a local company managing the advertising on the buses.

Commissioner Mulieri stated attorneys were not supposed to advertise on the buses. She would like the Board to think about the money that could be generated with allowing the attorneys to advertise.

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

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

CLERK & COMPTROLLER

ADDENDUM

**Proposed Annual Budget FY 11/12
Memorandum No. CO11-206
Recommendation: Receive and File
Comm. Dist. All**

Chairman Hildebrand asked for a motion to receive and file the Clerk's budget proposal.

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

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

Mr. Steinsnyder clarified that this item was more than just a receive and file. This was part of the Consent Agenda. When the motion was made to approve the Consent Agenda, this item was approved as well.

REGULAR

COMMISSIONER ITEMS
COMMISSIONER MULIERI

R1 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA - SUPPORTING THE WASHINGTON JUNETEENTH NATIONAL HOLIDAY OBSERVANCE ON JUNE 19, 2011.
Memorandum CAO11-5195
Recommendation: Approve
Comm. Dist. All –

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

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

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

Mr. Jeff Cannon, Director of Pasco County Historical Preservation Society, spoke about the local events that were planned. On June 16, 2011, from 6 p.m. to 8 p.m., there was a "Juneteenth Community Forum" planned. It would be held in the fellowship hall at St. Paul Missionary Baptist Church in Dade City. On June 18th, from 8 a.m. to 2 p.m., there

was a cemetery clean-up scheduled at the Historic Mount Carmel Cemetery in Land O' Lakes. On June 18th, from 11 a.m. to 3 p.m., there was a "Juneteenth Celebration" scheduled at the Historic Booker T. Washington Schoolhouse in New Port Richey. More information and a calendar of events were available on the website at blackcaucuspasco.org.

VICE CHAIRMAN SCHRADER

R2 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA - CONGRATULATING JAVION HANNER ON WINNING FIRST PLACE IN THE 2011 TROPICANA PUBLIC SPEAKING CONTEST.

Memorandum CAO11-5196

Recommendation: Approve

Comm. Dist. All -

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

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

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

Mr. Javion Hanner spoke about the support that his family and teacher gave him.

Chairman Hildebrand requested a motion to hear an emergency Resolution.

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

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

A RESOLUTION COMMENDING STEVEN SPINA FOR 24 YEARS OF DEDICATED SERVICE TO ZEPHYRHILLS AND CONGRATULATING HIM ON HIS RETIREMENT.

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

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

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

Mr. Gallagher spoke about Mr. Spina's working relationship with the County and his positive leadership skills. He would be greatly missed.

Mr. Spina spoke regarding his great work relationship with those in the County. He thanked Staff and thanked the Board for the recognition.

CONSTITUTIONAL OFFICERS

CLERK

R3 Minutes - Financial Matters - Specific Approvals
Memorandum CO11-198
Recommendation: Approve
Comm. Dist. All

Chairman Hildebrand requested a motion for approval of the Specific Approvals.

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

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

COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS

MISCELLANEOUS MATTERS

R4 PUBLIC-COMMENT
Memorandum PC11-116
Recommendation: Not Applicable
Comm. Dist. All

Mr. Richard Perrot and Ms. Wendi Burris spoke regarding the freedom to sell the newspaper on the streets in order to make a living.

Ms. Pat Carver, Mr. Greg Smith, and Ms. Nancy Hazelwood spoke regarding the fertilizer currently being used in the County, affecting the water quality. They each explained the difference that it would make in the lakes and other bodies of water by reducing the nitrogen and phosphorus in the fertilizer. Ms. Carver, representing the Garden Club, explained that the run off from the Hillsborough River basin and the Coastal River basin drained into Tampa Bay. She suggested using a different type of fertilizer that prohibited nitrogen and phosphorus during the rainy summer months.

Approx 50 municipalities had done this already. Ms. Carver recommended the Board adopt an Ordinance allowing the application of the nitrogen and phosphorus free fertilizer during these months.

Commissioner Schrader explained that as an agricultural producer and a user of commercial fertilizer, he fertilized citrus groves in the months of February, May, and in the middle of September. The rainy seasons were avoided. He had concerns regarding code enforcement, the enforcement of home-owner associations, and retailers regarding the ban of the fertilizer. All facts needed to be obtained before proceeding with an Ordinance. He preferred to look at a Countywide Ordinance as opposed to Municipalities.

The Board agreed to look at this issue further.

COMMISSIONER MULIERI MOVED to receive and file documents from Ms. Carver;
COMMISSIONER MARIANO SECONDED.

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

INTRODUCTION AND REFERENCE OF PROPOSED ORDINANCES
COUNTY ATTORNEY

R5 AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS REPEALING AND REPLACING THE PASCO COUNTY CODE OF ORDINANCES SECTION 82-1 TO CLARIFY CURRENT REGULATIONS THAT PROHIBIT USE OF ANY PORTION OF THE PUBLIC RIGHT-OF-WAY FOR COMMERCIAL PURPOSES-REPEALING PROVISIONS IN CHAPTER 74 AND REPLACING AND AMENDING THEM IN SECTION 82-1 BY PROVIDING DEFINITIONS; DEFINING AND ALLOWING CERTAIN EXPRESSIVE ACTIVITIES ON PUBLIC COLLECTOR AND ARTERIAL ROADS AND RIGHTS-OF-WAY WHEN THOSE ACTIVITIES DO NOT SEEK OR RESULT IN AN EXCHANGE OF PHYSICAL OBJECTS WITH MOTORISTS; PROHIBITING ROADWAY SOLICITATION, INCLUDING NEWSPAPER SALES, PANHANDLING, AND CHARITABLE SOLICITATION ON COLLECTOR AND ARTERIAL ROADWAYS EXCEPT DURING DAYLIGHT HOURS ON SUNDAYS;-PROVIDING EXEMPTIONS FROM REGULATIONS; PROVIDING FOR APPLICATION ON STATE- AND COUNTY -MAINTAINED COLLECTOR AND ARTERIAL ROADS WITHIN PASCO COUNTY, INCLUDING MUNICIPALITIES; IDENTIFYING VIOLATIONS; PROVIDING PENALTIES AND REMEDIES FOR VIOLATION; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE CODE, AND AN EFFECTIVE DATE.

Memorandum CAO11-813
Recommendation: Approve
Comm. Dist. All

Ms. Kristi Wooden, Senior Assistant County Attorney, reintroduced the item and explained the proposed Ordinance. At a previous Board meeting the Board agreed to bring the item back with more information on "option three", a ban on road solicitation where the participant exchanged an object with a motorist or occupants of a vehicle. Staff looked at Department of Transportation data regarding traffic volumes and County-wide daytime pedestrian crashes over the past five years. Data indicated that the traffic volume was significantly lower on Sunday. Daytime pedestrian crashes were approximately 31% lower on Sunday. Based on that information, the County Attorney's Office drafted a proposed Ordinance which prohibited roadway solicitation such as: newspaper sales, panhandling, and charitable solicitation on arterial and collector roads and within 440 feet of a local road intersection with such roads, but provided exemption for such activities on Sunday during daylight hours provided that the person engaged in roadway solicitation followed all of the conditions and requirements. She explained that Sheriff Nocco suggested requiring State issued photo identification upon review of the Ordinance which would help enforcement issues that would come up. Persons engaged in charitable solicitation would have to show proof of registration with the Department of Agriculture and Consumer Services, pursuant to a State Statute that required registration or proof that they were exempt. If the Board wanted to regulate roadside solicitors, the County Attorney's Office recommended that the Board approve Alternative number one, and direct Board Records to advertise the proposed Ordinance for final public hearing in Dade City on July 12, 2011 at 1:30 p.m.

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

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

There was discussion regarding the date and location of the final public hearing. It was agreed upon to change the location to the New Port Richey Board room for the final hearing on July 26, 2011 and Board Records to advertise for that date.

COMMISSIONER MARIANO AMENDED the motion to include holding the public hearing on July 26, 2011 at 1:30 p.m. in New Port Richey; **COMMISSIONER MULIERI SECONDED.**

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

LEGISLATIVE/ADMINISTRATIVE
COUNTY ATTORNEY

R6 Counter-Offer Agreement for Conveyance of Property HR Pasco, LLP
ComPark 75
Memorandum CAO11-3509
Recommendation: Approve
Comm. Dist. 2

Mr. David Goldstein, Chief Assistant County Attorney, explained a counter offer to the previous agreement. Key differences included: (1) being able to lease the property, (2) in lieu of having a capped sales price, HR Pasco, LLC wanted to pay the County the incentive that the County awards to the target industry under the Incentive Ordinance, not exceeding \$100,000.00, when they close or execute with a lease or sale. This would reduce the impact to the General Fund. He shared that Commissioner Schrader voiced concern with not having an escalator built into a \$100,000.00 cap.

Ms. Barbara Wilhite, representative for HR Pasco, LLC, spoke regarding a solution that worked for everyone as well as protected the General Fund. Her client's intentions were to do a build to suit, which money would be invested into the property. She asked for approval of the offer to the agreement.

Commissioner Schrader shared concerns with deviating from the procedure to dispose of surplus property. The \$100,000.00 today would not be worth \$100,000.00 years down the road. He suggested amending the Ordinance.

Ms. Wilhite explained that an Ordinance change in the future would cause concern because of not knowing what that change would be. They came up with the amount to cover the actual incentive. She thought this was a fair solution.

There was discussion regarding the property, an escalator, and an Ordinance change.

COMMISSIONER MARIANO MOVED approval of the proposed agreement;
COMMISSIONER MULIERI SECONDED.

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

Commissioner Schrader noted that he was in favor of the approval and wanted to move forward.

COUNTY ADMINISTRATOR

- R7 Premier HealthCare - Delegation of Signature Authority to County Administrator
(TO BE DISTRIBUTED)
Memorandum FAC11-165
Recommendation: Approve
Comm. Dist. All

Mr. Dan Johnson, Assistant County Administrator, explained the item. Six thousand square feet was set aside to be shared between the Health Department and Premier Health Group for a clinic at the Mike Fasano Regional Hurricane Shelter. Approximately one and a quarter million dollars was set aside to fund a health clinic for Premier. There were concerns about the dental portion of it. The Federal Budget held up moving forward and making the transition from just dental to primary care which included dental. The money that was set aside was for this fiscal year which would end June 2011. He asked the Board to delegate signature authority to the County Administrator to sign whatever documents may be necessary if an extension would be needed before the deadline date, contingent upon review by the County Attorney's Office and the Clerk of the Circuit Court.

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.

COUNTY ADMINISTRATION - OFFICE OF EMERGENCY MANAGEMENT

- R8 Debris Contract - Bergeron Grubbs Emergency Services Joint Venture - to Provide Emergency Debris Removal and Related Services Resulting from Civil Emergencies and Natural Disasters (\$1,500,000.00 During Initial Three-Year Term of the Contract)
Memorandum OEM11-017
Recommendation: Approve
Comm. Dist. All

Mr. Jim Martin, Emergency Management Director, explained the item and the debris contract. All joint venture documentation was provided and the bond was in place for the \$5,000.00.

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.

R9 Debris Monitoring Contract - Science Applications International Corporation - for Ongoing and as Needed Countywide Disaster Management, Monitoring, Oversight and Recovery Services
Memorandum OEM11-018
Recommendation: Approve
Comm. Dist. All

Mr. Martin explained the item. This would free up Staff to do what they need to do on a post event.

There was discussion regarding the need for the debris monitoring.

Mr. Steinsnyder further explained that this was a function that put the County in a position where they could get the maximum reimbursement from FEMA.

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

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

COUNTY ADMINISTRATION - PERSONNEL - RISK MANAGEMENT

R10 Group Health Insurance Renewal - United Healthcare - to Provide Group Health Insurance to the Employees of Pasco County
Memorandum IN11-516
Recommendation: Approve
Comm. Dist. All

Ms. Jane Calano, Risk Management Manager, explained the item. United Healthcare proposed a 16% proposal based on usage. That was not an acceptable renewal. Plan changes were looked at but the option would have increased the co-pay for the employee. In the month of March United put out 21% more than they took in from the County. There were five or six months that fell into that same range. United Healthcare came back with an 11% proposal. Also included with this item of healthcare was the renewal of life insurance, the accidental death and dismemberment, voluntary life insurance, no plan changes, no increases in premiums for another year, the dental program renewal with no plan design or premium changes, and the EAP. Staff recommended approval.

There was discussion regarding claims, health clinics and health care premiums.

COMMISSIONER MULIERI MOVED approval of Staff's recommendation;
COMMISSIONER WILSON 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

R11 Review of Budgets - for Constitutional Officers - Fiscal Year 2011-2012
Memorandum OMB11-11112
Recommendation: Approve
Comm. Dist. All

Mr. Nurrenbrock explained the annual request to allow entering into discussions with Constitutional Officers on their budgets.

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

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

R12 COMMITTEE REPORTS AND MISCELLANEOUS OLD BUSINESS - Board of County Commissioners - County Administrator - County Attorney - Clerk
Memorandum BCCA11-134
Recommendation: Not Applicable
Comm. Dist. All

DISTRICT ONE – COMMISSIONER SCHRADER

Commissioner Schrader reported that the construction at the Intersection of Happy Hill Road and State Road 52 had begun. He received phone calls concerning the appearance of a shut down. He had Mr. Jim Widman further explain the status of the project.

Mr. Jim Widman, Engineering Services Director, explained that the project was under contract with Pepper Construction with a completion date no later than December 2011. All underground piping was constructed and the stormwater management pond had been completed. The telephone company relocated the facilities west of the intersection, and needed to relocate east of the intersection. The embankment would then be able to be placed and Teco would be able to relocate their power poles. The project was ahead of schedule and would be completed sooner than the scheduled completion date.

Commissioner Schrader spoke about Mr. Robert Sumner, former County Attorney, who passed away. He was a lifelong resident of the County and served the community well. Commissioner Schrader thought it would be appropriate to recognize and honor Mr. Sumner by renaming the Pasco County Courthouse on Live Oak, the “Robert D. Sumner Judicial Center”. The entire Board agreed. Commissioner Schrader would get in touch with the family.

COMMISSIONER SCHRADER MOVED to rename the Pasco County Courthouse the Robert D. Sumner Judicial Center; **COMMISSIONER MULIERI SECONDED.**

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

DISTRICT TWO – COMMISSIONER MULIERI

Commissioner Mulieri shared with the Board that she received a very nice letter from the people at Pineland. It was previously approved to fix up Pineland. The people of that area cleaned up and saw a big change.

DISTRICT FOUR - COMMISSIONER WILSON

Commissioner Wilson spoke about recycling cell phones. The disposal of old cell phones had exceeded 125,000,000 units a year, which resulted in 65,000 tons of waste. He encouraged everyone to recycle their old cell phones. Recycle drop off areas were found in County buildings, schools, and other public places.

On June 16, 2011 Commissioner Wilson planned to visit Lee County's Waste Treatment Center. He contacted the school there to see if there would be someone available from a media class that would be able to video tape the trip to the Center so that he could share the presentation with the Board.

DISTRICT FIVE – COMMISSIONER MARIANO

Commissioner Mariano met Mr. James Johnson, an athletic director from PHCC. He talked about the different things he would like to do regarding tournaments and working with Tourist Development. There was a vacancy on the Tourist Development Board and Commissioner Mariano nominated Mr. Johnson for the position.

COMMISSIONER MARIANO MOVED to nominate Mr. James Johnson for the TDC Board; **COMMISSIONER MULIERI SECONDED.**

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

COUNTY ADMINISTRATOR

None.

COUNTY ATTORNEY

None.

CLERK TO THE BOARD

Dr. O'Neil thanked Commissioner Schrader for acknowledging Mr. Sumner by wanting to rename the Judicial Center in his honor and wanted to know when the name change would go into effect.

The date was uncertain.

NOTED ITEMS
AGENDS/MINUTES

Agenda items R13 through R37 were noted.

Chairman Hildebrand requested a motion to hear two emergency items.

COMMISSIONER SCHRADER MOVED to hear the emergencies; **COMMISSIONER MULERI SECONDED.**

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

Request for Reduction of Lien - Current Owner: D. W. Watkins Properties, LLC
Memo BCS11-064
Recommendation: Approve
Comm. Dist, 2

Mr. Tim Moore, Building Official, explained the request. On July 3, 2006 the owner received notice for the placement of three mobile homes without permits. The Construction Board found him non compliant. He had to come into compliance by January 20, 2007 or face \$100.00 per day fine. He did not comply until May 30, 2011, one thousand five hundred ninety one days after the Board ordered date. As of May 30, 2011 the fine was \$159,100.00. On June 30, 2011 the applicant requested a lien reduction. Staff recommended the amount be reduced to no lower than \$6,850.00. Staff recommended Alternative number one.

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.

Acknowledgement of Dual Obligee Rider for Bonds for the Little Road Pipeline Improvement Project
Memo Number – NONE
Comm. Dist. 3

Ms. Debbie Bolduc, Engineering Services, explained the item. The County had an approved development agreement with HCA Health Services of Florida to complete the pipeline project. HCA was contracting with Clark Hunt for construction. The Development Agreement required HCA to include the County as a third party beneficiary and a dual obligee on the bonds.

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

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

Chairman Hildebrand requested a motion to hear another emergency item.

COMMISSIONER MULIERI MOVED to hear the emergency item; **COMMISSIONER SCHRADER SECONDED.**

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

**Proposed Settlement Agreement in Pasco County v WJ Investments, LLC,
S & G Investments of Hernando Co Inc, Angela Lynn Kubb, Eric C. Kubb,
Susan Panesso d/b/a/ Club Elite Florida**

Mr. Steinsnyder asked Ms. Wooden to present the item. The parties negotiated a settlement agreement that required the owners and managers to cease and desist the operation of Club Elite as a swingers club. The agreement prohibited the property owner from renting the property or allowing another business to move in and operate a swingers club. The County Attorney's Office recommended approval of the proposed agreement.

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

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

THE BOARD RECESSED AT 11:59 P.M. AND RECONVENED AT 1:30 P.M. ALL BOARD MEMBERS WERE PRESENT.

PUBLIC HEARINGS

PUBLIC HEARINGS AT 1:30 PM **PUBLIC HEARINGS**

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

Mr. Steinsnyder read the procedures that would be followed.

Dr. O'Neil noted proof of publication for Zoning Agenda items P1 through P6.

Mr. Lee Millard, Assistant Zoning/Code Compliance Administrator, requested items P3 and P5 be continued to the July 12, 2011 Board meeting at 1:30 p.m. in Dade City.

COMMISSIONER MULIERI MOVED to continue Agenda Items P3 and P5 to the July 12, 2011 Board meeting at 1:30 p.m. in Dade City; **COMMISSIONER WILSON SECONDED.**

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

COMMISSIONER MULIERI MOVED approval of the Consent Agenda; **COMMISSIONER MARIANO SECONDED.**

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

P1 ZONING PETITION (Consent) Rezoning Request - Bridgeway Church of Tampa Florida, Inc. from an MPUD Master Planned Unit Development District to an A-R Agricultural-Residential District
Memorandum ZN11-6965
Recommendation: Approve
Comm. Dist. 1

The item was approved as part of the Consent Agenda.

P2 ZONING PETITION (Consent) Rezoning Request - Bob and Phyllis Bible - Rezone from an R-2 Low Density Residential District to an A-R Agricultural-Residential District
Memorandum ZN11-6966
Recommendation: Approve
Comm. Dist. 2

The item was approved as part of the Consent Agenda.

P3 ZONING PETITION (Consent) Rezoning Request - ACP Properties, LLC/Staff Initiated – from a C-2 General Commercial District to A-R Agricultural - Residential (3.29 Acres) and PO-1 Professional Office (1.51 Acres) Districts
Memorandum ZN11-6968
Recommendation: Approve
Comm. Dist. 2

Continued to the July 12, 2011 Board meeting.

P4 ZONING PETITION (Consent) Rezoning Request - Fred Claridge III and Karen C. Claridge/Staff Initiated from an R-1 Rural Density Residential District to an ER-2 Estate-Residential District Memorandum ZN11-6970
Recommendation: Approve
Comm. Dist. 1

This item was approved as part of the Consent Agenda.

P5 ZONING PETITION (Consent) Conditional Use Request - ACP Properties, LLC for a Residential Treatment and Care Facility in an A-R Agricultural-Residential District
Memorandum ZN11-CU17
Recommendation: Approval with conditions
Comm. Dist. 2

Continued to the July 12, 2011 Board meeting.

P6 ZONING PETITION (Regular) Rezoning Request - Dalor Holdings, LLC, and Brenchel Holdings, LLC - from PUD Planned Unit Development, C-2 General Commercial, and R-3 Medium Density Residential Districts to a C-2 General Commercial District
Memorandum ZN11-6961
Recommendation: Approve
Comm. Dist. 2

Mr. Millard explained the item and gave the location. The applicant proposed to develop the property with a restaurant and specialty retail. This was a lakefront piece of property. There would be a twenty five foot buffer surrounding the wetland area. Staff recommended approval.

Mr. Joel Tew, the applicant's representative, explained there was a mutual agreement with Mr. Leonard Johnson, who represented the adjoining land owner to the South of the parcel. They would coordinate and work with the adjoining property owner to work

out mutual buffering along property lines, once they knew what the use was going to be. This was part of the sight plan process. He agreed with Staff's recommendation.

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

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

P7 CPAS11-1(03) Sweetwater Small-Scale Comprehensive Plan Amendment
Applicants: Fred and Karen Claridge - from AG (Agricultural) to RES-1
(Residential-1), Located in Northeast Pasco, 16843 Sweetwater Road; BCC
Adoption, 6/7/11, 1:30 p.m., DC
Memorandum PGM11-59
Recommendation: Approve
Comm. Dist. 1 - ROLL CALL VOTE

Dr. O'Neil noted the proof of publication.

Ms. Justyna Buszewski, Planning and Growth Management, explained the item and gave the location. Staff recommended approval.

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

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

P8 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 PGM11-77
Recommendation: Approve
Comm. Dist. 2

Dr. O'Neil noted proof of publication.

Ms. Cynthia Spidell, Planning and Growth Management, explained the item. The project had specific approval for 4,520 residential dwelling units, 220,000 square feet of commercial, and a build up date of December 31, 2013. Staff recommended approval. Mr. Keith Bricklemyer, Attorney for the petitioner, agreed with Staff's recommendation.

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

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

P9 Wyndfields Master Planned Unit Development, Development Agreement Amendment - Schickendanz Bros., Inc., and Pasco County Associates I, LLLP Proposed are Changes to the Wyndfields Master Planned Unit Development (MPUD) Development Agreement, 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
Memorandum ZN11-436
Recommendation: Approval with conditions
Comm. Dist. 2

Dr. O'Neil noted proof of publication.

Ms. Dianne Naeyaert, Planning and Growth Management, explained the item. The project was approved for 1,999 residential units, 185,000 square feet of commercial, and 41,000 square feet of office. She advised of the roadway obligations in the Development Agreement amendment that were divided up into five separate components. Staff recommended approval with the change to section 5B, regarding access to State Road 54 from the Wyndfields Boulevard northern segment.

Ms. Donna Feldman, the applicant's representative, agreed with Staff and asked for approval.

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

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

There was a private meeting held for Board and Staff that immediately followed the Board meeting.

Commissioner Mariano gave an update regarding the hearing that he attended along with the residents of Jasmine Lakes, Palm Terrace, and Zephyr Shores concerning Aqua Utilities. He was very upset with the way the hearing went. Nobody who gave

testimony was under oath. They went with the Utility on everything except for one part regarding raises. He expected people to protest. The County Attorney's Office confirmed that if someone protested, the Board could intervene. They were talking about techniques as far as boiled water notices. The company would state one thing and the residents another. A small meeting was planned for June 14, 2011 in Jasmine Lakes to discuss issues. There was a form created so that the Board could take a look at it before it would be sent to the Governor as well as the PSC Chairman. Commissioner Mariano wanted the Board to be ready and in a position to move forward. He drafted a letter that he would have sent to the Chairman.

Mr. Steinsnyder spoke regarding the intention of the PSC to issue a written order on June 13, 2011. A twenty-one day clock would then start for filing a protest. The PSC Staff Attorney said the County could participate in one of two ways; (1) to file a protest requesting a hearing of the June 13, 2011 order, (2) intervene in the protest that the Office of Public Council might file. There was statutory authority for a County to intervene in a rate case without having the interest. This would need to be worked on as soon as possible and obtain more details after the June 13, 2011 date. The Board would be letting the PSC know that the Board was concerned that the utilities were treated differently.

ADJOURN

P10 ----
Memorandum ADJ11-116
Recommendation: Not Applicable
Comm. Dist. All

The meeting adjourned at 1:53 p.m.

BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING/REZONINGS

JUNE 7, 2011

(SEAL)

ANN HILDEBRAND, CHAIRMAN

ATTEST:

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

Prepared by: Brenda White
Board Records Clerk