

3. APPROVAL OF MINUTES:

Regular meeting held December 2, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 2, 2014 – 9:31 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Vice-Chairman; Janet C. Long; Kenneth T. Welch; Dave Eggers; and Pat Gerard.

Not Present: Karen Williams Seel, Chairman; and Charlie Justice.

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Board Reporter, Deputy Clerk.

INVOCATION: Pastor David Gill, Aldersgate United Methodist Church, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Eggers.

PRESENTATIONS AND AWARDS: None.

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 HEARING – COUNTYWIDE PLANNING AUTHORITY

- # 1 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 14-52 approving Case No. CW 14-24 (SAP Adoption 2014) Largo Mall Activity Center Special Area Plan, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Low, Residential Urban, Residential Low Medium, Residential Medium, Residential High, Residential/Office General, Residential/Office/Retail, Commercial Neighborhood, Commercial General, Industrial Limited, Preservation, Recreation/Open Space, Institutional, Transportation/Utility, and Water/Drainage Feature Overlay to Residential Low with Activity Center, Residential Urban with Activity Center, Residential Low Medium with Activity Center, Residential Medium with Activity Center, Residential High with Activity Center, Residential/Office General with Activity Center, Residential/Office/Retail with Activity Center, Commercial Neighborhood with Activity Center, Commercial General with Activity Center, Industrial Limited with Activity Center, Preservation with Activity Center, Recreation/Open Space with Activity Center, Institutional with Activity Center, Transportation/Utility with Activity Center, and Water/Drainage Feature Overlay with Activity Center, re 280.3 acres m.o.l., an area generally centered on the intersection of Ulmerton Road and Seminole Boulevard, generally located on the north and south sides of Ulmerton Road

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between the Pinellas Trail to the west and 10th Street SE to the east (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Long
Second	-	Commissioner Gerard
Vote	-	5 – 0

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

Dawn Bohler, St. Petersburg, re Pinellas County Animal Services/dangerous dogs.

- In response to queries by Vice-Chairman Morroni and Commissioner Welch, Attorney Bennett agreed to research the enforcement of laws regarding dangerous dogs in Pinellas County, contact Ms. Bohler with respect to his findings, and provide a report to the members at a later date.

Greg Pound, Largo, re justice for all.

CONSENT AGENDA ITEMS NOS. 2 THROUGH 6 – APPROVED.

Motion	-	Commissioner Welch
Second	-	Commissioner Long
Vote	-	5 – 0

2 Minutes of regular meeting of October 21, 2014 and special meeting of November 3, 2014 approved.

3 Reports Received for Filing:

- a. Florida Development Finance Corporation financial statements for the year ended June 30, 2014 and Report of Independent Auditor.
- b. Clerk of the Circuit Court Report of Lands Available for Taxes dated October 27, 2014, pursuant to Section 197.502(7), Florida Statutes.
- c. Dock Fee Report for the month of October 2014.

4 Vouchers and Bills Paid – None.

5 Miscellaneous Items Received for Filing:

- a. City of Dunedin Resolution No. 14-31 adopted October 23, 2014 requesting that Pinellas County explore amending the Pinellas County Emergency Medical Services ALS First Responder Agreement to provide Emergency Medical Services funding for water rescue vessels.

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- b. Correspondence from the Southwest Florida Water Management District regarding the District's Draft 2015 Five-Year Water Resource Development Work Program.
 - c. City of Largo Notices of Public Hearings held November 18, 2014, regarding proposed Ordinances Nos. 2015-02 and 2015-06 through 2015-09 annexing certain property.
 - d. City of Pinellas Park Notices of Public Hearings to be held December 11, 2014, regarding proposed Ordinances Nos. 3919 and 3920 voluntarily annexing certain property.
 - e. Town of Belleair Notice of Public Hearing held November 18, 2014, regarding preliminary site plan review for property located at One Country Club Lane.
- # 6 Sitting as the Pinellas County Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 14-106 certifying that grant award monies received from the EMS Trust Fund shall be used solely to improve and expand pre-hospital emergency medical services (Fiscal Year 2015 grant revenue, \$147,713.00); Chairman authorized to sign the EMS County Grant Application.
- # 7 Items pulled for discussion from Consent Agenda – None.
- # 8 Resolution No. 14-107 adopted approving Project B4091760493 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total local contribution amount, \$12,600.00; 50 percent of the local contribution to be paid by Pinellas County over a series of fiscal years as determined by the State).
- Motion - Commissioner Welch
- Second - Commissioner Long

During discussion and in response to comments and queries by the members and Mr. Woodard, Senior Economic Development Manager Suzanne M. Christman presented background information regarding the project, reporting that 21 manufacturing jobs will be created, with a resultant economic impact of 41 direct and indirect new jobs; and that the total capital investment will be \$1.5 million; whereupon, she indicated that no funds will be disbursed until the company meets its job creation and wage commitments, and discussed topics relating to performance standards, reporting requirements, deadlines and timeframes, jobs in the pipeline, and the auditing and refunding process.

Vote - 5 – 0

- # 9 Authorization granted to advertise a public hearing to be held on December 16, 2014, to consider amending Chapter 118 of the Pinellas County Code to create Article VI to be known as the Pinellas County Economic Development Ad Valorem Tax Exemption Process.

Motion	-	Commissioner Welch
Second	-	Commissioner Long
Vote	-	5 – 0

- #10 Authorization granted to advertise a public hearing regarding a proposed ordinance amending Sections 118-31 and 118-32 of the Pinellas County Code regarding Tourist Development Taxes and the Tourist Development Plan.

Managing Assistant County Attorney Michael A. Zas presented an overview of the proposed ordinance, noting that the first part repeals the sunset date on the 4th cent, or 4th percent, tax levied a few years ago; that the second part relates to a change made earlier this year amending the Plan to increase the amount of money available under Category E, which is capital funding; and that it is the goal of the Tourist Development Council (TDC) to allocate as many tax dollars as possible towards promoting, marketing, and advertising Pinellas County as a tourist destination; whereupon, in response to queries by Vice-Chairman Morroni, he stated that the TDC was presented with two similar options and decided to go with Option 2, which is before the Board today, noting that when the proposed ordinance came before the TDC, two members cast dissenting votes.

Noting that she attended the St. Petersburg Area Chamber of Commerce's Public Policy Council meeting earlier this morning, Commissioner Long related that the proposed ordinance was the first item on the agenda; that the Council was very concerned the ordinance change would limit the City's ability to be flexible going forward; that it is believed the ordinance has negative connotations and sends a silent message to the Tampa Bay Rays; and that the Council is in the process of sending a resolution to the BCC objecting to the ordinance change, noting that they will be at the December 16 BCC meeting. She discussed the failed Greenlight Pinellas transit referendum, noting that the County needs a better, more effective transit system; and that she would support having discussions with stakeholders concerning using some portion of the tax to provide a better transportation system, which would benefit the tourist industry, which is what the bed tax is supposed to be used for; whereupon, she suggested that the Board have a robust conversation and be fully aware of other challenges that might be forthcoming.

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Vice-Chairman Morroni stated that Commissioner Long brought up good points, and noting that the Chairman of the TDC and the Convention and Visitors Bureau Interim Executive Director are not in attendance and the request is for an authority to advertise, stated that it would be his preference to pass the item today and hear input on December 16. Commissioner Welch concurred, and in response to his queries, Attorney Zas clarified that capital investment is limited to one percent; that the ordinance does not address the optional 6th cent tax, as it has not been enacted; and that there is no specific time limit for adoption of the amendments.

Following further discussion, Commissioner Welch indicated that he supports moving forward, although he is not sure if he will support the ordinance on December 16 if it is not a time-sensitive issue, and concurring with comments by Commissioner Long, stated that the Board needs to be very sensitive about what the bed tax funds in the County, and look at the needs Countywide.

Commissioner Gerard stated that the Board must be open to all of the possibilities available, and indicated that she needs more information; whereupon, Vice-Chairman Morroni suggested that she meet with Attorney Zas.

Mr. Woodard discussed the complexity of the Tourist Development Plan, noting that statutory restrictions confine how the individual pennies can be used; that as an advisory body to the BCC, the TDC has long advocated optimizing the monies available for marketing and promoting the destination; and that prior to the December 16 meeting, he will provide a reference chart showing how each penny under the statute is authorized to be used, noting that he looks forward to a robust discussion.

Motion	-	Commissioner Welch
Second	-	Commissioner Long

In response to further query by Commissioner Welch as to when the 6th cent authority ends, Attorney Zas indicated that based on all projections, it appears that the Board will have the entire year 2015 to levy the 6th cent; and that the use of that penny is wide open.

Commissioner Eggers pointed out that some of the discussion this morning has related to tourism and some to high-paying manufacturing jobs, noting that the two discussions may not be mutually exclusive; and that the Board should have an in-depth discussion separating out all of the pieces.

Vote	-	5 – 0
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- #11 Adoption of the 2015 State and Federal Legislative Programs, as set forth in the attachment to the Agenda Memorandum dated December 2, 2014, approved.

Vice-Chairman Morroni indicated that the Legislative Priorities list was discussed in detail at previous meetings; whereupon, at his request, Intergovernmental Liaison Mary Scott Hardwick reviewed recent revisions made at the direction of the members.

Referring to the State Legislative priority list, Ms. Hardwick related that an item has been added in support of developing a statewide energy policy; and that a request from the Parks Department for a Fecon mower head has been added under *Appropriations*, noting that the request has already been submitted through the office of Senator Jack Latvala; whereupon, responding to an inquiry at the recent work session, she related that the County is spending over \$21 million annually as a result of the state's failure to expand Medicaid eligibility.

In response to query by Commissioner Long, Ms. Hardwick clarified that \$21 million is the amount budgeted for the County Health Plan, which provides health care to citizens who would be eligible for Medicaid under Medicaid expansion, and Vice-Chairman Morroni provided input.

Commissioner Eggers expressed concern regarding supporting legislation allowing future Penny for Pinellas revenue to be used for operating and maintenance expenses, noting that he supports the overall program, but has a problem deviating from the capital expenditure requirement; whereupon, Vice-Chairman Morroni suggested that he watch an online video of a meeting in which the topic was discussed in order to better understand its positive points.

Commissioner Gerard concurred with Commissioner Eggers, noting that the Board might undermine support for the Penny if it is used for operating expenses; whereupon, Vice-Chairman Morroni clarified that the money would only be used for projects that were built by the Penny, and discussion ensued.

Commissioner Welch noted that legislation was proposed by Senator Latvala last year, and responding to his query, Ms. Hardwick indicated that the bill had died after it was amended to include another local option sales tax to fund homeless services.

Mr. Woodard added that the item has been a part of the Board's legislative program for many years; that it has been supported by other urban counties and lends additional financial flexibility; and that the statutes currently include a similar provision for small counties; whereupon, responding to query by Commissioner Welch, he stated that the classic funding source for operating and maintenance is ad valorem property taxes; and that the ability to utilize a portion of the Penny for Pinellas revenue would relieve pressure from the General Fund.

Motion	-	Commissioner Gerard
Second	-	Commissioner Long
Vote	-	5 – 0

#12 Other Administrative Matters – None.

#13 Public official bonds for Commissioners Dave Eggers, Pat Gerard, and John Morroni in accordance with Section 137, Florida Statutes (2012), approved by the Chairman, ratified.

Motion	-	Commissioner Long
Second	-	Commissioner Welch
Vote	-	5 – 0

#14 County Attorney authorized to initiate litigation in the case of Pinellas County versus Edward M. Potter – Code Enforcement Violations.

Motion	-	Commissioner Welch
Second	-	Commissioner Long

Attorney Bennett indicated that the County is seeking a permanent injunction, and in response to query by Commissioner Gerard, stated that the court could require Mr. Potter to do what is necessary to clean up the property or, in the alternative, allow the County to enter the property, perform the cleanup, and impose a lien on the property for the costs of the cleanup, noting that the permanent nature of the injunction is to have continuing jurisdiction over the property should the problem develop again.

Vote	-	5 – 0
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#15 Offer of settlement rejected in the case of GCS Energy Recovery of Pinellas County, Inc. versus Pinellas County, Circuit Civil Case Nos. 2014-005220-CI-13 and 14-006566-CI-11, in accordance with the confidential memorandum from County Attorney James L. Bennett dated December 2, 2014.

Motion	-	Commissioner Long
Second	-	Commissioner Welch
Vote	-	5 – 0

#16 County Attorney Miscellaneous – None.

#17 County Administrator Reports – None.

CITIZENS TO BE HEARD – (Continued) (General Issues) – None.

#18 Appointment of Matt Becker to the Pinellas County Economic Development Council for a two-year term expiring in December 2016, approved.

Motion	-	Commissioner Gerard
Second	-	Commissioner Long
Vote	-	5 – 0

#19 Appointment of Kyle Barr, Sandy Ho, and Mark Van Dame to the WorkNet Pinellas d/b/a CareerSource Pinellas Board of Directors for a current term through June 30, 2016, approved.

Motion	-	Commissioner Long
Second	-	Commissioner Gerard
Vote	-	5 – 0

Commissioner Welch inquired as to the process by which the recommendations were made, and Commissioner Long related that the recommendations came from the Board of Directors and Chief Operating Officer Edward C. Peachey of WorkNet Pinellas; that they seek individuals interested in workforce innovation; and that they review applications and make recommendations to the BCC; whereupon, Attorney Bennett added that the legal reason the BCC makes the appointments is that the County is the receiving entity for federal funds for the program, which the Board monitors.

#20 County Commission Miscellaneous:

- a. Vice-Chairman Morroni requested that Stephen Watts be reappointed to the Board of Adjustment (BA). Commissioner Welch moved, seconded by Commissioner Long and carried, that the reappointment be approved.

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requested that Ronald Schultz be appointed to the Local Planning Agency (LPA). Commissioner Long moved, seconded by Commissioner Welch and carried, that the appointment be approved.

invited citizens to attend open house and ribbon cutting ceremony at the new Sheriff's Administration Building and Public Safety Complex at 5:30 P.M. today.

- b. Commissioner Eggers moved, seconded by Commissioner Welch and carried, that Lauralee G. Westine and Alan C. Bomstein be reappointed to the LPA and BA, respectively.

discussed 9-1-1 lightening strike and recent draft report, and Interim Chief of Staff Bruce Moeller provided update; item will be placed on future agenda subsequent to final report.

noted that many holiday events are taking place throughout the County during the month of December.

- c. Commissioner Long wished everyone a happy holiday season.

- d. Commissioner Gerard requested that Deborah White and David Brandon be reappointed to the BA and LPA, respectively. Commissioner Eggers moved, seconded by Commissioner Welch and carried, that the reappointments be approved.

encouraged citizens to visit the Florida Botanical Gardens and view the Holiday Lights display.

- e. Commissioner Welch wished everyone a Merry Christmas and a safe holiday.

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#21 Meeting adjourned at 10:31 A.M.

Vice-Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk