

Clerk of the Circuit Court and Comptroller  
Regular Public Meeting  
March 24, 2015

1. Approval of minutes:

Regular meeting held February 24, 2015.

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, FEBRUARY 24, 2015 – 2:01 P.M.  
ASSEMBLY ROOM, FIFTH FLOOR  
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

**INVOCATION:** Pastor Billy Bay, New Life International Church, Pinellas Park.

**PLEDGE OF ALLEGIANCE:** Commissioner Eggers.

**PRESENTATIONS AND AWARDS:**

1. Duke Energy Power Partner Award presented to the Pinellas County Board of County Commissioners by Alex Glenn, Nancy Loehr, Michael Malley, and Melissa Seixas, Duke Energy.
2. National Consumer Protection Week Proclamation presented to Doug Templeton, Operations Manager, Justice and Consumer Services.
3. African American History Month Proclamation presented to Dr. Claude M. Dharamraj, Pinellas County Health Department Director, and Dr. Chukwudi Ofondu, Health Equity Team.

During discussion and in response to queries by Chairman Morroni, Dr. Dharamraj presented statistical information and discussed the various socioeconomic factors contributing to a higher infant mortality rate among black babies in Pinellas County.

**CITIZENS TO BE HEARD**

Lenore Faulkner, Madeira Beach, re middle school excellence.

David Ballard Geddis, Jr., Palm Harbor, re Constitution.

Greg Pound, Largo, re truth.

Judy Ellis, St. Petersburg, re leaf blowers.

Requested that gas-powered leaf blowers not be allowed to be operated in County-controlled areas that are considered quiet zones such as parks and libraries.

February 24, 2015

Heidi Sumner, St. Petersburg, re leaf blower abuse.

Requested that common-sense restrictions be placed on the operation of gas-powered leaf blowers in residential areas.

- Responding to the concerns expressed by Mses. Ellis and Sumner, Commissioner Welch requested that Attorney Bennett research the matter as it relates to the countywide noise ordinance, and Commissioner Gerard requested that ordinances from other communities be reviewed as well.

Todd Pressman, Palm Harbor, re banners.

Requested that outdoor banners be allowed for advertising purposes in the unincorporated area.

- Attorney Bennett provided brief background information regarding banners, and explained that such signs are prohibited in the unincorporated area; whereupon, responding to queries by the members, Mr. Pressman related that even though banners have a wide array of advertising possibilities, his client, Tom Feaster, Outdoor American Imaging, is interested in creating banners for community-, government-, and civic-oriented events and activities.
- Commissioners Justice and Long suggested that a conversation take place regarding the possibility of allowing banners in the unincorporated area; whereupon, Commissioners Seel and Gerard indicated that they are in favor of banners for not-for-profit or government activities, but not for commercial purposes, and discussion ensued regarding how content would be controlled.
- Upon confirming with the members how they wished to proceed, Chairman Morroni directed Attorney Bennett to research the matter and report back to the Board.

**CONSENT AGENDA ITEMS NOS. 1 THROUGH 9 – APPROVED.**

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

# 1 Minutes of regular meeting of January 27, 2015 approved.

# 2 Reports received for filing:

- a. Juvenile Welfare Board Monthly Financial and Investment Report dated December 31, 2014.
- b. Dock Fee Report for the month of January 2015.

February 24, 2015

# 3 Vouchers and bills paid – None.

# 4 Miscellaneous items received for filing:

- a. City of Largo Notice of Public Hearing held October 21, 2014, re proposed Ordinance No. 2015-03 annexing certain property.
- b. Eastlake Oaks Community Development District minutes of the meeting held October 9, 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 Teamsters Local 1224 to leaflet and picket at the Airport on January 13, 2015 on behalf of the Airline Professionals Association	N/A	1.13.15
2.	Communications	Contracts with Spanish television stations for Affordable Healthcare Navigator Program public service announcements  (a) Entravision  (b) Telemundo  (c) Brighthouse	(a – c) \$4,000.00 each grant revenue; no County match	1.11.15
3.	Convention and Visitors Bureau	Elite Event Tourism Promotion Agreement with Sunsets at Pier 60 Society, Inc. for the Pier 60 Sugar Sand Festival	\$100,000.00	1.13.15
4.	Emergency Management	State Funded Subgrant Agreement with the State of Florida Division of Emergency Management for the hazard analysis update	\$20,802.00 grant revenue; no County match	10.29.14
5.	Emergency Management	(a) State Funded Subgrant Agreement with the State of Florida Division of Emergency Management for emergency preparedness and assistance  (b) Federal Funded Subgrant Agreement with the State of Florida Division of Emergency Management for emergency preparedness and assistance	(a) \$105,806.00 grant revenue; plus equal County match  (b) \$215,025.50 grant revenue; plus equal County match	8.4.14

February 24, 2015

	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
6.	Human Services	Grant Award from the U.S. Department of Health and Human Services, Health Resources and Services Administration, for the mobile medical unit	\$3,130.00 grant revenue; no County match	1.19.15
7.	Human Services	(a) Contract with Gulf Coast Jewish Family and Community Services, Inc. for translation and interpretation services	(a) \$4,950.00	1.13.15
		(b) Amendment No. 1 to the Hospital Provider Agreement with BayCare Health System, Inc. providing for payments to the State through Intergovernmental Transfers	(b) N/A	
8.	Human Services	Specific Performance Agreements with The Local Community Housing Corporation and Land Use Restriction Agreements with the City of Tarpon Springs and The Local Community Housing Corporation for the Cops 'n Kids facility rehabilitations at:		12.29.14
		(a) 560 E. Harrison Street, Tarpon Springs	(a) \$25,653.00 Community Development Block Grant (CDBG) funds	
		(b) 555 E. Harrison Street, Tarpon Springs	(b) \$35,493.00 CDBG funds	
9.	Human Services	Satisfaction of Mortgages (3)	Liens have been paid in full.	12.22.14
10.	Human Services	Satisfaction of Mortgage (1)	Lien has been paid in full.	12.1.14
11.	Human Services	Satisfaction of Mortgage (1)	Lien has been paid in full.	11.26.14
12.	Human Services	Satisfaction of Mortgages (2)	Liens have been paid in full.	11.25.14
13.	Justice and Consumer Services	Cancellation of Service Funding Agreement with Catholic Charities, Diocese of St. Petersburg, Inc. for the Veterans Treatment Court	N/A	1.21.15

February 24, 2015

	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
14.	Justice and Consumer Services	Service Funding Agreements for the Office on Violence Against Women (OVW) Justice for Families Program Grant with:  (a) The Haven of Religious Community Services, Inc. for resource referral and victim support  (b) Gulfcoast Legal Services, Inc. for victim legal aid service  (c) Community Law Program, Inc. for victim legal aid service	(a) \$40,006.00 OVW grant revenue: no County match  (b) \$60,000.00 OVW grant revenue: no County match  (c) \$60,000.00 OVW grant revenue: no County match	1.19.15
15.	Parks and Conservation Resources	Cooperative Agreement with the U.S. Environmental Protection Agency (EPA) for the County's air pollution control program	\$62,646.00 EPA grant revenue: no County match	1.13.15
16.	Planning	Local Government Verification of Contribution Forms for funding of affordable housing projects with:  (a) Seminole Parc Senior, LLC (b) Sawgrass Place (c) Sawgrass Pointe (d) Palmetto Point	(a – d) \$75,000.00 each; State Housing Initiative Program fund commitment	1.26.15
17.	Public Works	Time Only Extension Amendment No. 1 to the Interlocal Agreement with the City of St. Pete Beach for construction of replacement dune walkovers at public beach access sites	N/A	1.13.15
18.	Real Estate Management	License Agreement with First United Methodist Church for use of parking lot for employees and customers	\$8,400.00 annual fee	1.22.15
19.	Real Estate Management	Low Scored Site Initiative Contractor Selections with the Florida Department of Environmental Protection for cleanup funding for four County- owned properties	N/A	1.13.15
20.	Utilities	Release of Liens (17)	Liens have been paid in full.	12.22.14

February 24, 2015

	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
21.	Utilities	Notice of Liens (9)	N/A	12.19.14
22.	Utilities	Release of Liens (12)	Liens have been paid in full.	12.16.14
23.	Utilities	Notice of Liens (5)	N/A	12.15.14
24.	Utilities	(a) Notice of Liens (15)	(a) N/A	12.8.14
		(b) Release of Liens (9)	(b) Liens have been paid in full.	
25.	Utilities	Release of Liens (13)	Liens have been paid in full.	12.2.14
26.	Utilities	Notice of Lien (1)	N/A	11.21.14
27.	Utilities	Notice of Lien (1)	N/A	11.20.14
28.	Utilities	Notice of Liens (7)	N/A	11.14.14

# 6 Sole source purchase contract for electrocardiograph monitor/defibrillators and services with Philips Healthcare, a division of Philips Electronics North America Corporation (Bid No. 145-0099-SS), approved for an estimated total expenditure in the amount of \$2,500,000.00; 36-month contract with provision for two 12-month term extensions; term extensions shall be exercised only if all pricing, terms, and conditions remain the same and the County Administrator grants approval; Chairman authorized to sign and the Clerk to attest.

# 7 Plats, Guaranties, Sureties, and Agreements:

Harbor Ridge Phase II of Palm Harbor – plat accepted and approved for recording; sidewalk guarantee and private street sign installation guarantee from GGR Harbor Ridge, LLP, accepted for recording.

# 8 Award of Bid to Air Mechanical & Services Corp. to upgrade the Heating, Ventilation, and Air Conditioning (HVAC) System at the Supervisor of Elections' Office, 13001 Starkey Road, Largo (PID No. 001625A; Bid No. 145-0063-CP) approved for an estimated total expenditure in the amount of \$1,332,500.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 300 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.

February 24, 2015

- # 9 Notice of new lawsuit and defense of the same by the County Attorney in the case of Rebecca Meeker versus Steeplechase Townhomes Owners' Assn., Inc. and Pinellas County – Circuit Civil Case No. 13-4929-CI-8 – Allegations of Negligence Resulting in Personal Injuries.
- #10 Items pulled for discussion from Consent Agenda – None.
- #11 Resolution No. 15-9 adopted supporting the expansion of healthcare in the State of Florida and urging the Florida Legislature to enact legislation expanding healthcare in Florida.

Referring to comments she had made at the February 10 meeting, Commissioner Long stated that because the state has not expanded Medicaid, the cost to Pinellas County is approximately \$21 million per year; that the expiration of Low Income Pool (LIP) funds, on June 30, will affect the bottom line of local hospitals; and that many Florida counties and local municipalities have been sending written requests to the State Legislature regarding Medicaid expansion; whereupon, she related that since a large number of Floridians do not have and require access to healthcare, Medicaid should be expanded or an alternative solution should be found; and that the members are here to advocate on behalf of those who cannot advocate for themselves.

In response to queries by Chairman Morroni, Intergovernmental Liaison Mary Scott Hardwick reported that no bills have been specifically filed to deal with healthcare expansion; and that while Senate Majority Leader Bill Galvano and others have expressed support for healthcare expansion, there has yet to be any support from House leadership, and Chairman Morroni and Commissioner Long provided input.

In response to the Chairman's call for persons wishing to be heard, Diana Dias Gilzean, Mollie Powell, and Marcus Bell, Americans for Prosperity, referred to a document titled "Top Ten Reasons Medicaid Expansion is a Bad Idea for Florida." which has been filed and made a part of the record, and spoke against expanding Medicare.

In response to comments and queries by Chairman Morroni and Commissioner Welch, Mr. Bell stated that Americans for Prosperity does not endorse candidates; and that although the organization approves of some of the initiatives proposed by Florida Governor Rick Scott, it does not support Medicaid expansion; whereupon, he indicated that he and the other two speakers are salaried employees of Americans for Prosperity.



February 24, 2015

Commissioner Welch stated that while he appreciates the speakers' presentation, he disagrees with several of the comments put forward, especially a statement that Medicaid expansion will not make the state's poor any healthier, and discussed the importance of access to regular, preventive healthcare; whereupon, he related that he is fully supportive of the resolution; that other states have found ways to provide access to healthcare for all of their citizens; and that he is less concerned regarding how the Legislature solves the issue, and more concerned regarding the one million Florida residents who do not have access to healthcare.

Commissioner Eggers suggested that the resolution be amended in order to encourage state representatives to look beyond the current plan and seek alternative solutions; whereupon, he offered the following verbiage for inclusion at the end of the sentence in Section 1, "...and that allows the State of Florida the latitude of flexibility and creativity to develop additional, responsible coverage that encourages accountability by and for all participants," and discussion ensued.

Commissioners Gerard, Justice, and Long discussed the intent and crafting of the resolution, indicating that it is written in a fairly generic fashion, simply seeks to expand healthcare opportunities in Florida, and does not specifically mention the Affordable Care Act or Medicaid expansion; and that they are not particularly concerned as to how the Legislature solves the problem, only that it does solve the problem; whereupon, Commissioner Gerard stated that she likes the section regarding drawing down Florida's rightful share of federal funds, and Commissioner Seel briefly discussed the importance of LIP funds.

Commissioner Eggers provided further information regarding the intent of his proposed amendment, and related that because some other states have not been able to pass expanded healthcare legislation, he wants to motivate the Florida Legislature to be creative in how it goes about protecting its vulnerable citizens; and that the amended verbiage is to alleviate the perceived notion that the resolution only pertains to Affordable Care Act funds; whereupon, Chairman Morroni related that quality healthcare is crucial to all people; that 28 states and the District of Columbia have expanded healthcare in some manner to meet their unique needs; that federal funds should not be left on the table; and that even though he is fine with the amended language, in his opinion, the Legislature will care little about the resolution, no matter how it is written.

Motion	-	Commissioner Long
Second	-	Commissioner Gerard

Thereupon, Commissioner Welch opined that the resolution sends a strong signal to the Legislature; and stated that he is very supportive of taking this important step.

Vote - 7 – 0

- #12 Resolution No. 15-10 adopted supporting the elimination of the loophole on residential gun ranges in state law and urging the Florida Legislature to enact legislation eliminating the loophole.

Commissioner Welch briefly discussed the intent of the resolution, indicating that it supports legislation, including House Bill 623 filed by Representative Darryl Rouson, to close the loophole allowing gun ranges in densely populated residential areas, and responding to comments and queries by Commissioner Morroni, related that the verbiage in Section 1 was specifically written to capture all legislation regarding the loophole.

During discussion and in response to queries by Chairman Morroni and Commissioner Welch, Intergovernmental Liaison Mary Scott Hardwick related that House Bill 623 has been assigned to the following four committees: Criminal Justice Subcommittee, Local Government Affairs Subcommittee, Local and Federal Affairs Committee, and Judiciary Committee; and that a Senate companion bill, which has yet to be filed, is necessary for the proposed legislation to move forward; whereupon, she related that during the Pinellas County Legislative Delegation meeting held this morning, Mayor Samuel Henderson, City of Gulfport, spoke in support of closing the backyard gun range loophole and specifically mentioned House Bill 623, and discussion ensued.

Commissioner Long stated that she has heard there will be a Senate sponsor regarding the legislation, and briefly discussed potential variations in the House and Senate bills; whereupon, she suggested that Representative Rouson consider amending his bill to recognize differences between urban and rural counties across the state, and Commissioner Welch and Mr. Woodard provided input.

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

- #13 Authorization granted to advertise a public hearing to be held on March 24, 2015, for a proposed ordinance adding a Slow Speed/Minimum Wake Zone and Combustion Motor Exclusion Zone to Sections 130-105 and 130-106 of the Pinellas County Code for boater safety in Bear Creek.

Motion - Commissioner Eggers  
Second - Commissioner Gerard

During discussion and in response to comments and queries by Commissioner Seel, Mr. Woodard briefly discussed the Bear Creek drainage improvement project. He indicated the an unintended consequence of the improvements is that portions of the creek have become more navigable to boat traffic; that the narrowness of the creek, stone riprap along its banks, a partially submerged sewer pipe, and a weir structure are potential hazards to the boating public; and that the public hearing would allow local homeowners and other interested individuals an opportunity to comment on the proposed ordinance, and Director of Transportation and Stormwater Richard Coates and Assistant County Administrator David Scott provided information relating to community safety, waterway signs, and similar topics.

During further discussion and in response to comments and queries by Commissioner Seel and Chairman Morroni, Mr. Woodard indicated that the Combustion Motor Exclusion Zone would eliminate the threat of boats striking the sewer pipe and weir; and that the Slow Speed/Minimum Wake Zone would reduce vessel speeds to a safe level in the new, channelized section of Bear Creek; whereupon, Kelli H. Levy, Public Works, Natural Resources Division, presented further information regarding the “lagoon” section of the creek, indicating that the staff recommendation is that kayaks and canoes be allowed in that area; and that in addition to the regular public notice, her department is sending a letter to local property owners regarding the public hearing.

Vote - 7 – 0

- #14 Resolution No. 15-11 adopted supporting the dedication of Park Boulevard (State Road 694/County Road 694) between Gulf Boulevard (State Road 699) and U.S. Highway 19 (State Road 55) as the C.W. “Bill” Young Memorial Highway; Clerk authorized to record the resolution. Markers to be placed by the Florida Department of Transportation at no cost to the County.

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

- #15 Resolution No. 15-12 adopted relating to the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States (RESTORE) Act, and delegating authority to Andrew P. Squires, Pinellas County Environmental Services Manager and RESTORE Act Program Director, to execute the certification required by the Federal Financial Assistance Application for Direct Component Funds; Clerk authorized to record the resolution.

February 24, 2015

In response to queries by Chairman Morroni, Kelli H. Levy, Public Works, Natural Resources Division, related that Intergovernmental Liaison Mary Scott Hardwick will attend and Mr. Squires will likely attend the March 2015 Gulf Consortium meeting in Tallahassee.

Motion	-	Commissioner Welch
Second	-	Commissioner Long

Commissioner Long related that the Florida Association of Counties, the National Association of Counties, and the Tampa Bay Regional Planning Council each have a committee associated with the RESTORE Act; that understanding how the three entities work together is complex; that it would be beneficial to have a presentation regarding the RESTORE Act for the members; and that \$16 billion is at stake regarding the entire allocation; whereupon, in response to her queries and those of Chairman Morroni, Mr. Woodard indicated that a comprehensive report has been scheduled for the March 10 meeting; and that Ms. Hardwick can present information regarding the Gulf Consortium meeting at that time.

Vote	-	7 – 0
------	---	-------

- #16 Resolution No. 15-13 adopted declaring a portion of County-owned property surplus and authorizing conveyance to the State of Florida, as authorized in Florida Statutes, Section §125.38; Chairman authorized to execute the County Deed and the Clerk to attest; Clerk authorized to record the resolution.

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

- #17 Ranking of firms and final negotiated agreement with the number one ranked firm, Moss & Associates LLC, for Design-Build Professional Services for the Jail Campus Infrastructure Phase 1 Project (Contract No. 134-0308-NC) approved; final negotiated lump sum fee of \$8,359,993.00 for Component 1 includes owner's contingency in the amount of \$231,950.00; Chairman authorized to sign the agreement and the Clerk to attest.

Motion	-	Commissioner Justice
Second	-	Commissioner Welch

Commissioner Seel thanked Mr. Woodard for providing the members a briefing paper regarding the item.

Vote	-	7 – 0
------	---	-------

- #18 Fiscal Year 2015 Board Budget Amendment No. 15-1 approved realigning appropriations from the General Government Non-Program cost center to the Public Defender Technology cost center within the General Fund.

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

- #19 Authorization granted to advertise a public hearing to be held on May 19, 2015 regarding a proposed ordinance amending Chapter 158 and repealing Article III of Chapter 170 of the Pinellas County Land Development Code pertaining to floodplain management and flood damage prevention.

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

In response to query by Chairman Morroni, Mr. Woodard indicated that the topic of real estate agents making disclosures regarding floodplains is not addressed in the proposed ordinance, but the Federal Emergency Management Agency (FEMA) has been advocating that agents provide that information as part of their disclosure.

- #20 Ranking of firms and final negotiated agreement with the highest ranked firm, Motorola Solutions, Inc., for Professional Engineering Services - Design/Build Multi-Site Radio Tower Replacement (Contract No. 134-0251-NC) approved. Agreement term is 480 consecutive calendar days from the date of execution by the County; guaranteed maximum price not to exceed \$3,500,000.00; Chairman authorized to sign the agreement and the Clerk to attest.

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

- #21 Non-competitive purchase for Waste-To-Energy Plant turbine generator steam path replacement with General Electric International, Inc. (Contract No. 134-0299-N) approved for an estimated total expenditure in the amount of \$7,990,539.00; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.

Motion	-	Commissioner Gerard
--------	---	---------------------

February 24, 2015

In response to query by Commissioner Long, Solid Waste Department Director Kelsi Oswald indicated that as long as repair and replacement of parts is continued, the useful life of the facility is endless; that the turbine is damaged and needs to be replaced because it is critical to the generation of electricity; and that being a simple piece of equipment, a turbine generator made today is similar to the one made in 1940 with the exception of minor improvements, and Mr. Woodard provided input.

Second - Commissioner Long

Responding to queries by the members, Ms. Oswald clarified that the purchase is funded through the Solid Waste Enterprise Fund reserves; and that the \$500,000.00 Casing Allowance Contingency identified in the cost summary is in anticipation of probable damage and replacement of the casing, and the \$350,000.00 for Optional Installation Services, pursuant to test results, will be spent on items which, without being absolutely necessary to the performance, would improve efficiency. Noting that an estimated million dollar yearly return on this investment is expected in the future, Ms. Oswald indicated that the main reason for replacement is ensuring the operation of the unit currently at risk.

Vote - 7 – 0

- #22 Authorization granted to advertise public hearings to be held on May 5 and May 19, 2015 regarding proposed revised Retail and Wholesale Water, Sewer, and Reclaimed Water rates for Pinellas County Utilities.

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

Chairman Morroni requested that staff note the amount of public interest with regard to this item in the following weeks and be prepared to make a presentation at the hearings explaining the cost revisions if the public interest is substantial; whereupon, Mr. Woodard stated that the rate consultant will be available for the hearings.

- #23 Other administrative matters – None.

- #24 County Attorney miscellaneous – None.

- #25 Ranking of firms and final negotiated agreement with the highest ranked firm, Wells Fargo Bank N.A., for banking services (Contract No. 134-0117-P) approved in an amount not to exceed \$633,420.00. Agreement is for a term of 60 months commencing on March

February 24, 2015

1, 2015 and continuing through February 29, 2020; Chairman authorized to sign the agreement and the Clerk to attest.

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

Chairman Morroni thanked Finance Division Chief Deputy Director Claretha Harris and her staff for their efforts in coordinating the voluminous agreement; whereupon, Finance Division Director Fred Dean commented on the great teamwork and efficiency of the departments involved.

#26 County Administrator report:

Local Legislative Delegation meeting held February 24, 2015

Intergovernmental Liaison Mary Scott Hardwick provided a brief overview of the five local bills on the agenda at the second and final meeting of the local Legislative Delegation:

- Tierra Verde Incorporation bill - hearing postponed.
- Emergency Medical Services (EMS) Authority bill - passed despite members' concerns.
- Tierra Verde's independent fire district bill - passed with a request that Tierra Verde residents and the County find a mutual solution prior to the bill being heard in the Senate.
- Temporary alcohol permit bill by the City of St. Petersburg to allow alcohol at non-profit community events in the incorporated municipalities and other certain jurisdictions.
- Police Pass Program by the Public Safety Standards Council, for which the Board would rule on any raises in fees charged on traffic tickets.

Responding to query by Commissioner Justice, Ms. Hardwick, along with Chairman Morroni and Department of Safety and Emergency Services Director Bruce Moeller indicated that they are not aware of a town hall meeting with regard to any of the issues concerning Tierra Verde. Chairman Morroni further indicated that the bills were initiated by the Tierra Verde Community Association, and Mr. Woodard provided input; whereupon, Ms. Hardwick confirmed that all of the proposed bills will be reviewed by

the Community Affairs Committee prior to being forwarded to the Senate, and Commissioner Long provided input.

Following Mr. Woodard's discussion of the EMS bill and in response to queries by Commissioner Welch, Attorney Bennett related that he observed considerable confusion during the Delegation's discussion of the bill; and that the bill would transfer a lot of the Board's authority to one representative of the Board; whereupon, Managing Assistant County Attorney Don S. Crowell discussed the current powers of the Board, sitting as the EMS Authority, under the Special Act, noting the confusion as to the change in duties of the Board and the duties of the Authority created under the proposed bill.

Following discussion, Commissioner Welch opined that the proposed bill, which appears to separate the EMS Authority role from the BCC's current role, is a bad piece of legislation, noting that it is being presented after all the efforts made in balancing the EMS budget through 2021.

#27 County Commission miscellaneous:

- a. Commissioner Justice reported that the stpetepier.com website opened today to gauge opinion on pier designs for St. Petersburg.
- b. Commissioner Eggers thanked Council of North County Neighborhoods for reaching out to various homeowners' groups and hearing their concerns regarding infrastructure issues.  
  
announced opening of spring training for Philadelphia Phillies and Toronto Blue Jays and encouraged everyone to attend.  
  
requested clarification on the upcoming changes to the BCC entryway, and Mr. Woodard provided explanation, noting the operational change related to visitors.
- c. Commissioner Long thanked Natural Resources Division Manager Kelli Levy and her staff for quick and professional handling of a citizen's problem, noting that the problem was fixed the day after it was reported.



February 24, 2015

encouraged members to attend the Tiger Bay Annual Awards and Gala on March 12 at the Club at Treasure Island.

thanked County Administrator and his staff for obtaining the dolphin sculpture for display at the Courthouse. Commissioner Seel acknowledged Anita Treiser of the Clearwater Regional Chamber of Commerce for helping the County get the sculpture at virtually no cost, and Mr. Woodard indicated that the Chamber will be recognized at a BCC meeting.

\* \* \* \*

At this time, 4:00 P.M., the meeting was recessed and reconvened at 6:00 P.M. with all members present.

\* \* \* \*

### **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.**

- #28 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 15-14 adopted approving the use of a portion of the proceeds from the issuance of not to exceed \$99,000,000.00 by the Volusia County Educational Facilities Authority of its Educational Facilities Revenue Refunding Bonds (Stetson University, Inc. Project), Series 2015, pursuant to Section 147(f) of the Internal Revenue Code of 1986. No correspondence has been received. No citizens appeared to be heard.

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

- #29 Resolution No. 15-15 adopted granting the petition of Kelly L. Crossland to vacate a portion of a 7.5-foot-wide utility easement located in Lot 12, Block 7, Map of Section No. 1, West Oldsmar (Quasi-Judicial Hearing). Authority granted for the Clerk to record the resolution. Letters of no objection received from the 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.

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

- #30 Resolution No. 15-16 adopted denying the application of Christine Gibree, GIB Properties, LLC, through Steven A. Williamson, Esquire, Representative, for a change of zoning from E-1, Estate Residential, to IL, Institutional Limited; a change in land use designation from Residential Suburban to Institutional; a Development Agreement for an assisted living facility (ALF) not to exceed 16 feet in height; a variance for parking to allow 22 spaces where 71 are required; and a variance to allow an ALF within 950 feet of another facility where a 1,000-foot separation is required (Z/LU-2-1-15), re the northern 0.55-acre portion of a 1.3-acre parcel located at 7749 De Long Way, and the parcel located at 7770 128th Street North in the unincorporated area of Seminole. The Local Planning Agency recommended approval of the application. Five letters and a petition with 49 signatures in opposition to and two petitions with a total of 101 signatures in support of the application have been received.

Planning Department Zoning Manager John F. Cueva introduced Glenn Bailey, who will succeed him upon his retirement in June; whereupon, referring to the land use and zoning map and an aerial photograph, Mr. Bailey pointed out the location of the subject property and described the surrounding land uses.

Explaining the application and responding to queries by Commissioners Justice and Welch, Mr. Cueva confirmed that the proposed application would separate the northern 0.55-acre portion of the 1.3-acre parcel located at 7749 De Long Way, currently zoned Residential, from the southern portion, and by changing its zoning to Institutional, join it with the existing ALF property; and that the aforesaid northern portion, limited in its use by the Development Agreement, would be utilized for ALF parking only.

Mr. Cueva provided background information, relating that a previous application for the expansion of this facility, heard by the Board six months ago, was unanimously denied due to concerns about parking and the expansion of the ALF building onto the subject property, encroaching into the residential area along Park Boulevard; and that the concerns have been addressed by proposing to use the subject property for parking and expand the existing ALF building space by adding a wing. He noted that the existing ALF can be built out to make its rooms larger or for storage purposes without the Board's

February 24, 2015

approval, and responding to queries by Commissioners Welch and Seel, confirmed that the only way to increase the bed capacity in the existing ALF would be to change the zoning and the land use classifications of the subject property and transfer the bed capacity that it would then be allowed to the existing ALF parcel; whereupon, Commissioner Welch pointed out that the ALF opened in 1996 with 20 beds, and the bed capacity has already been increased three times.

Mr. Cueva further indicated that the amended Development Agreement, if approved, would restrict the facility to 71 beds, allow the acceptance of elderly residents only, and prohibit any commercial delivery vehicles on De Long Way; that any further bed additions would require filing an amendment to the deed restriction encumbering the property; that the distance between the existing ALF and the nearest ALF is actually 1,044 feet, which does not require a variance; and that the request serves the public need and is compatible with the neighboring residential uses; whereupon, he related that staff recommends approval of the application.

Steven A. Williamson, Clearwater, appeared and being duly sworn, indicated that he represents the applicant and discussed how all concerns voiced at previous hearings were handled in the new application. Referring to photographs, he related that the closest part of the subject property would be approximately 177 feet away from De Long Way.

Robert Pergolizzi, Clearwater, referring to aerial photographs, described the surrounding land uses and reiterated the fact that the request submitted through the current application is for expansion of the ALF that already has the proper zoning; that grass parking would be utilized for environmental reasons and located on the land that is vacant; and that the transportation impact from the 32 additional beds would be minimal. He stated that the current code requirement of one parking space per bed has caused numerous variance requests and is therefore being considered for revision to one parking space per three beds, which would mean 23 parking spaces for the ALF; whereupon, he indicated that a parking analysis he conducted on the ALF site showed five parking spaces used at any time on a normal day; and that the number of frequently used spaces for the proposed 71-bed facility is estimated at 10 or 11, considerably less than the proposed 22 spaces.

Responding to concerns and queries by the members, Mr. Williamson indicated that no future requests for expansion of the ALF are anticipated, as the maximum allowable density will have been reached; that purchase of the additional land in 2014 was made without County approval for a change in zoning; and that parking on residential property is not prohibited by the County.

February 24, 2015

In response to the Chairman's call for proponents of the application, the following individuals appeared and being duly sworn, expressed their support and responded to queries by the members:

Sydney Coraggio, Seminole	Joan Hannigan, St. Petersburg
Penny Coraggio, Seminole	Melissa Sparks, Largo
Ellyn Klein, Seminole	Jeanne Wight, Largo
Kevin J. Burns, Seminole	Corinne Broone, Clearwater
Rev. David Priebe, Seminole	Edna Bartia, Clearwater
Bob Matthews, Seminole	Dave Precourt, Largo
Sherry Jung, Seminole	Barbara Webb, Largo
Peter Lally, Seminole	Ryan Smith, Indian Rocks Beach
Joseph Raissi, Seminole	Gary T. Gibson, Clearwater
Helen Krouse, Seminole	Doris J. Berry, St. Petersburg
Mary Louise Durham, St. Petersburg	Christine Gibree, Largo
Robert Jones, St. Petersburg	Teresa Laws, Seminole
Cathy Gable, Largo	

Arguments in support by the proponents included the following:

- Family-like, friendly, and open environment.
- Competent, compassionate staff providing personalized care.
- Immaculate, well-maintained facility inside and outside.
- Residents having active social lives.
- A very kind, helpful, and professional owner.
- No traffic or parking problems.
- ALF fits in with the surrounding residential area and is an asset to community.
- 100 percent state inspection passing rate.
- A full-time staff member assigned to each Alzheimer's resident.
- Best facility compared to many others around the county and even the country.
- Desire to personally live in the facility.
- Happy residents and staff.
- No space availability.

In response to the Chairman's call for objectors to the application, the following individuals appeared and being duly sworn, expressed their concerns and responded to queries by the members:

Delane D. Ward, Seminole *	Glen Getchell
Patty Gaston, Seminole	Susan Koontz, Seminole

February 24, 2015

Barbara Krall, Seminole  
Tom Krall, Seminole  
Al Danna, Seminole  
Anita Danna, Seminole  
Susan Tucker, Seminole

Kyra Mugharbel, Seminole  
Richard Pope, Seminole  
Donna Chisholm, Seminole  
Deborah Raines, Seminole

*\* Spoke on behalf of five people in attendance*

Concerns expressed by the objectors included the following:

- Preserving the essential character of the neighborhood.
- No shortages of ALFs in the area.
- Precedent setting and domino effect of zoning approvals.
- Commercial encroachment into the neighborhood would affect marketability and value of homes.
- Receiving permission to change the facility into a mental health or drug rehabilitation facility.
- Effect on traffic, parking, and safety.
- Repeated rezoning requests waste taxpayers' money.
- County losing properties zoned E-1.
- Additional expansion of this and other adjacent properties owned by C. Gibree.
- Overbuilding of the area.

In rebuttal and responding to queries by Commissioner Welch, Mr. Williamson indicated that the Development Agreement controls the property uses, not the Agency for Health Care Administration; that the Development Agreement restricts the use to 71 beds and to the type of residents; that an ALF falls under residential use within the Institutional category; and that the objectors provided no evidence of harm.

Noting that 32 additional beds would generate only 80 additional daily trips, which would have no noticeable impact on traffic, Mr. Pergolizzi stated that parking would be adequate, buffered from surrounding residences, and located as close as possible to Park Boulevard; whereupon, he pointed out that Park Boulevard is an arterial roadway carrying 23,000 vehicles per day.

Responding to queries by Commissioners Welch and Gerard, Mr. Williamson maintained that it is not possible to obtain 71 beds without a zoning change; whereupon, he pointed out that the Board must base its decision on competent and substantial evidence, including testimony from Mr. Pergolizzi and recommendations of staff and the LPA.

February 24, 2015

Responding to queries by the members and objectors, Mr. Cueva indicated that parking outside of the area shown in the Development Agreement's concept plan is not encouraged; that the radio tower located near the ALF is maintained by CBS Radio; that it is impossible to increase the density of the existing ALF without changing the zoning of the subject property; and that under the current concept plan, nothing can be built on the subject property after the transfer of density. He indicated that while the Development Agreement is cemented into the deed restriction, the deed restriction may be altered by the Board; and that it is the right of the owner to apply for a change every six months; whereupon, in response to queries by Commissioners Eggers and Seel, Attorney Bennett advised that zoning decisions are quasi-judicial, and that the deed restriction cannot specify the limit of 71 beds. Upon Mr. Williamson's offer to give the residential neighbors rights to enforce the deed restriction and discussion between Mr. Williamson and Commissioner Seel, Attorney Bennett indicated that any such right of the residents would have to be established through a private arrangement between the individual residential neighbors and the applicant outside of the deed restriction, which is enforced by the County.

In conclusion, Mr. Cueva discussed the possible uses of the subject property if it remains under Estate Residential zoning, which include having various farm animals with fences, in comparison to the unfenced grass parking with landscaping proposed by the applicant and supported by staff.

Following lengthy discussion wherein the members acknowledged the concerns of the speakers, the need to protect the quality and characteristics of the neighborhood, the high quality and benefits of the existing ALF and the previously allowed expansions, as well as the efforts of the applicant to address the concerns, Commissioner Welch moved, seconded by Commissioner Eggers, that the application be denied.

Vote - 4 – 3 (Commissioners Long, Seel, and Gerard dissenting)

#31 Meeting adjourned at 8:24 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By \_\_\_\_\_  
Deputy Clerk