

Clerk of the Circuit Court and Comptroller
Regular Public Meeting
January 27, 2015

1. Approval of minutes:

Regular meeting held December 16, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 16, 2014 – 2:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Karen Williams Seel, Chairman; John Morroni, Vice-Chairman; Janet C. Long; Kenneth T. Welch (late arrival); Dave Eggers; Charlie Justice; and Pat Gerard.

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

INVOCATION: Pastor John Silkauskas, Heritage United Methodist Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Gerard.

PRESENTATIONS AND AWARDS:

1. Suzanne Cook, Executive Director, Florida Green Building Coalition, presented a 2013 Green Achievement Award to Pinellas County, recognizing it as the “Highest Scoring Local Government” in the County Category.
2. Commissioner Morroni recognized Chairman Seel for her hard work with regard to making U.S. Highway 19 a safer roadway and presented her with a brick from its original 1920’s construction.

CITIZENS TO BE HEARD

David Ballard Geddis, Jr., Palm Harbor, re 14th Amendment “Water Board” jurisdiction.

Greg Pound, Largo, re truth.

Lenore Faulkner, Madeira Beach, re middle school excellence.

Mark Klutho, Largo, re chiller/stupidity, waste.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 13 – APPROVED.

Motion	-	Commissioner Morroni
Second	-	Commissioner Justice
Vote	-	6 – 0

- # 1 Minutes of regular meeting of November 18, 2014 approved.

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2 Reports Received for Filing:

- a. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2014-34 dated November 13, 2014 – Audit of Fort De Soto Park Operations & Internal Controls.
- b. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2014-36 dated November 20, 2014 – Audit of Multiple Award Service Contracts for Motor & Pump Repairs.

3 Vouchers and Bills Paid – None.

4 Miscellaneous Items Received for Filing:

Eastlake Oaks Community Development District minutes of the meeting held August 14, 2014.

5 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING

	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
1.	Airport	Temporary Access Permit with Manheim Remarketing, Inc. d/b/a St. Pete Auto Auction for use of airport facilities	\$1,270.00 monthly revenue	11.7.14
2.	Airport	(a) Second Amendment to Permit for Commercial Ground Transportation with Bay Area Metro, LLC d/b/a United Taxi	(a) \$12,000.00 annual revenue	11.4.14
		(b) Permit for Commercial Operations with Starkey Aviation, Inc. for cleaning of aircraft and engines	(b) \$300.00 annual revenue	
3.	Convention and Visitors Bureau	Event Insertion Orders with Northstar Travel Media LLC with indemnification provisions for:		11.18.14
		(a) Independent Planners Education Conference	\$5,000.00	
		(b) Successful Meetings University	\$3,500.00	
4.	Convention and Visitors Bureau	Event Contract with Religious Conference Management Association, Inc. with indemnification provisions for 2015 Emerge Conference	\$3,435.00	11.13.14

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
5. Convention and Visitors Bureau	(a) Seventh Amendment to Agreement with Tampa Bay Convention & Visitors Bureau, Inc. d/b/a Visit Tampa Bay for a cooperative marketing program in Brazil	(a) \$52,500.00	11.12.14
	(b) Tourism Promotion Agreement with ESPN Regional Television, Inc. for marketing and promotion at the Bitcoin St. Petersburg Bowl	(b) \$135,000.00	
	(c) Tourism Promotion Agreement with Tampa Bay Bowl Association, Inc. for marketing and promotion at the Outback Bowl	(c) \$150,000.00	
6. Convention and Visitors Bureau	(a) Tourism Services Funding Agreements with the local Chambers of Commerce for visitor information services and reporting:	(a) Tourist Development Tax Revenue:	11.4.14
	i. Greater Clearwater	i. \$25,000.00	
	ii. Tampa Bay Beaches	ii. \$15,000.00	
	iii. Clearwater Beach	iii. \$15,000.00	
	iv. Greater Tarpon Springs	iv. \$15,000.00	
	v. Greater Dunedin	v. \$10,000.00	
	vi. St. Petersburg Area	vi. \$10,000.00	
	vii. Safety Harbor	vii. \$ 3,500.00	
	viii. Greater Seminole Area	viii. \$ 3,500.00	
	ix. Central Pinellas	ix. \$ 3,500.00	
	x. Upper Tampa Regional	x. \$ 3,500.00	
	xi. Greater Palm Harbor	xi. \$ 3,500.00	
	(b) Event Contract with Big3 Entertainment, LLC with indemnification provisions for a welcome reception at the Mahaffey Theater for meeting planners	(b) \$15,765.00	
7. Convention and Visitors Bureau	Letter of Agreement with the Florida Tourism Industry Marketing Corporation, d/b/a Visit Florida for cooperative sales in China	\$10,000.00	10.20.14
8. Engineering and Technical Support	Time Extension to Local Agency Program Agreements with the Florida Department of Transportation for:	N/A	11.7.14
	(a) Keene Road Sidewalk Improvement Project from Main Street to Curlew Road		
	(b) Bryan Dairy Road from Starkey Road to 72nd Street North		

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(c) Dunedin Middle School Union Street from Betty Lane to Patricia Street		
9. Health and Community Services	Pinellas County Health Program Specialty Provider Agreements with: Bay Area Heart Center, P.A. Diabetes Care Center, Inc. Florida Cancer Specialists, P.I. Pinellas Surgical Associates SRA Ventures, Inc. d/b/a Westcoast Radiology Neurosurgical Associates of Tampa Bay, Inc.	Resolution 14-63 waived purchasing ordinance allowing Health and Community Services (HCS) authority to negotiate specialty health care services. \$3,715,000.00 FY 2015 Master Agreement Pool	11.24.14 11.13.14 11.12.14 11.7.14 11.4.14
10. Health and Community Services	Funding Agreement with Westcare Gulfcoast- Florida, Inc. for Turning Point Shelter and Inebriate Receiving Facility	\$147,300.00	11.16.14
11. Health and Community Services	Satisfaction of Mortgage (1)	Lien has been paid in full	10.27.14
12. Health and Community Services	Satisfaction of Mortgage (1)	Lien has been paid in full	10.20.14
13. Health and Community Services	Satisfaction of Mortgage (1)	Lien has been paid in full	10.7.14
14. Health and Community Services	Satisfaction of Mortgage (1)	Lien has been paid in full	10.6.14
15. Justice and Consumer Services	Certificate of Award Acceptance with State of Florida, Office of Criminal Justice Grants for Pinellas County Sheriff's Office Sexual Predator and Offender Tracking Program	\$89,574.00 grant revenue, no County match	11.21.14
16. Justice and Consumer Services	Grant Award with U.S. Department of Justice, Office of Justice Programs for the FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program	\$268,057.00 JAG grant revenue, no County match (Board ratification 12.16.14)	8.4.14

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	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
17.	Parks and Conservation Resources	Temporary Alcohol Waiver for: (a) Florida Holiday Halfathon & 5K at Taylor Park (b) Florida Beach Halfathon & 5K at Fort De Soto Park	(a) N/A (b) N/A	11.18.14
18.	Planning	Application to the City of Clearwater for designation of the Old Pinellas County Courthouse as a local historic resource	N/A	11.12.14
19.	Real Estate Management	(a) License Agreement with Peace Memorial Presbyterian Church of Clearwater Florida, Inc. for reciprocal use of parking lots (b) Release of All Gas, Oil and Mineral Rights for Broad Street Holding, LLC to clear right to title (c) Second Amendment to Recreation License Agreement with Seminole Junior Warhawks Athletic Association, Inc. for installation of new signage	(a) N/A (b) N/A (c) N/A	11.13.14
20.	Real Estate Management	(a) License Agreement with the University of Florida Board of Trustees for the Family Nutrition Program at Weedon Island Preserve Cultural and Natural History Center (b) Assignment and Third Amendment to Lease Agreement with Zamito Enterprises, Inc. and Ocean Terrace, L.P. for rental space for the mid-county office of the Tax Collector (c) Lease Agreement with Midwest Technology Ventures, Inc. for rental space at the STAR Center	(a) N/A (b) N/A (c) \$143.38 monthly revenue	11.12.14
21.	Real Estate Management	Lease Renewal with the State of Florida, Division of Forestry for the Brooker Creek Forestry Service Work Center	N/A (in kind services)	10.1.14
22.	Safety and Emergency Services	Strategic Evaluation Agreement with Airbus DS Communications, Inc. and Carousel Industries of North America, Inc. for use of software and associated documentation for the Regional 9-1-1 phone system	N/A	9.26.14
23.	Utilities	Release of Liens (28)	Liens have been paid in full	10.29.14

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	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
24.	Utilities	Notice of Liens (5)	N/A	10.27.14
25.	Utilities	Notice of Liens (5)	N/A	10.21.14
26.	Utilities	Release of Liens (15)	Liens have been paid in full	10.15.14
27.	Utilities	Notice of Liens (15)	N/A	10.10.14
		Release of Lien (1)	Lien has been paid in full	
28.	Utilities	Release of Liens (12)	Liens have been paid in full	10.3.14
29.	Utilities	Release of Liens (32)	Liens have been paid in full	9.30.14
30.	Utilities	Release of Liens (11)	Liens have been paid in full	9.15.14
31.	Utilities	Notice of Liens (5)	N/A	9.12.14
# 6	Pinellas County Sheriff's Office (PCSO) grant award related to the Fiscal Year 2014-2015 Edward Byrne Memorial Justice Assistance Grant Program previously approved by the County Administrator, ratified and confirmed (joint application with St. Petersburg Police Department; total grant amount, \$268,057.00; PCSO amount, \$134,028.50).			
# 7a	Resolution No. 14-108 adopted supplementing the Fiscal Year 2015 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated U.S. Department of Justice 2013 Forensic DNA Backlog Reduction Program Grant revenue in the amount of \$129,080.00).			
# 7b	Resolution No. 14-109 adopted supplementing the Fiscal Year 2015 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated U.S. Department of Justice 2014 Forensic DNA Backlog Reduction Program Grant revenue in the amount of \$203,710.00).			

8 Plats, Guaranties, Sureties, and Agreements:

West Ridge Phase 2 – plat accepted and approved for recording; sidewalk guarantee and private street sign installation guarantee from Gulfwind Contracting, LLC, accepted for recording.

9 Declaration of miscellaneous County-owned equipment (Platform Lift Truck, Asset No. 47703) as surplus as set forth in the Agenda Memorandum dated December 16, 2014, approved; authorization granted for sale of same to the Town of Indian Shores for a lump sum of \$34,415.00 in accordance with Section 274.05 and 274.06, Florida Statutes, and Board procedures; sale proceeds to be distributed to Fleet Internal Service Fund.

#10 Notice of new lawsuit and defense of the same by the County Attorney approved in the case of Federal National Mortgage Association versus Pinellas County Board of County Commissioners – Circuit Civil Case No. 14-008485-CI-21 – Quiet Title Action.

#11 Award of bid to Extensys, Inc. for computer, hardware, and maintenance support – Dell Compellent (Bid No. 145-0052-B) approved on the basis of being the lowest responsive, responsible bid received meeting specifications; contract is for a 36-month term with one 24-month renewal option (estimated 36-month expenditure not to exceed \$1,189,000.00).

#12 Sitting as the Countywide Planning Authority, the Board adopted Resolution No. 14-110 accepting the updated Countywide Future Land Use Plan Map and directing that it be filed with the Clerk of the Board of County Commissioners as the official Countywide Future Land Use Plan Map, as recommended by the Pinellas Planning Council in its Resolution No. 14-4 adopted November 12, 2014, a copy of which has been filed and made a part of the record.

#13 Sitting as the Countywide Planning Authority, the Board received and accepted a Countywide Plan Map Adjustment submitted by the City of St. Petersburg, as recommended by the Pinellas Planning Council in its memorandum dated December 16, 2014, a copy of which has been filed and made a part of the record.

#14 Items pulled for discussion from Consent Agenda – None.

- #15 Revised Agreement to Lease and Joint Participation Agreement with Duke Energy Florida, Inc. d/b/a Duke Energy for the Pinellas/Duke Energy Trail Extension Project (PID No. 000186A) approved; Chairman authorized to sign the agreement and the Clerk to attest. Authorization granted to complete the design and construction of Trail Segment B2, from Enterprise Road/U.S. Highway 19 to State Road 590, and to seek funding for additional trail segments.

Motion - Commissioner Long
Second - Commissioner Gerard

Managing County Assistant Attorney Michael A. Zas presented a brief overview of the agreement, noting that the original agreement with Florida Power/Progress Energy, now Duke Energy, has expired; that construction standards have been revised; and that the County will oversee and award the construction contracts under the new agreement.

In response to requests by Commissioner Eggers, Director of Engineering and Technical Support Kevin Becotte referred to the Pinellas trail map noting the location of the proposed Duke Energy Trail and indicated that the proposed trail will be 20 miles long, beginning in St. Petersburg and extending to East Lake Road. He stated that some of the trail segments have been completed; and that the funds are available in the Capital Improvement Program to allow construction of Segment B2; whereupon, Mr. Woodard related that the vision is to create a trail system that loops through the entire county, and discussion ensued.

Chairman Seel extended her appreciation to everyone who assisted with the project, and introduced Duke Energy Representative Melissa Seixas; whereupon, she related that, through the generosity of Duke Energy, Pinellas County will be able to continue the trail without the financial obligation of leasing the property.

Vote - 6 – 0

- #16 Ranking of firms and final negotiated agreement with the number one ranked firm, HDR Engineering Inc., for Professional Engineering Consulting Services for the San Martin Boulevard over Riviera Bay Bridge Replacement and Roadway Improvements (PID No. 001036A) Project Development and Environment (PD&E) Study (Contract No. 134-0091-NC) approved for an estimated 24-month expenditure not to exceed \$641,431.02; Chairman authorized to sign the agreement and the Clerk to attest.

Motion - Commissioner Justice
Second - Commissioner Morroni

Pointing out that the County will be seeking federal funding for the project, Chairman Seel queried whether a request for funding would affect the Tiger Grant application; whereupon, Transportation and Stormwater Manager Kenneth A. Jacobs indicated that any federal grants received for the bridge project would have no impact on the Tiger Grant application.

Vote - 6 – 0

- #17 Economic Development Grant Funding Agreement in the amount of \$115,385.00 between Pinellas County and iQor Holdings, Inc. pursuant to Pinellas County Resolution No. 14-45, approved.

Motion - Commissioner Long
Second - Commissioner Gerard

Pointing out that iQor Holdings will be creating 50 new jobs with annual pay scales above 200 percent of the average state annual wage, Chairman Seel expressed her appreciation and welcomed the new company.

Vote - 6 – 0

- #18 Resolution No. 14-111 adopted approving the Affordable Housing Advisory Committee's Housing Incentives Review and Recommendations Report; authorization granted for submittal to the Florida Housing Finance Corporation.

Motion - Commissioner Long
Second - Commissioner Morroni
Vote - 6 – 0

- #19 Second Amendment to the agreement with Motorola Solutions, Inc., for maintenance of the Pinellas County Intergovernmental 800 Megahertz (MHz) Public Safety Radio and Data Communications System (Contract No. 078-0122-M) approved, extending the contract term through September 30, 2015 for a total nine-month expenditure not to exceed \$1,170,557.00; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Eggers
Second - Commissioner Long
Vote - 6 – 0

- #20 Contract for Sale and Purchase with 54th Avenue Development Partnership, Ltd. for acquisition of real property located on the south side of Duval Circle, east of 45th Street North, St. Petersburg, unincorporated Pinellas County (negotiated contract amount, \$350,000.00; appraisal, title, and environmental assessment fees, \$20,926.28; estimated total cost, \$370,926.28) approved; authorization granted for issuance of a wire transfer at closing to American Government Services Corporation in the amount of \$352,478.28; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Justice

Second - Commissioner Gerard

Commissioner Justice noted that the property will provide 54th Avenue access to the existing Joe's Creek Greenway Park.

Vote - 6 – 0

- #21 Purchase authorization for 9-1-1 equipment and emergency notification software and services from Carousel Industries of North America, Inc. (Contract No. 134-0454-PB) approved for an estimated 18-month expenditure not to exceed \$766,874.61; pricing, terms, and conditions are per Houston-Galveston Area Council of Governments (HGAC) Contract No. EC07-14; contract effective January 1, 2015 through June 30, 2016; Chairman authorized to sign the sales and service agreement.

Motion - Commissioner Eggers

Second - Commissioner Gerard

Vote - 6 – 0

- #22 Other Administrative Matters – None.

- #23 Reimbursement of attorney's fees in the case of Scruggs, et al. versus Clark, et al., Circuit Civil Case No. 12-7801-CI-02, approved in accordance with the memorandum from County Attorney James L. Bennett dated December 16, 2014 and Exhibits A and B attached thereto. Clerk authorized to make direct payment to Susan Latvala, John Morroni, Kenneth Welch, and Karen Seel as "covered persons" pursuant to Pinellas County Resolution No. 06-83.

Attorney Bennett provided background information regarding the case, noting that four Commissioners were sued in their official and individual capacities for exercising their public duties; that they qualify for reimbursement of attorney's fees under the provisions of Resolution No. 06-83, having successfully defended themselves in Circuit Court and the Second District Court of Appeals; and that no subsequent appeal has been filed.

Commissioner Morroni moved, seconded by Commissioner Gerard and carried unanimously, that former Commissioner Latvala and Commissioner Welch qualify as covered persons; that all requirements of Resolution No. 06-83 have been met; and that they be reimbursed for attorney's fees in accordance with the documentation provided.

Chairman Seel requested a motion with regard to Commissioner Morroni, and he indicated that he would abstain from the vote due to a conflict; whereupon, Commissioner Gerard moved, seconded by Commissioner Long, that Commissioner Morroni qualifies as a covered person; that all requirements of Resolution No. 06-83 have been met; and that he be reimbursed for attorney's fees in accordance with the documentation provided. Upon call for the vote, the motion carried by a vote of 5 to 0, with Commissioner Morroni abstaining.

Chairman Seel related that she would abstain from the vote regarding her reimbursement; whereupon, Commissioner Gerard moved, seconded by Commissioner Long, that Chairman Seel qualifies as a covered person; that all requirements of Resolution No. 06-83 have been met; and that she be reimbursed for attorney's fees in accordance with the documentation provided. Upon call for the vote, the motion carried by a vote of 5 to 0, with Chairman Seel abstaining.

In accordance with the provisions of the Standards of Conduct Law, Chairman Seel and Commissioner Morroni filed Memorandum of Voting Conflict forms, copies of which have been filed and made a part of the record.

#24 County Attorney Miscellaneous – None.

#25 County Administrator Reports – None.

#26a Brian Smith, Vincent Luisi, Susan Elftman, and Mathew Eberius appointed to the Pinellas County Historic Preservation Board in accordance with the agenda memorandum dated December 3, 2014, which has been filed and made a part of the record.

Chairman Seel pointed out that at least two of the appointees must possess professional experience, background, and dealings with historic preservation; whereupon, ballots were distributed, each member was asked to rank the candidates from one through seven, with one being the top choice, and the ballots were presented to the Chief Deputy Clerk for tabulation.

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Later in the meeting, Chairman Seel announced that Brian Smith, Vincent Luisi, Susan Elftman (Alternate), and Mathew Eberius (Alternate) have been appointed by majority vote to the Pinellas County Historic Preservation Board.

#26b James Dates appointed to the Unified Personnel Board for a two-year term.

Ballots were distributed, each member was asked to vote for one candidate, and the ballots were presented to the Chief Deputy Clerk for tabulation.

Later in the meeting, Chairman Seel announced that James Dates has been appointed to the Unified Personnel Board by a majority vote.

#26c Darryl Wilson appointed to the Value Adjustment Board for a one-year term.

Ballots were distributed, each member was asked to vote for one candidate, and the ballots were presented to the Chief Deputy Clerk for tabulation.

Later in the meeting, Chairman Seel announced that Darryl Wilson has been appointed to the Value Adjustment Board by a majority vote.

#26d Casey Cane appointed to the Housing Finance Authority Board to serve a four-year term.

Ballots were distributed, each member was asked to vote for one candidate, and the ballots were presented to the Chief Deputy Clerk for tabulation.

Later in the meeting, Chairman Seel announced that Casey Cane has been appointed to the Housing Finance Authority Board by a majority vote.

#27 2015 Committee/Board Appointments by Chairman Master List, which has been filed and made a part of the record, approved.

Motion	-	Commissioner Long
Second	-	Commissioner Gerard
Vote	-	6 – 0

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- #28 Individual commissioner appointments to various boards and committees for Calendar Year 2015 approved.

Chairman Seel requested a motion with regard to the approval of all appointments as noted in the agenda memorandum dated December 16, 2014; whereupon, Commissioner Long requested that her appointments for the Feather Sound Community Services District and the Parks and Conservation Resources Advisory Board be deferred to a future meeting.

Motion	-	Commissioner Morroni
Second	-	Commissioner Justice
Vote	-	6 – 0

In response to query by Commissioner Morroni, Chairman Seel related that the vote included the additional appointments submitted by the various Commissioners in excess of the normal boards and committees, and the motioner and seconder concurred.

- #29 County Commission Miscellaneous:

The members wished everyone a happy holiday season and thanked Chairman Seel for her leadership.

- | | | |
|----|-----------------------|--|
| a. | Chairman Seel | expressed appreciation for the opportunity to serve the public and thanked staff for all they do each and every day. |
| b. | Administrator Woodard | thanked the members and citizens for the opportunity to serve and staff for their hard work. |
| c. | Attorney Bennett | related that it is an honor and pleasure to serve local government. |

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At this time, 3:08 P.M., the meeting was recessed and reconvened at 6:01 P.M. with all members present.

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YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Youth Advisory Committee Chairman Michael Schuller presented background information with regard to the Committee, and reported that the members are changing its focus and beginning to explore the legislative process from a youth perspective. He discussed the watershed protection initiative, relating that YAC will strive to create an ordinance to benefit the local watershed and will obtain teen perspectives via social media; whereupon, he related that the members are planning a trip to Tallahassee to learn about the state legislative process during the spring Legislative Session, and discussed recent and upcoming volunteer events for the betterment of the community, and Commissioner Justice provided input.

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 Resolution No. 14-112 adopted granting the petition of James V. and Mimi H. Steele to vacate a 15-foot drainage and utility easement located in Lot 12 and the west 38 feet of Lot 13, Oakhurst Acres First Addition Subdivision (Quasi-Judicial Hearing). Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Administrator Woodard announced for the purpose of full disclosure that the petitioner has relatives who work in the Pinellas County Real Estate Management Department, but those family members were not involved in the processing of the item.

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

- #31a Resolution No. 14-113 adopted approving the application of the Pinellas County Planning Director for a change of zoning from M-1, Light Manufacturing and Industry, and C-2, General Retail Commercial and Limited Services, to P/SP, Public/Semi-Public, and Ordinance No. 14-53 adopted approving a change in land use designation from Transportation/Utility to Institutional (Z/LU-10-6-14), re approximately eight acres located in the unincorporated area of Pinellas County on the west side of 49th Street North, 840 feet south of 150th Avenue North (street address: 14840 49th Street North, unincorporated Clearwater). The Local Planning Agency recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

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

- #31b Resolution No. 14-114 adopted approving the application of Erma P. Huffman through John and Melissa Pace, Representatives, for a change of zoning from A-E, Agricultural Estate Residential, to E-1, Estate Residential, and Ordinance No. 14-54 adopted approving a change in land use designation from Residential Rural to Residential Estate (Z/LU-25-11-14), re approximately 2.4 acres located at the northeast corner of Richards Road and George Street South in unincorporated East Lake Tarpon. The Local Planning Agency recommended approval of the application based on the staff report. One letter with four signatures in opposition to the application has been received. No citizens appeared to be heard.

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

- #32 First public hearing held regarding a proposed ordinance amending the Downtown Historic Palm Harbor Master Plan by amending the Permitted Uses table within the section on the Downtown Revitalization Code. The Local Planning Agency (LPA) recommended approval of the proposed amendments at its November 13, 2014 public hearing. Authorization granted to submit the item to the Pinellas Planning Council for review and recommendation. No correspondence has been received. Second public hearing to be held February 10, 2015 (Companion to Agenda Item No. 33).

In response to the Chairman's call for persons wishing to be heard, Neil Valk, Palm Harbor, spoke in support of the item and presented his comments and concerns.

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At the request of Chairman Seel, Planning Division Director Gordon R. Beardslee responded to comments by Mr. Valk, relating that, prior to the second public hearing, staff will work with him and the Downtown Palm Harbor Merchants Association with regard to the prospect of allowing a 30-barrel beer brewing system and relaxing the parking requirements in a manufacturing/retail area; whereupon, during discussion and in response to queries by the members, Attorney Bennett indicated that the item would only need to return to the LPA if the parking requirements were to be revised, and Mr. Beardslee presented additional information with respect to parking considerations in Downtown Palm Harbor.

Thereupon, Chairman Seel closed the public hearing, and related that the item will come back to the Board for final action on February 10, 2015.

- #33 Proposed Ordinance amending Chapter 138 of the Pinellas County Land Development Code regarding the Old Palm Harbor-Downtown Zoning District. The Local Planning Agency recommended approval of the proposed amendments at its November 13, 2014 public hearing. No correspondence has been received. No citizens appeared to be heard. Second public hearing to be held February 10, 2015 (Companion to Agenda Item No. 32).
- #34 Ordinance No. 14-55 adopted amending Section 118-31(a)(3) of the Pinellas County Code relating to tourist development taxes by repealing the expiration date and reenacting and reestablishing the fourth cent Tourist Development Tax; action delayed on portion of ordinance relating to Section 118-32(a) of the Code regarding the Tourist Development Plan. Two emails and one letter with regard to the item have been received.

Chairman Seel suggested that the proposed ordinance be bifurcated and the members only take action on the section regarding the repeal of the sunset of the fourth cent Tourist Development Tax; whereupon, she referred to the following verbiage as proposed on Page 3 of the red-lined ordinance: "The revised expiration date of September 30, 2021, for the levy of the fourth percent as previously extended in Ordinance 10-67, is hereby repealed, and the levy of the fourth percent is extended, reenacted, and reestablished until such time, if any, as repealed."

Chairman Seel recommended that action be delayed on the remainder of the ordinance until the Board of County Commissioners and Tourist Development Council can have a meeting pertaining to the allocation of funds and until discussion can take place regarding how to simplify the fund categories, and Commissioner Welch expressed his support for the Chairman's proposal.

During discussion and in response to queries by Commissioner Welch, Chairman Seel related that her proposal only includes acting on the repeal of the sunset of the fourth cent and does not include acting on any potential funding for debt service; whereupon, Managing Assistant County Attorney Michael A. Zas clarified that those two items can be separated; that he will provide a revised ordinance regarding the repeal of the sunset of the fourth cent if the members so desire; and that the remainder of the ordinance can be deferred for future discussion.

Commissioner Justice moved, seconded by Commissioner Gerard, that the item be approved as amended.

Motion	-	Commissioner Justice
Second	-	Commissioner Gerard

Commissioner Long expressed her support for the proposal, and requested that prior to the next joint meeting, a comprehensive discussion take place and detailed information be provided regarding what each cent represents, permitted uses, and available options moving forward; whereupon, in response to her comments and queries, Chairman Seel related that the Tourist Development Council has given direction that the funding categories be simplified; that Attorney Zas and she will review those categories; and that she will share recently-acquired information regarding what other counties are doing with respect to tourist development taxes.

In response to comments and queries by Commissioner Welch, Attorney Zas presented information regarding allowable uses and the application process, and related that further information can be posted online for the benefit of the public; whereupon, Chairman Seel related that she would also recommend that the application process cease and resume in August/September 2015; and that a robust conversation take place regarding marketing efforts, capital outlay, and beach nourishment.

In response to queries by Commissioner Eggers, Attorney Zas indicated that the members retain the ability to suspend and resume the application process, and discussed possible waiver of the six-month currency requirement for feasibility studies contained in the application guidelines; whereupon, Chairman Seel presented further information with respect to the application process, and briefly discussed the hiring of a consultant to review the economic feasibility studies and determine the effectiveness of the proposals pertaining to putting "heads in beds" at local beach accommodations.

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Attorney Bennett requested that the maker of the motion allow the Chairman to review the revised resolution so that the document does not have to return to the Board for approval, and the maker and seconder concurred.

In response to the Chairman's call for persons wishing to be heard, the following individuals presented their comments and concerns:

Julie Ward Bujalski, Dunedin – Oppose
Rob Dispirito, Dunedin – Oppose
Rick Baker, St. Petersburg – Oppose
Robin Sollie, St. Pete Beach – Support
Travis Norton, St. Petersburg – Support
Bob Clifford, Clearwater – Undecided
Robert Kapusta, St. Petersburg – Oppose
Phil M. Henderson, Belleair Beach – Support
Greg Holden, St. Petersburg – Oppose

Following public comment and upon call for the vote, the motion carried unanimously.

Vote - 7 – 0

- #35 Ordinance No. 14-56 adopted amending Chapter 118 of the Pinellas County Code to create the Pinellas County Economic Development Ad Valorem Tax Exemption Process. Two letters in support of the application have been received.

In response to the Chairman's call for persons wishing to be heard, the following individuals spoke in support of the ordinance and presented their comments and concerns:

Todd Pressman, Palm Harbor
Richard L. Trzeinski, Tampa

During discussion and in response to comments and queries by Chairman Seel, Pinellas County Economic Development Director Mike Meidel related that every piece of ground in Pinellas County is included in the ordinance; that it has been developed to provide an incentive for businesses to locate in brownfield areas and enterprise zones; and that it provides guidelines and criteria regarding the tax abatement application.

Mr. Meidel discussed allowable uses within enterprise zones and brownfield areas, and stated that in order to incentivize high-wage jobs, the County will require that businesses wishing to take advantage of the tax abatement pay at least 75 percent of the local average wage. He related that because retail stores generally pay 63 percent or less of the local annual wage and because allowing retail would only shift sales from one part of the county to another, the ordinance has been purposely structured to not include those types of businesses; whereupon, Chairman Seel pointed out that the local average wage is approximately \$43,000.00; and that 75 percent of that amount is about \$32,000.00, which is considered poverty level for a family of four, and Mr. Meidel presented information with regard to state statutes, job creation, capital investment, and similar topics.

During discussion, Mr. Pressman stated that the ordinance does not include all the uses permitted by state statute; and requested that retail businesses located in brownfield areas be included; whereupon, in response to queries by Commissioner Long regarding the potential redevelopment of the Seminole Mall property, he related that he had attended last week's Seminole City Council meeting; that he had asked the Council members for their support regarding redevelopment of the property, informing them that he would be attending the upcoming County Commission meeting; and that the members took a vote of no action, indicating that they did not want to impose their home rule on the County.

Commissioner Long briefly discussed a recently-held Economic Symposium attended by the members, relating that information had been presented regarding the return on investment for tourist development and economic development activities; and that a discussion needs to take place regarding how Pinellas County allocates its dollars with respect to return on investment, and discussion ensued.

Responding to queries by Commissioner Justice, Mr. Meidel discussed those target industry businesses that would qualify for incentives, indicating that they would be available to companies in industries such as manufacturing, information technology, or financial services that are planning new manufacturing plants, offices or facilities, or the major expansion of an existing business; whereupon, he discussed those businesses that would not qualify for the incentive, and related that the idea of economic development is that the dollar is coming from outside the local market and being paid out in good-paying jobs that help support the local economy.

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During discussion, Commissioner Eggers pointed out that while retail businesses pay low wages, the tourism industry also pays similar low wages. He stated that the application process should be flexible and allow for retail; and that because the members would have to approve each exemption and each project would still have to make its case, all options should be kept open. Mr. Meidel related that if the criteria were expanded to include all projects outside the target industries, his department would end up reviewing numerous applications that likely would not qualify; and that by eliminating the retail component from consideration, his department can focus on creating incentives for high-wage jobs.

Commissioner Long stated that the Seminole Mall is in dire need of redevelopment; that it is mostly vacant; and that redeveloping the property as a town center would be a great opportunity to revitalize the city. She related that she is unsure why the focus of the discussion has shifted to brownfield areas; that she is puzzled why the City of Seminole would not be financially supportive of such a project; that incentives should start with the City; and that even though it may not meet the Qualified Target Industry incentives, perhaps other opportunities are available to provide assistance; and Commissioner Welch related that this is the first time he has witnessed a city not weighing-in on a project within its boundaries due to the home rule issue.

In response to queries by Commissioner Welch, Mr. Meidel related that for each application submitted and ordinance proposed, a public hearing will take place during which the members can decide whether to offer the tax credit incentive; that each incentive is decided based upon its own merit; and that the maximum incentive is a 100-percent tax abatement for up to ten years; whereupon, he discussed the similarities and differences between the Pinellas County ordinance and those of other cities throughout the region, and stated that since this is an economic development tax abatement under Florida Statutes, his department wanted to use economic development principles to determine what should be offered.

Commissioner Welch pointed out that when the economic development tax credit initiative was placed on the ballot, an exemption for retail development was not what the members had in mind; and that creating higher-wage jobs is what drove the ballot measure forward; whereupon, he related that Mr. Pressman represents Mr. Trzcinski who is the developer of the mall property and has a vested interest in allowing retail uses within a brownfield area since it would clear his path to obtaining the exemption.

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Commissioner Gerard shared Commissioner Long's concerns as to why Seminole would not support its own redevelopment, and in response to her queries, Mr. Meidel discussed incentives associated with the brownfield designation and those used for large-scale development, relating that the state offers grants and tax credits for the cleanup of brownfield areas; whereupon, Commissioner Eggers opined that development of the mall property as a town center has considerable potential; and that a mix of retail/office uses could bring in jobs comparable to a Qualified Target Industry; and Commissioner Morroni stated that he agrees with Commissioners Long and Eggers that the development of the mall property would be good for Seminole's economy; that the creation of jobs is of the utmost importance; and that he is in favor of reviewing and potentially expanding the criteria to include retail, and discussion ensued.

In response to queries by Commissioners Eggers and Gerard, Mr. Meidel presented information with regard to office uses in a brownfield area. He indicated that such economic development incentives would not go to the developer but would be available to the office tenant; and that his department will seek clarification through state statute to allow the incentive to be provided directly to the tenant.

Chairman Seel related that conversations regarding economic development began in 2003; that the County Commission, Pinellas Planning Council, and County staff have worked hard to develop an Industrial Lands Policy; that while redevelopment of the Seminole Mall as a town center would be one option, utilizing the acreage to provide high-wage employment opportunities rather than more low-paying retail jobs would better serve the local community and its residents; and that she strongly supports the ordinance as written and the wise use of the incentives.

Chairman Seel suggested that discussion take place regarding potential incentives tied to a regional stormwater program, and Commissioners Gerard, Welch, and Eggers agreed. Commissioner Eggers related that he wants to make sure that the County is not limiting development or creativity, and in response to his queries, Mr. Meidel indicated that a business cannot apply for credits related to existing construction, but major leasehold improvements would qualify; and reiterated that the incentive is for anyone bringing in new money, not just reusing existing dollars, and discussion ensued.

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Commissioner Justice pointed out that the referendum approved by county voters was not for retail; that when the new Walmart opened in Seminole it had an adverse effect on the Tyrone area; and that because Walmart has received millions of dollars in brownfield credits from the state, it demonstrates that there is other money available for retail and shopping in brownfield areas; whereupon, Commissioner Gerard stated that a tax abatement of up to 100 percent is a sizeable incentive and should be offered rarely.

Following further discussion, Commissioner Long moved, seconded by Commissioner Welch, that the ordinance be approved.

Vote - 5 – 2 (Commissioners Morroni and Eggers
dissenting)

#36 Meeting adjourned at 7:44 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk