

AGENDA ITEM # 1
October 21, 2014

1. APPROVAL OF MINUTES:

Regular meeting held September 11, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
THURSDAY, SEPTEMBER 11, 2014 – 2:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Others Present: James L. Bennett; County Attorney; Mark S. Woodard, County Administrator; Ken Burke, Clerk of the Circuit Court and Comptroller; and Kimberly A. Amorosa and Michael P. Schmidt, Board Reporters.

Chairman Seel opened the meeting with a moment of silence in remembrance of the victims of the September 11, 2001 disasters.

INVOCATION: Pastor Tom Hamilton, Feather Sound Community Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Latvala.

PRESENTATIONS AND AWARDS:

1. National Day of Remembrance for Murder Victims Proclamation presented to Yolanda Cowart and Donna Evans, Springtime Club – *Item not heard.*
2. Florida Association of Counties (FAC) County Champion Award presented to Susan Harbin, FAC, and Representative Kathleen Peters – *Item not heard.*

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

David Waddell, Clearwater, re HFA/CD.

Jerry McIntire, Clearwater, re failure to investigate witnesses and exhibits (*staff to meet with Mr. McIntire*).

CONSENT AGENDA ITEMS NOS. 1 THROUGH 10 – APPROVED WITH THE EXCEPTION OF ITEM NO. 5, WHICH WAS CONSIDERED UNDER ITEM NO. 11.

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

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1 Minutes of regular meeting of August 5, 2014 approved.

2 Reports Received for Filing:

- a. Affidavit of Publication of Legal Notice published in the Business Observer regarding Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes (Circuit/County Court of the 6th Judicial Circuit – Criminal Division).
- b. Tampa Bay Park of Commerce DRI Annual Report: July 14, 2013 – July 13, 2014 (Harrod Properties, Inc.).
- c. Dock Fee Report for the month of July 2014.

3 Vouchers and Bills:

Period July 6 through July 12, 2014

Payroll – None

Accounts Payable

Checks – \$3,586,268.65

ACH Transfers – \$1,502,060.13

Wire Transfers – \$599,266.99

Period July 13 through July 19, 2014

Payroll

ACH – \$3,021,733.08

Checks – \$76,427.37

Third Party ACH – \$11,955.76

Third Party Checks – \$2,796.03

Accounts Payable

Checks – \$7,679,746.90

ACH Transfers – \$4,099,000.06

Wire Transfers – \$1,931,148.82

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Period July 20, 2014 through July 26, 2014

Payroll – None

Accounts Payable

Checks – \$13,634,976.22

ACH Transfers – \$4,693,514.98

Wire Transfers – \$59,501.11

Period July 27, 2014 through August 2, 2014

Payroll

ACH – \$3,041,249.89

Checks – \$177,366.03

Third Party ACH – \$12,514.85

Third Party Checks – \$2,731.98

Accounts Payable

Checks – \$6,912,170.17

ACH Transfers – \$12,592,084.51

Wire Transfers – \$1,265,298.09

Period August 3, 2014 through August 9, 2014

Payroll – None

Accounts Payable

Checks – \$4,266,433.94

ACH Transfers – \$23,794,554.30

Wire Transfers – \$451,934.79

4 Miscellaneous Items Received for Filing:

- a. City of Clearwater Notice of Public Hearing regarding proposed Ordinances Nos. 8576-14 through 8578-14, amending the Annexation, Land Use Plan, and the Zoning Atlas; public hearings held September 4, 2014.
- b. City of Pinellas Park Notice of Public Hearing held July 10, 2014, regarding proposed Ordinance No. 3887 voluntarily annexing certain property.

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- c. City of Safety Harbor Ordinance No. 2014-12 adopted August 4, 2014, annexing certain property.
 - d. Eastlake Oaks Community Development District minutes of the meeting held April 10, 2014.
- # 5 See Item No. 11.
- # 6 Cooperative Agreement between Pinellas County, the Southwest Florida Water Management District (SWFWMD), and the Tampa Bay Estuary Program for the Old Tampa Bay Tidal Tributaries Project (W203) (SWFWMD Agreement No. 2013REV0010, County PID No. 000296A) approved; Chairman authorized to execute the agreement and the Clerk to attest.
- # 7 Resolution No. 14-70 adopted supplementing the Fiscal Year 2014 Tourist Development Council (TDC) Special Revenue Fund to appropriate earmarked receipts for a particular purpose (unanticipated Tourist Development tax revenues in the amount of \$850,000.00) for Tropicana Field debt services.
- # 8 Declaration of County-owned equipment (Auctions 390, 391 and 393) and vehicles (Auctions 44 and 45) as surplus as outlined on the attached list contained in the agenda memorandum dated September 11, 2014 approved; authorization granted for sale to the highest responsible bidder approved in accordance with Section 274.05, Florida Statutes, and Board of County Commissioners Surplus Disposition Procedures.
- # 9 Notice of new lawsuit and defense of the same by Christopher S. Morin, Esquire, in the case of Elsa Whetstine-Rentfro versus Kloote Contracting Inc., and Pinellas County Board of County Commissioners – Circuit Civil Case No. 14-005146-CI-19 – Allegations of Negligence Resulting in Personal Injuries.
- #10 Notice of new lawsuit and defense of the same by the County Attorney in the case of Roman & Roman versus Pinellas County Emergency Medical Services, et al. – County Civil Case No. 14-006593-CO-42 – Interpleader Action.

#11 Item pulled for discussion from Consent Agenda (County Administrator and Clerk of the Circuit Court and Comptroller):

5 Six County Incentive Grant Program Applications with the Florida Department of Transportation for design and construction of various road improvement, intersection improvement, and Advanced Traffic Management System/Intelligent Transportation System projects within Pinellas County ratified.

Referring to the Starkey Road/82nd Avenue project, Commissioner Long requested that the project be included as a priority on next year's Legislative Delegation agenda; and responding to her concerns, Richard Coates, Director of Transportation and Stormwater, indicated that ingress/egress to all local entities will be maintained throughout construction of the project, including the fire station; whereupon, Mr. Woodard related that the six projects are considered priority; that the grant will offset approximately \$12.7 million in costs to the County; that the projects will be on the Legislative Delegation agenda; and that he will notify the Board when the grant is received.

#12 First and Final Option of Renewal and Amendment No. 1 to the Boley Centers, Inc., grant funding agreement approved; twelve-month agreement effective October 1, 2014; total amount of funding not to exceed \$317,480.00.

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

Mr. Woodard indicated that the Health and Community Services Department will continue funding the programs until the end of Fiscal Year 2015; that he will be discussing the matter with the Community partners; and that he will brief the Board on the progress and the future funding at a later date.

Commissioner Long expressed her concerns about what will happen to the organization once the County funding stops; whereupon, Mr. Woodard indicated that staff is continuing to work with the agencies as the Board directed; and that he will meet individually with the members in the next few weeks to discuss the progress that has been made.

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Commissioner Long referenced a report given by the Chairman of the Homeless Leadership Board at its last meeting about money coming into the County to address homelessness; and suggested that the report would be useful as the Board decides how to better and more efficiently allocate its money; whereupon, Chairman Seel asked Commissioner Long to email the report to all the Commissioners, and stated that the issue would be fully vetted with the School Board, the Juvenile Welfare Board, and the other County partners.

- #13 First and Final Option of Renewal and Amendment No. 1 to the 2-1-1 Tampa Bay Cares, Inc. funding agreement approved; twelve-month agreement effective October 1, 2014; total amount of funding not to exceed \$325,000.00; Chairman authorized to sign and the Clerk to attest.

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

Commissioner Welch requested that the organization's complete budget be provided in order to see what percentage of the total budget the \$325,000 represents. Discussion ensued regarding the 2-1-1 Program, with Mr. Woodard indicating that a work session will be scheduled; and Chairman Seel noting that it might involve a budget increase.

- #14 First and Final Option of Renewal and Amendment No. 1 to the Catholic Charities Diocese of St. Petersburg, Inc. funding agreement for the Pinellas Hope Project approved; twelve-month agreement effective October 1, 2014; total amount of funding not to exceed \$500,000.00; Chairman authorized to sign and the Clerk to attest.

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

In response to query by Commissioner Welch, Ms. Leedy confirmed that a detailed report will be provided which will include the total number of individuals from Pinellas Hope transitioned to permanent housing; whereupon, Commissioner Long expressed concern that some of the leaders do not understand the importance of Greenlight Pinellas and how it will affect the homeless population and people with low incomes.

- #15 Substance Abuse and Mental Health Funding Agreement with Personal Enrichment Through Mental Health Services, Inc. – Deleted from agenda.

- #16 Resolution No. 14-71 adopted amending the State Housing Initiatives Partnership Program Local Housing Assistance Plan for Fiscal Years 2006-2009; authorization granted for submittal of the Second Amendment to the Florida Housing Finance Corporation.

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

- #17 Contract between Jon R. Thogmartin, M.D., P.A., and Pinellas County for the provision of medical examiner and forensic laboratory services in the amount of \$4,475,760.00 for Fiscal Year 2015 approved. Chairman authorized to execute the contract and the Clerk to attest.

Upon query by Mr. Woodard, Dr. Thogmartin estimated that his office will earn approximately \$1,000,000.00 in revenue this year, helping offset his contract with the County.

Responding to queries by the members, Dr. Thogmartin indicated that as a result of the new prescription drug laws, deaths from prescription drugs, which at the height of the problem numbered approximately 400 a year and outnumbered traffic-related deaths, have fallen considerably to around the same numbers reported before the problem surfaced; and that statistics do not suggest an increase in deaths due to heroin and cocaine. Dr. Thogmartin related that his office has not had as many out-of-county cases as he predicted; however, there were more cases from agencies in the county than was expected, noting that he has made overtures to Hillsborough County about their using the Pinellas County DNA lab.

In response to observations by Commissioner Welch, Dr. Thogmartin explained the difference between head-only and full-body autopsies. With input by County Attorney Bennett, Dr. Thogmartin agreed that Section 17 of the contract would be amended to include non-discrimination on basis of sexual orientation and gender identity.

Commissioner Roche expressed appreciation and gratitude to Dr. Thogmartin and his staff for their professionalism and compassion in dealing with grieving families.

Responding to query by Commissioner Welch, Dr. Thogmartin advised that while medical marijuana, such as Charlotte's Web, does not intoxicate, it may be difficult to test for; and that complex and costly testing for regular marijuana would have an impact on the budget. Discussion ensued on the subject of legalizing regular marijuana, with

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concerns expressed by Dr. Thogmartin regarding subsequent changes to the Driving Under the Influence program and by Commissioner Latvala about the ambiguous language of the proposed law.

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

- #18 Authorization granted to advertise a public hearing to be held on September 23, 2014, for a proposed ordinance amending Chapter 86 of the Pinellas County Code regarding High Prescribing Health Clinics.

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

Responding to queries by Commissioners Justice and Latvala, Doug Templeton, Operations Manager, Department of Justice and Consumer Services, reported that clinics prescribing over 20 Class Two or Class Three drugs are required to be registered with Justice and Consumer Services; and that currently there are 23 such clinics registered.

Discussion ensued wherein Commissioner Latvala stated that the Task Force should continue its work, as legislation is not likely to be adopted that will address the issue, cautioning that illegitimate high prescribing health clinics would return should the moratorium not be extended; and that the Task Force is working to change the ordinance, as its current language places undue burdens on legitimately prescribing doctors; whereupon, Chairman Seel expressed her support of the moratorium and recognized Commissioner Latvala's leadership on the Task Force.

At Commissioner Justice's recommendation that the Board have a thorough discussion about legitimate pain sufferers being unable to fill their prescriptions due to the current moratorium, Chairman Seel requested that the Administrator schedule time for a thorough presentation on the matter; whereupon, Mr. Woodard indicated that the discussion would be scheduled for September 23, 2014.

Responding to query by Chairman Seel, Commissioner Latvala indicated that the state did not fund the Prescription Drug Monitoring Program (PDMP) database; that funding for the next five years was obtained from an outside source; and that the state needs to mandate that doctors who prescribe pain medication use the registry.

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In response to queries by Chairman Seel and Commissioner Justice, Mr. Templeton opined that while the number of deaths from prescription drugs has been declining by 10 to 15 percent each year since 2010 and the number of high prescribing clinics decreased from 60 to 23, the addiction problem still exists; whereupon, he predicted that if safeguard mechanisms such as the moratorium and ordinance are removed, the number of high prescribing clinics would rise to the number it was before the moratorium.

- #19 Authorization granted to advertise a public hearing to be held on October 21, 2014, amending Chapter 14 of the Pinellas County Code relating to animals.

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

Upon query by Commissioner Roche, Maureen Freaney, Director, Animal Services, indicated that the word “animal” includes goats, cows, and other animals that would confuse the issue, and that in order to move the item forward, it was decided to use the term “cats,” even though tethered cats are rare.

Responding to queries by Commissioner Welch, Ms. Freaney and Doug Brightwell, Field Enforcement Manager, Animal Services, with input by Chairman Seel, related that it would be a county-wide ordinance enforced by Animal Control; that some Pinellas cities have set their own rules; and that owners of tethered animals are educated and given opportunities to comply with the ordinance before being cited for violations.

Thereupon, Dan Hester, Seminole, and Elizabeth Olsen, Palm Harbor, expressed support for the amendments to the current ordinance.

- #20 Fiscal Year 2014 Board Budget Amendments:

- a. No. 17 (County Commission) - pulled from the agenda at the request of the Administrator.
- b. No. 18 (Industry Certification Training Center and International Program).

and

- c. No. 19 (Tree Bank Fund) – approved.

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

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- #21 Amendment No. 1 to the Grant Funding Agreement with the Southwest Florida Water Management District for Fort De Soto Ecological Enhancement/Recirculation Phase 2 (W363) (Agreement No. 10C00000086) in the amount of \$500,000.00 approved.

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

- #22 Other Administrative Matters – None.

- #23 Resolution No. 14-72 adopted deferring the processing of 2014 tax deed applications on 2012 County-held tax certificates for properties assessed by the Property Appraiser at values less than \$5,000.00, pursuant to Section 197.502(3), Florida Statutes.

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

- #24 Resolution No. 14-73 adopted directing the Property Appraiser of Pinellas County, Florida, to extend the 2014 tax rolls and deliver the extended rolls to the Tax Collector of Pinellas County, Florida, on or before October 8, 2014, upon authority of Section 197.323, Florida Statutes; and directing the Clerk to deliver the resolution to the Property Appraiser.

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

- #25 Miscellaneous – None.

- #26 Master Fire Protection Services Agreement with eight (8) municipalities providing fire protection service in ten (10) fire districts was deleted from the agenda, as announced by Chairman Seel, and will be placed on the agenda for the September 23, 2014 meeting; whereupon, Administrator Woodard related that his staff is bringing into harmony the language in the fire agreement with the previously agreed upon terms and conditions.

- #27 County Administrator Reports:

Red Tide

David Downing, Interim Director, Convention and Visitors Bureau (CVB), indicated that although the Red Tide is still present, it is not moving; and that staff is monitoring the situation and updating the tourism industry regarding any changes.

Dolphin Tale 2

Mr. Downing presented a promotional video about the “Dolphin Tale 2” film, shot in the Clearwater Marine Aquarium, and related that his staff has been creating powerful promotional videos of the area, as it relates to the film; whereupon, Mr. Woodard thanked Mr. Downing for assuming the role of Interim Director of the CVB.

CITIZENS TO BE HEARD (Continued) (General Business):

David Ballard Geddis, Jr., Palm Harbor, re reclaimed water privatization.

- #28 Appointments and reappointments to the Youth Advisory Committee as outlined in the agenda memorandum dated September 11, 2014, which has been filed and made a part of the record, approved for up to 25 students with a recommendation that the students bring forward an amendment to their by-laws.

Commissioner Justice presented an update on the Committee, and discussion ensued regarding the optimal number of members and how they should be selected; whereupon, Chairman Seel commended Commissioner Justice on his leadership.

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

- #29 County Commission Miscellaneous:

- a. Commissioner Justice related that he had attended the landing of the Honor Flight paying tribute to 81 World War II veterans.
- related that he visited Tampa Bay Estuary.
- b. Commissioner Long provided update re: CareerSource Tampa Bay and its STEM TEC program for young people.
- reported that this fall, the Tampa Bay Regional Planning Council plans to address the climate change and the rising sea level.
- c. Commissioner Morroni shared an e-mail he received from citizens in gratitude of the quick response and courtesy provided by Department of Environment and Infrastructure employees Marty Bauer, Kevin Cox, Mike Boles, and Robert Brudnicki in addressing sink holes.

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d. Commissioner Welch

noted that Sheriff's deputies are always present at the meetings, but are rarely thanked for their service and complimented them on new uniforms.

related that he had attended a two-day conference at the Justice Center on how to reduce referrals of students from the school system to the courts.

related that he met with Faith and Action for Strength Together (FAST); and that the group is proposing that funds from the Health Department millage be used to provide preventive dental care. Chairman Seel related that a dental care report is forthcoming; whereupon, Mr. Woodard related that staff is working with the Health Department and plans to provide an update on October 21, 2014.

e. Chairman Seel

discussed the upcoming joint meeting with the Tourist Development Council, noting that at its last meeting, the Council indicated that it prefers to remain a public entity; whereupon, she appointed herself and Commissioner Justice to serve on the search committee for the new Tourist Development Council director.

reviewed plans to arrange the date for the "meet and greet" for Mark Woodard at the Airport; whereupon, the Board decided that it would be held on October 14, 2014.

reminded everyone of the upcoming upgrade of the Park Boulevard Bridge in Indian Shores, and related that many signs will be in place providing detour information while the bridge is closed.

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At this time, 3:45 P.M., the meeting was recessed and reconvened at 6:01 P.M. with all members present.

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SCHEDULED PUBLIC HEARINGS

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

- #30 Ordinance No. 14-36 adopted amending Section 114-213 of the Pinellas County Code relating to the governing body and program management of the Palm Harbor Community Services District. No correspondence has been received. No citizens appeared to be heard (Companion to Agenda Item No. 31).

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

- #31 Operating Agreement between the East Lake Recreation Services District and the Palm Harbor Community Services Agency, Inc. approved; Chairman authorized to execute the agreement on behalf of the East Lake Recreation Services District Municipal Services Taxing Unit (Companion to Agenda Item No. 30).

Motion	-	Commissioner Long
Second	-	Commissioner Welch

Prior to the vote, Chairman Seel confirmed that Agenda Item No. 31 is a regular agenda item.

Vote	-	7 – 0
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- #32 Resolution No. 14-74 adopted relating to the provision of Surface Water Management Services, amending the preliminary Surface Water Rate Resolution and confirming the preliminary Surface Water Rate Resolution as amended; imposing Surface Water Service Assessments and Fees against certain real property in the unincorporated area of Pinellas County established as the Surface Water Service Area; approving the Surface Water Rolls; establishing a revised Mitigation Credit Policy; and providing an effective date (estimated Fiscal Year 2014-2015 revenue, \$19.2 million).

Thirteen letters and emails in opposition and 189 phone inquiries have been received regarding the proposed assessments and fees.

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Kelli H. Levy, Section Manager, Watershed Management, Department of Environment and Infrastructure (DEI), referred to a PowerPoint presentation titled *Surface Water Management, Pinellas County Public Hearing, September 11, 2014*, a copy of which has been filed and made a part of the record, and discussed the following:

- Fiscal Year 2014 Accomplishments
- Fiscal Year 2015 Work Plan
- Credit Policy Revisions
- Fiscal Year 2015 Assessment

Ms. Levy provided information regarding the number of miles of open and closed conveyances completed throughout the county and how the street sweeping program has helped to keep pollutants from reaching local water bodies; whereupon, she presented information regarding the implementation of a site plan compliance program, the various factors relating to floodplain management, the ongoing efforts to educate the public regarding stormwater, the involvement of five local communities with regard to the Adopt-A-Pond program, the value of the biological monitoring and watershed management programs, and how her department will proceed with its work plan in Fiscal Year 2015.

In response to queries by Commissioner Latvala, Ms. Levy presented further information regarding the Adopt-A-Pond program, discussed the shared level of commitment between Pinellas County and the community, and related that she anticipates 10 to 12 ponds being adopted each year.

Ms. Levy discussed how a parcel owner can reduce the amount of the stormwater fee by qualifying and applying for a credit if there is a privately maintained stormwater management facility on the property; and discussed recent credit policy revisions, relating that minor changes have been made based on internal and external feedback; that most of the changes are for clarification purposes; that detention of stormwater has been added as a qualifying criteria; and that the review period has been extended from 45 to 60 days and the adjustment period now begins on October 1; whereupon, she indicated that while applications for the credit can be submitted throughout the year, reviewing and processing takes place during March, April, and May; and that the applicants are encouraged to schedule meetings well in advance of that timeframe.

Ms. Levy discussed the Fiscal Year 2015 Assessment, stating that no changes have been made to the Equivalent Residential Unit (ERU) or rate; that an ERU is equivalent to the average median single family detached home at 2,339 square feet; and that the ERU is valued at \$116.00 a year or approximately \$9.67 a month; whereupon, she presented information regarding estimated revenues, fees, and operational funds, and provided a breakdown of how the \$19.2 million in collections is utilized.

Attorney Bennett introduced Assistant County Attorney Brendan Mackesey and Heather Encinosa, Nabors Giblin & Nickerson, who provided a brief overview of the Annual Surface Water Rate Resolution, relating that it would confirm the preliminary resolution adopted in June, include the methodology and rates as previously discussed, and contain any amendments or recommendations the members wish to incorporate; whereupon, Attorney Mackesey related that staff continues to work with local citizens regarding the mitigation credit policy and offered the members two options for moving forward, advising that they could pass the version of the resolution that is before them and amend it later based upon citizen input, or that he could provide language to strike the revised policy and incorporate the one the Board adopted in September 2013 as the final rate resolution, and discussion ensued.

In response to queries by Commissioner Roche, Attorney Mackesey briefly discussed the implications of amending Section Eight of the resolution, and Attorney Bennett recommended that public comment be taken prior to further discussion regarding the mitigation policy; and related that the members can choose between the two options presented by Attorney Mackesey following public input; whereupon, he noted that the main focus of the agenda item is to deal with the fee assessment.

In response to queries by Commissioners Long and Welch, Attorney Mackesey related that staff from the Natural Resources Division is presently working with several citizens regarding potential revisions to the mitigation policy and will return before the members if there are amendments for consideration; that one individual is representing several clients this evening with regard to the mitigation policy; and that several phone calls and emails have been received regarding the matter; whereupon, he stated that because the applications for the upcoming fiscal year have already been received and processed, any decision regarding the mitigation policy will have no immediate material impact.

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Mr. Woodard presented background information regarding the item and discussed federal regulations and Environmental Protection Agency requirements concerning surface water quality in Pinellas County. He related that, about a year ago, staff presented the idea of a surface water assessment in order to comply with surface water quality federal mandates; and that even though Penny for Pinellas dollars provide capital funding for stormwater projects, those dollars cannot be used to support operations and maintenance activities.

Mr. Woodard stated that the stormwater utility assessment is a standard found throughout the United States; that it is based on the contribution a piece of property makes toward the surface water problem; that it is a fair and equitable way of funding the operations and maintenance needs required to arrive at compliance with federal regulations; and that the alternative would be a property tax based entirely upon value, not the amount of runoff a parcel is contributing.

Mr. Woodard related that the members will be setting the surface water assessment fee for Fiscal Year 2015, the second year of the program; and that the recommendation of staff is that the fee remain the same; whereupon, he related that of the 24 municipalities, 15 have a surface water assessment, with some in place for many years; and that while the mitigation credits are related to the members' decision, the main objective is to set the rate for Fiscal Year 2015.

In response to comments and queries by Commissioner Long, Mr. Woodard related that the idea of using the Penny for Pinellas for operations and maintenance activities has previously been presented to the Legislative Delegation; that no sponsor has stepped forward to present the legislation; and that, at present, Penny funds can only be used for infrastructure; whereupon, he agreed to put the matter on the next legislative program for member discussion and direction.

Chairman Seel discussed the importance of cleaning stormwater runoff prior to it entering local water bodies, and related that in addition to meeting federal water quality standards, a long-term County goal is to ensure that local streams and creeks are able to safely carry hurricane floodwaters; and Commissioner Latvala related that while some may see the fee as just another tax, caring for local waterways, protecting public property, and ensuring public safety are essential goals.

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In response to Chairman Seel's call for public comment, the following individuals presented their comments and concerns and responded to queries by the members:

Frank Torres, Largo – Oppose.

Todd Pressman, Palm Harbor – Oppose (representing multiple clients).

David Eastman, Largo – Oppose (representing multiple mobile home park clients).

Norman G. Atherton, Palm Harbor – Undecided.

Fred Bickley, St. Petersburg – Oppose.

John C. Landon, Palm Harbor – Oppose.

John Spadafora, Largo – Oppose.

Rex Sparklin, Largo – Oppose.

Steve Engelhardt, Dunedin – Oppose.

Tom Nocera, Clearwater – Oppose.

April Croley, Largo – Oppose.

In response to queries by Commissioner Welch and Roche, Mr. Pressman related that due to the change in methodology in assessing the fees for Fiscal Year 2015, some mobile home park residents have seen increases from 200 to 340 percent; whereupon, Mr. Eastman indicated that while he is not familiar with local government stormwater fees, in his opinion, the amount of the increase in the unincorporated area is what got everyone's attention; and that mobile home parks, as a zoning and land use matter, are distinct from other types of properties and should be treated as such; whereupon, he requested that the present methodology stay in place until a fairer method is developed.

During discussion and in response to comments and queries by Chairman Seel, Mr. Woodard related that based on the comments of Messrs. Pressman and Eastman, it appears that the method of assessing the fees is the issue; whereupon, Ms. Levy, with input by Ms. Encinosa, explained that all commercial properties were digitized this year to reflect their true impervious area; that the assessment methodology has not changed, but the fees now reflect the actual impervious area; that mobile homes parks are considered commercial properties if owned by a corporation and not the tenants; and that many parks which were eligible for mitigation credits did not apply.

Commissioner Latvala opined that commercially-operated mobile home parks are really residential properties, and Ms. Encinosa related that even if the mobile homes in those communities were treated as residential units, any changes to the assessment fees would be minimal, as the rate per ERU is the same. Ms. Levy discussed Amber Glades, a large mobile home community for which the fee had risen from \$16,000.00 in Fiscal Year 2014 to \$60,000.00 in Fiscal Year 2015 due to the data being corrected, and related that

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approximately 30 mobile home parks within the unincorporated area have been affected by significant fee increases.

In response to queries by Chairman Seel, Ms. Levy related that her department ensures that all property owners are aware of mitigation opportunities to reduce their assessments; that because the aerial photographs taken in 2011 may not reflect current conditions, an adjustment policy is in place providing owners an opportunity to dispute the square footage of impervious area attributed to their parcels; and that the adjustment period will run from October 1 through November 1.

Mr. Bickley discussed small industrial and older retail properties in the unincorporated area that have seen sizeable assessment increases and have no way to take advantage of mitigation opportunities. He stated that he has not seen such large increases in the cities where he owns other properties; and requested that some sort of consideration be provided for those older properties, and Commissioner Latvala agreed; whereupon, in response to queries by Chairman Seel, Mr. Bickley agreed to provide assessment information from those cities where he owns properties.

In response to queries by Commissioner Welch, Mr. Landon related that he has not studied how the various municipalities have approached the issue, and discussed various standards pertaining to stormwater retention, noting that Pinellas County has set the highest possible bar, a 100-year standard.

Commissioner Latvala observed that the large fee increases from Fiscal Year 2014 to Fiscal Year 2015 have garnered considerable attention; and that much work needs to be done to rectify the issue; and Mr. Woodard related that the assessments originally may have been lower than they should have been, and fees are now higher than they could be because available mitigation credits have not been used; and that staff can continue to work on the mitigation credit policy and return with changes at a future date; whereupon, referring to the significantly-increased assessment at Amber Glades, Commissioner Roche stated that he is in favor of a flat fee assessment, opining that the current method of calculation is over engineered.

Ms. Levy presented further information regarding the 2,339 square-foot ERU calculation, and in response to Commissioner Long's statement that most mobile homes are not nearly that large, Ms. Encinosa related that commercial mobile home parks are not merely assessed on the size of the actual units, but on all hard surfaces contained within the park, including roads, tennis courts, and swimming pools. Responding to queries by Commissioners Justice and Roche, Ms. Levy presented further information regarding

stormwater retention standards, 25-year and 100-year storm events, and mitigation credit policies Pinellas cities and Pasco County offer; whereupon, Ms. Encinosa confirmed that to receive the maximum 75-percent credit the County offers, a property owner would have to have a retention pond that could contain the impact of a 100-year storm; and that all the cities in the county charge a flat fee for residential property.

Chairman Seel closed the public hearing, and Mr. Woodard indicated that while he cannot assure the Board that re-crafting the mitigation credit policy would provide financial relief to all mobile home park residents or solve all the issues brought out tonight, reopening the policy and allowing people to apply for credits for which they are eligible should resolve some of the problems; whereupon, Chairman Seel expressed support for that course of action; and at her request, Ms. Levy agreed to provide the members with a per-unit assessment of residences in the Oak Crest Mobile Home Park, and clarified that bills are mailed to the corporations, not to individual homeowners.

Commissioner Latvala expressed concern that the process may be too complicated, and in response to her queries, Ms. Levy related that no additional staff have been hired to implement the mitigation credit policy; and that her department has processed each application in a timely manner and met all the needs of its customers; whereupon, in response to queries by Commissioner Justice regarding the possibility of differentiating between commercial and residential mobile home parks, Attorney Bennett related that each would still have an equivalent square-foot impact with respect to impervious area, and discussion ensued.

Commissioner Welch agreed that there is a need in the unincorporated area to deal with surface water, and in response to his queries, Ms. Levy presented financial information regarding projected versus actual revenues, and related that the ERU is valued at approximately \$9.67 a month; and that the department does not have a surplus in the reserve account, as reserves are only used to cover costs in the first few months of a fiscal year. Commissioner Welch related that he is not comfortable with the large increases and something must be done to mitigate the fees; whereupon, Commissioner Morroni related that he is not comfortable voting on the item this evening, and recommended that the 30-day adjustment period window be extended.

Mr. Woodard related that streets are included as part of the ERU calculation in mobile home parks; and that if an amendment to the mitigation credit policy were written to address internal streets, it could help alleviate the financial burden to residents, and Chairman Seel expressed support for the idea.

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Commissioner Roche related that the members have only heard from mobile home park residents thus far; that apartment complexes will be calculated in the same manner and will pass along the increased costs to their tenants; that the burden is placed on the citizens to prove that the aerial photographs are incorrect; that he is a strong proponent of a countywide consolidated stormwater system; that alternate funding methods should be considered; that he is not in favor of using an assessment fee; and that Penny for Pinellas dollars can be used to fund capital stormwater construction projects. Commissioner Latvala acknowledged that while the Penny could technically be used for stormwater projects, the members have already pledged those dollars to other programs; whereupon, she stated that the mitigation program appears to be inadequate, and changes may be required; and recommended that the impervious area corrections not be imposed at this time.

In response to comments and queries by Commissioner Latvala, Ms. Levy presented detailed information regarding the challenges of revising the present tax roll information in only four days in order to meet the September 15 deadline for certification of the tax roll, and Ms. Encinosa stated that while the roll needs to be certified by September 15, there is an opportunity to make corrections after that time, and discussion ensued.

Mr. Woodard confirmed his understanding of the members' wishes, and related that staff will review the private road issue and challenges associated with older commercial properties, but noted that the path forward, respective timeframes, and any legal issues are not entirely clear at this point in time. He recommended that the assessment go forward, relating that it is an important source of revenue and has linkages to other fund budgets; and that diminished levels of service could occur if program funding is scaled back to Fiscal Year 2014 levels; whereupon, he requested that he be permitted the flexibility to work on issues regarding the mitigation policy and assessment fees.

Property Appraiser Pam Dubov read from state statute, and related that while the deadline for certifying the tax roll is September 15, any alterations are required by September 5, and Ms. Encinosa reiterated that the errors and corrections process allows changes subsequent to the certification. Attorney Bennett advised that the best approach is to use the roll that has been developed, allow staff time to complete in-the-field corrections, and possibly open an early credit policy; whereupon, Chairman Seel recommended that the item be approved this evening with the direction that a progress report be provided by staff at the September 23 BCC meeting, and discussion ensued.

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Thereupon, Commissioner Roche moved that all changes be approved, with the exception of the methodology, and the motion died for lack of a second.

Mr. Woodard related that there have been minimal changes to the methodology; that the changes pertain to hard surfaces that have been digitized and included in the tax roll; and that he will return on September 23 with a report regarding future strategies; whereupon, Attorney Bennett indicated that the members can make corrections at any time, including any necessary policy amendments.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Long, that the item be approved, with the direction that a report be provided at the September 23 BCC meeting regarding hard surfaces and fairness in the application of the stormwater fee, including consideration of older commercial properties. Following brief discussion, the Chairman called for the vote.

Motion	-	Commissioner Latvala
Second	-	Commissioner Long
Vote	-	6 – 1 (Commissioner Roche dissenting)

* * * *

At this time, 8:23 P.M., the meeting was recessed and reconvened at 8:37 P.M. with all members present.

* * * *

- #33 Public hearing was held regarding the proposed Fiscal Year 2014-2015 tentative millage rates and budgets for Pinellas County; resolutions adopted approving tentative millage rates and budgets for Pinellas County General Fund and Pinellas County Health Department (Nos. 14-75 and 14-76); resolutions adopted approving tentative millage rates and budgets for Emergency Medical Services Authority, Pinellas County Planning Council, Unincorporated Area Municipal Service Taxing Unit (MSTU), Public Library Cooperative MSTU, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services District, East Lake Recreation Services District, Belleair Bluffs Fire Protection District, Clearwater Fire Protection District, Dunedin Fire Protection District, Gandy Fire Protection District, Largo Fire Protection District, Pinellas Park Fire Protection District, Safety Harbor Fire Protection District, Tarpon Springs Fire Protection District, Seminole Fire Protection District, High Point Fire Protection District, Tierra Verde Fire Protection District, and South Pasadena Fire Protection District (Nos. 14-77 and 14-78).

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Ken Burke, Clerk of the Circuit Court and Comptroller, reported that while no correspondence has been received regarding the proposed millages and tentative budgets, 26 phone calls regarding the topic have been received by the Office of Management and Budget.

At this time, Chairman Seel reviewed the sequence of events for tonight's proceedings, relating that even though Florida Statutes provide that a taxing authority may adopt tax levies and budgets of all its dependent special taxing districts and municipal service taxing units by a single unanimous vote, members of the general public can request that the Board discuss and adopt any of those items separately; whereupon, in response to her queries, no citizen requested that any item be separately reviewed.

Thereupon, Chairman Seel opened the first public hearing on the tentative millage rates and budgets proposed for Fiscal Year 2014-2015, and indicated that representatives of the Property Appraiser's Office are available to respond to anyone having questions or concerns about the assessed value of their property.

Clerk Burke reported that due notice has been provided by the mailing of the TRIM notices to Pinellas County property owners as required by Chapters 129 and 200 of the Florida Statutes.

Chairman Seel announced that the Board of County Commissioners (BCC), as taxing authority for the BCC Countywide, including the Pinellas County General Fund and Health Department, and as taxing authority for the Dependent Special Districts and Municipal Service Taxing Units, including Emergency Medical Services, Pinellas County Planning Council, Unincorporated Area MSTU, Public Library Cooperative MSTU, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services MSTU, East Lake Recreation Services District, and the Special Fire Protection Districts, will now proceed with the public hearings.

Mr. Woodard related that the percentage increase in the millage rate for all budgets over the rolled-back rate based on the maximum rates on the TRIM Notice to fund the Fiscal Year 2015 Tentative Budget is a 5.27-percent increase over the aggregate rolled-back rate; whereupon, he indicated that the primary purposes for increases in ad valorem tax revenues are due to the following:

- In the General Fund, Emergency Medical Services Fund, and the Pinellas County Planning Council, revenue increases are required to support personnel and operating expenditure levels that are driven by inflationary factors.

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- In the Public Library Cooperative MSTU, the Palm Harbor MSTU, the Feather Sound MSTU, the East Lake Library Services MSTU, and the Special Protection Fire Districts, revenue increases are needed to support increased expenditures by the agencies providing services for those districts.
- In addition, as part of the ongoing evaluation of the unincorporated area and the East Lake community's request for a dedicated funding source, on June 24, 2014, the Board approved Ordinance No. 14-30 establishing the East Lake Recreation Services MSTU district; an initial tax levy of 0.2500 mills is proposed for the district.

Mr. Woodard conducted a PowerPoint presentation titled *FY2015 Tentative Budget*, a copy of which has been filed and made a part of the record, and noted that a schedule of changes to the proposed budget was distributed to the Board on September 3, 2014; that modifications included both Board-directed changes approved at BCC meetings or work sessions and technical adjustments related to accounting presentation, restructuring department centers and programs, and other minor changes; and that the changes are outlined in a document titled *Exhibit 1 – Summary of Changes to FY2015 Proposed Budget*, a copy of which has been filed and made a part of the record.

Following the presentation, Chairman Seel announced that the Board of County Commissioners will continue the hearing as the taxing authority for the Pinellas County General Fund and Health Department, and as taxing authority for the Dependent Special Districts and Municipal Service Taxing Units, including Emergency Medical Services, Pinellas County Planning Council, Unincorporated Area MSTU, Public Library Cooperative MSTU, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services District, East Lake Recreation Services District, and the Special Fire Protection Districts levies, by taking public comment from citizens who wish to be heard regarding the Fiscal Year 2015 Budget.

In response to Chairman Seel's call for public comment, the following individuals presented their comments and concerns:

Donna Davis, Clearwater, re dental affordable.
Bob Meehan, Clearwater, re dental.
Carolyn Daniels, Clearwater, re increase funding dental care.
Maureen Kowsky, Largo, re increased funding for dental care.
Judy Charnatz, Largo, re supporting increase in budget for dental care.
Ann Gambino, Clearwater, re expansion of dental care.
Kenneth Booker, Pinellas Park, re dental care.
Harry Miller, Pinellas Park, re dental care.

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Donna Polhamus, Dunedin, re increase funding dental care.
Janice Metz, Belleair, re money for dental budget.
Avis Lemon, St. Petersburg, re affordable dental care.
Johnny L. Watson, Largo, re dental care.
Margaret St. James, St. Petersburg, re budget – dental care.
Janet Berman, St. Petersburg, re affordable dental care.
Linda Stoller, Clearwater, re funding for dental care.
Florette Young, St. Petersburg, re budget – more funding for dental.
Norrean Goal, Clearwater, re dental care increase.
Charles Stiers, Dunedin, re dental funds.
Ed Dickey, Largo, re dental.
Ann Clark-Whitlock, St. Petersburg, re dental care.
Stewart Goldie, St. Petersburg, re dental care – budget.
Martha Brinsko, St. Pete Beach, re budget.

Mr. Woodard related that the Fiscal Year 2014 Budget includes approximately \$480,000.00 programmed for indigent dental care; and that because the Board is allocating an additional \$500,000.00 for Fiscal Year 2015, the total yearly funding will be about \$1,000,000.00; whereupon, Ms. Davis pointed out that one of the main requests is that not just the indigent population be provided dental care, but also the working poor; and that care be available after working hours.

Chairman Seel related that three members of Faith and Action for Strength Together (FAST) attended the recently-held Dental Roundtable; that local providers were invited and provided input, which included a discussion of patient no-shows after the dentists schedule their time and the need for better coordination; that a questionnaire was distributed asking participants to rank the top three priorities that need to be addressed in Pinellas County; that additional dollars are being allocated to address indigent dental services; that resources presently exist, including two dental clinics, and dental care is already available in the local community; and that the issue needs to be approached in an intelligent way; whereupon, Mr. Woodard related that he will return with a report at the October 21 meeting, which includes input from the Health Department and the Dental Roundtable, regarding how to most effectively utilize current resources to best meet community needs.

Thereupon, Chairman Seel closed the public hearing and asked whether the members wished to recommend any changes to the proposed millage rates or budgets, and discussion ensued.

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In response to queries by Commissioner Welch, Interim Executive Director of Health and Community Services Lynda Leedy related that a total of 1,600 unduplicated, new clients will be served by the additional \$500,000.00, and presented information regarding how the funding will be used to supplement the Pinellas County Health Program, assist local community clinics, and provide for individuals at 100 percent and 200 percent of the federal poverty level. Commissioner Welch related that the dollars are recurring on a yearly basis; that he is supportive of increasing the allocation each year until it is sufficient to cover the need; and that increasing the Health Department millage in Fiscal Year 2016 might be a way to help address the issue; whereupon, referring to comments made during the public comment portion of the item, Commissioner Welch related that he is not prepared to reduce County Reserves.

Commissioner Justice related that he has encouraged FAST members to contact their state representatives regarding funding, as the state took in billions of dollars more this year; that the County Commission should continue conversations with the Legislative Delegation; that the Health Department is technically a state agency; and that every avenue should be explored; whereupon, he discussed Medicaid expansion, and Commissioner Latvala stated that asking for Medicaid expansion to be approved by the State of Florida should be a top priority; and that it would free up other money which could then be spent on dental care, and Chairman Seel and Commissioner Welch agreed.

Thereupon, Chairman Seel thanked the audience members for attending and assured them that the Board will continue to work on the issue.

Chairman Seel announced that resolutions will now be considered to set the tentative millage rates and budgets; and that the amounts will not be finalized until the public hearing on September 23, 2014; whereupon, Mr. Woodard announced each of the resolutions separately, which have been filed and made a part of the record.

Resolution No. 14-75 adopting the tentative millage rates for Fiscal Year 2014-2015 for Pinellas County General Fund and Health Department adopted.

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

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Resolution No. 14-76 adopting the tentative budgets for Fiscal Year 2014-2015 for Pinellas County General Fund and Health Department adopted.

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

Resolution No. 14-77 adopting the tentative millage rates for Fiscal Year 2014-2015 for Emergency Medical Services Authority, Pinellas County Planning Council, Unincorporated Area MSTU, Public Library Cooperative MSTU, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services District, East Lake Recreation Services District, Belleair Bluffs Fire Protection District, Clearwater Fire Protection District, Dunedin Fire Protection District, Gandy Fire Protection District, Largo Fire Protection District, Pinellas Park Fire Protection District, Safety Harbor Fire Protection District, Tarpon Springs Fire Protection District, Seminole Fire Protection District, High Point Fire Protection District, Tierra Verde Fire Protection District, and South Pasadena Fire Protection District adopted.

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

Resolution No. 14-78 adopting the tentative budgets for Fiscal Year 2014-2015 for Emergency Medical Services Authority, Pinellas County Planning Council, Unincorporated Area MSTU, Public Library Cooperative MSTU, Palm Harbor Community Services District, Feather Sound Community Services District, East Lake Library Services District, East Lake Recreation Services District, Belleair Bluffs Fire Protection District, Clearwater Fire Protection District, Dunedin Fire Protection District, Gandy Fire Protection District, Largo Fire Protection District, Pinellas Park Fire Protection District, Safety Harbor Fire Protection District, Tarpon Springs Fire Protection District, Seminole Fire Protection District, High Point Fire Protection District, Tierra Verde Fire Protection District, and South Pasadena Fire Protection District adopted.

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

Following the votes, Clerk Burke noted that each had been unanimous.

At this time, Chairman Seel closed the first public hearing on the tentative millage rates and budgets for Fiscal Year 2014-2015.

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- #34 Authorization granted to advertise the tentative millage rates and budgets and the date, time, and place of the second public hearing regarding the proposed Fiscal Year 2014-2015 millage rates and budgets; second public hearing to be held on September 23, 2014.

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

- #35 Meeting adjourned at 9:57 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk