

Clerk of the Circuit Court and Comptroller
Regular Public Meeting
April 7, 2015

3. Approval of minutes:

Regular meeting held March 10, 2015.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MARCH 10, 2015 – 9:31 A.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 Laura M. Todd, Board Reporter, Deputy Clerk.

INVOCATION: Mr. Hugh Manning, First Reader, First Church of Christ, Scientist.

PLEDGE OF ALLEGIANCE: Commissioner Long.

PRESENTATIONS AND AWARDS:

Presentation of Florida Surveyors and Mappers Week Proclamation to Joe Shatto, President, Tampa Bay Chapter of the Florida Surveying and Mapping Society.

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 – COUNTYWIDE PLANNING AUTHORITY

#1a Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-10 approving Case No. CW 15-3, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Rural to Residential Estate, re 2.4 acres m.o.l., located at 2535 Richards Road (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

#1b Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-11 approving Case No. CW 15-4, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Transportation/Utility to Institutional, re 8.1 acres m.o.l.,

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located at 14840 49th Street North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- #2a Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-12 approving Case No. CW 15-5, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential/Office General to Institutional, re 2.1 acres m.o.l., located at the northwest corner of Jeffords Street and Druid Road South (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- #2b Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-13 approving Case No. CW 15-6, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Industrial Limited to Commercial General, re 3.6 acres m.o.l., located at the northwest corner of Ulmerton Road and 66th Street North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Referring to aerial and ground level photographs and the land use map, Pinellas Planning Council Interim Executive Director Michael Crawford pointed out the location of the subject property, described surrounding land uses, and provided a brief overview of the proposal, stating that the property has been vacant since June 2013; that the site contains five vacant warehouses and an occupied rental single-family home; that there are no active businesses present on the site; that the applicant proposes to develop the site with multiple retail uses, including a convenience store with gas pumps, auto parts store, and fast food restaurant; that a portion of the 0.5 acre portion of right-of-way on East Rena Drive is proposed to be vacated and included as part of the proposed development; and that the Pinellas Planning Council found the amendment to be consistent with the Countywide Plan and Rules.

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Mr. Crawford discussed the five criteria to be taken into consideration before approving amendments, including target employment opportunities, amendment site characteristics, amendment area characteristics, supporting transportation and infrastructure characteristics, and supporting redevelopment plans and/or special area plans, noting that the fifth criterion does not apply as the property is not part of a special area plan or redevelopment plan; and indicated that staff is recommending approval; whereupon, in response to queries by Commissioner Welch, he stated that staff does not believe the amendment would set a precedent.

Commissioner Welch expressed concern that, based on the criteria, other parcel owners could use the same argument, noting that he sees no compelling reason to change the designation from Industrial Limited to Commercial General; whereupon, noting that he is usually against changing any Industrial Limited property, Chairman Morroni stated that, since the property has been vacant for almost two years, it would be better to develop the property and allow businesses to provide employment opportunities than to permit the property to continue in decline, and discussion ensued.

In response to query by Commissioner Eggers, Mr. Crawford clarified that the right-of-way property located on Rena Drive will be vacated; whereupon, Commissioner Eggers noted that as the property is located at the corner of a major intersection, it appears to be more commercial in nature than industrial.

Responding to comments by Commissioner Long and at the request of Chairman Morroni, Economic Development Director Michael Meidel provided input, indicating that, although the need to preserve industrial land is critical, he agrees with Commissioner Eggers in that the property is located at a major intersection of two arterial roadways and "cries out" for commercial use, noting that an office use would not be suitable because of the intersection, and as an industrial location, it would be difficult for large trucks to navigate in and out of the property.

Noting that the previous owner of the property was a plating company which used very dirty, heavy metals and chemicals, Mr. Meidel indicated that most industrial users would be very uncomfortable with the cost to clean up the property; and that rents received from other businesses on the property could help pay for the cleanup of the site.

In response to query by Commissioner Long, Mr. Woodard indicated that a Strategic Planning session will be coming up soon; and that one of the items on the agenda is a

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discussion on greenfield development versus redevelopment, and Mr. Crawford provided input.

In response to query by Commissioner Welch, Mr. Meidel indicated that the commercial use will be limited to the intersection and not intrude on or set a precedent for properties to the north and south.

Noting that she is familiar with the history of the area, Commissioner Seel agreed that it would be appropriate for the Board to move ahead; and indicated that since the property is next to a residential area, it is not an optimal location for industrial use.

Motion	-	Commissioner Long
Second	-	Commissioner Seel
Vote	-	6 – 1 (Commissioner Welch dissenting)

CITIZENS TO BE HEARD

Gerry Brown, Clearwater, re worldpovertyupordown.org.

Greg Pound, Largo, re truth.

Lenore Faulkner, Madeira Beach, re middle school excellence.

CONSENT AGENDA ITEMS NOS. 3 THROUGH 10 – APPROVED.

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

3 Minutes of regular meeting of February 10, 2015 approved.

4 Reports received for filing – None.

5 Vouchers and bills paid:

Period November 16 through November 22, 2014

Payroll

ACH – \$3,542,605.38

Checks – \$21,286.30

Third Party ACH – \$13,341.74

Third Party Checks – \$2,986.40

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Accounts Payable

Checks – \$9,730,261.20

ACH Transfers – \$3,342,334.54

Wire Transfers – \$3,206,049.40

Period November 23 through November 29, 2014

Payroll – None.

Accounts Payable

Checks – \$2,035,798.46

ACH Transfers – \$9,355,692.30

Wire Transfers – \$97,558.81

Period November 30 through December 6, 2014

Payroll

ACH – \$3,089,476.03

Checks – \$59,638.60

Third Party ACH – \$13,359.78

Third Party Checks – \$3,054.62

Accounts Payable

Checks – \$8,739,312.07

ACH Transfers – \$31,852,411.44

Wire Transfers – \$1,065,638.73

Period December 7 through December 13, 2014

Payroll – None.

Accounts Payable

Checks – \$6,504,935.66

ACH Transfers – \$2,293,864.61

Wire Transfers – \$667,386.11

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Period December 14 through December 20, 2014

Payroll

ACH – \$3,083,688.69

Checks – \$20,593.09

Third Party ACH – \$13,424.78

Third Party Checks – \$3,019.94

Accounts Payable

Checks – \$7,398,837.89

ACH Transfers – \$2,758,425.74

Wire Transfers – \$3,051,067.53

Period December 21 through December 27, 2014

Payroll – None.

Accounts Payable

Checks – \$3,473,249.17

ACH Transfers – \$1,895,631.02

Wire Transfers – \$163,734.50

Period December 28, 2014 through January 3, 2015

Payroll

ACH – \$3,079,416.04

Checks – \$24,643.88

Third Party ACH – \$13,700.05

Third Party Checks – \$3,061.84

Accounts Payable

Checks – \$5,377,465.36

ACH Transfers – \$10,619,827.57

Wire Transfers – \$410,299.97

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Period January 4 through January 10, 2015

Payroll – None.

Accounts Payable

Checks – \$5,377,465.36

ACH Transfers – \$10,619,827.57

Wire Transfers – \$410,299.97

Period January 11 through January 17, 2015

Payroll

ACH – \$3,074,707.31

Checks – \$65,057.62

Third Party ACH – \$13,661.29

Third Party Checks – \$3,131.54

Accounts Payable

Checks – \$3,672,015.53

ACH Transfers – \$3,854,814.83

Wire Transfers – \$2,173,175.42

Period January 18 through January 24, 2015

Payroll – None.

Accounts Payable

Checks – \$4,149,412.58

ACH Transfers – \$1,889,043.72

Wire Transfers – \$530,260.49

Period January 25 through January 31, 2015

Payroll

ACH – \$3,074,864.90

Checks – \$43,831.53

Third Party ACH – \$14,138.83

Third Party Checks – \$3,152.23

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Accounts Payable

Checks – \$6,556,076.91

ACH Transfers – \$13,389,077.58

Wire Transfers – \$545,895.42

Period February 1 through February 7, 2015

Payroll – None.

Accounts Payable

Checks – \$6,763,121.04

ACH Transfers – \$23,350,188.48

Wire Transfers – \$510,436.44

6 Miscellaneous items received for filing:

- a. Public Risk Management of Florida Intergovernmental Cooperative Agreement, A Contract and By-Laws for Public Risk Management of Florida Health Trust (PRM-HT), as amended and restated through October 19, 2012, for the City of Safety Harbor (joining PRM-HT effective 1/1/15), together with an Affidavit of Authenticity.
- b. City of Clearwater Ordinances Nos. 8621-15, 8624-15, and 8632-15 adopted January 15, 2015, annexing certain property.
- c. City of Clearwater Notices of Public Hearings regarding proposed Ordinances Nos. 8678-15, 8679-15, and 8680-15, amending the Land Use Plan and the Zoning Atlas and designating historic property; public hearings to be held April 2, 2015.
- d. City of Tarpon Springs Ordinance No. 2015-01 adopted February 3, 2015, annexing certain property.

7 Award of Bid to All American Concrete, Inc. for Fort DeSoto Water Circulation Infrastructure (Bid No: 145-0013-CP; PID No. 000055A) approved for an estimated total expenditure in the amount of \$1,217,584.64, as the lowest responsive, responsible bid; all

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work is expected to be fully completed within 365 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest.

- # 8 Resolution No. 15-17 adopted supplementing the Fiscal Year 2015 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenues in the amount of \$53,110.00 to the Human Services Budget).
- # 9 Conveyance of escheated properties to the Cities of St. Petersburg (35), Tarpon Springs (2), Largo (1), and Clearwater (3), in accordance with Florida Statute 197.592 (3) approved; Chairman authorized to execute and the Clerk to attest the County deeds.
- #10 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the issuance of a Certificate of Public Convenience and Necessity to AVS Mobility, Inc., a non-medical wheelchair transport provider, in accordance with Section 54, Pinellas County Code.
- #11 Items for discussion from the Consent Agenda – None.
- #12 Resolution No. 15-18 adopted regulating expressive activities on County-owned facilities.

Mr. Woodard provided background information regarding the previous resolutions adopted in 2000 and 2007 and indicated that the Board had established expressive activity zones at three of the County's Courthouse facilities; that the purpose is to balance freedom of speech and the ability of the public to access County facilities; and that the resolution before the Board today is a request from the Chief Judge by way of an Administrative Order regarding jury nullification, which is incorporated into the resolution, noting that the resolution does not change the expressive activity areas; whereupon, in response to queries by Commissioners Welch and Eggers, he clarified that the resolution provides additional guidance and regulation as to what can be said specifically to jurors; and that once jurors are sworn in, they are provided badges which identify them as such. In response to further queries by the members and referring to the resolution, Attorney Bennett clarified that public sidewalks are excluded from the designated areas at the courthouse complex grounds; that it only applies to the areas designated in red; and that the Sheriff's office will provide enforcement.

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

#13 Other administrative matters:

Mr. Woodard announced that a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing will be held at the BCC meeting on April 7, 2015 on behalf of Shorecrest Preparatory School, Inc., re the issuance of not to exceed \$12 million in Pinellas County Educational Facilities Authority bonds, and no objections were noted.

#14 Status update regarding the case of Pinellas County, Florida, Petitioner/Appellant, versus State of Florida, Department of Juvenile Justice, Respondent/Appellee, Department of Juvenile Justice Cases Nos. 15-0001, 15-0002, and 15-0003, Division of Administrative Hearings – Challenge to the Department of Juvenile Justice’s (DJJ) billing practices.

Attorney Bennett provided an update on the County’s continuing actions to recover overpayments made to the DJJ and informed the Board that his office will be appealing the most recent decision; and that the total overpayment by the County is \$10 million.

Noting that the County is making good faith payments on this year’s juvenile justice cause, Chairman Morroni suggested that members going to Tallahassee speak to legislators about the \$10 million owed to the County; whereupon, in response to queries by Commissioner Long, Attorney Bennett indicated that the total bill for the three cases is now up to \$10 million; and that each case stands on its own merit.

At the request of Chairman Morroni, Intergovernmental Liaison Mary Scott Hardwick provided an update on the DJJ billing issue, noting that Senate Bill 1414 has been filed and addresses cost share percentages going forward, but does not address repayment of monies owed to the County; that a bill which does not include repayment of monies will not be acceptable; and that the lobbying team in Tallahassee and the Florida Association of Counties are working diligently on the matter, noting that there are meetings scheduled this week in Tallahassee, and Chairman Morroni provided input.

#15 County Attorney authorized to serve a proposal for settlement upon the Plaintiff in the case of Michele T. Jones, as Parent and Natural Guardian for Neil T. Valk, a Minor, versus Pinellas County, Florida, Circuit Civil Case No. 13-009972-CI-15, in accordance with the confidential memorandum from County Attorney James L. Bennett dated March 10, 2015.

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

- #16 Settlement approved in the case of Pinellas County versus Bureau Veritas North America, Inc., Circuit Civil Case No. 10-017662-CI-015, in accordance with the confidential memorandum from County Attorney James L. Bennett dated March 10, 2015.

Motion	-	Commissioner Eggers
Second	-	Commissioner Justice
Vote	-	7 – 0

- #17 County Administrator reports:

Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act Update

Environmental Services Manager Andy Squires referred to a PowerPoint presentation titled *RESTORE Act Update*, a copy of which has been filed and made a part of the record, and provided a general overview of the flow of funds under the Act as a result of the Deepwater Horizon oil spill in 2010. He related that 20 percent of the RESTORE Act funds go into the Oil Spill Liability Trust Fund and 80 percent of the funds go into the Gulf Coast Restoration Trust Fund, which includes local, federal, state, and monitoring and research funds, referred to as Pots 1 through 5, respectively.

Mr. Squires discussed the status of litigation and the nonjury trial phases, and related that liability is divided between British Petroleum (BP), Transocean, and Halliburton; that a total of 3.1 million barrels of oil were spilled; and that the judge ruled gross negligence against BP, which set the level of funding at a maximum of \$4,300 per spilled barrel, noting that the maximum fine is \$13.7 billion. In response to query by Commissioner Long, Mr. Squires indicated that he is not aware of an inflation factor being added into the fine.

Mr. Squires related that a Federal Council, established by the Act, is comprised of five governors or their appointees and six federal agency heads from various departments; that the Council is responsible for 60 percent of the funds in Pots 2 and 3; and that a Comprehensive Plan released by the Council provides a framework for restoration efforts and establishes goals and a process to fund projects and programs; whereupon, he discussed the goals as set forth in the Plan.

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Referring to the Direct Component (Pot 1), Mr. Squires discussed the project selection and ranking process and the County website established for project ideas and proposals, noting that 17 projects were submitted to the County for inclusion in the Multiyear Implementation Plan. He related that project submittals for the Federal Plan (Pot 2) under the Gulf Coast Restoration Council included 14 Pinellas County projects, none of which were picked for the Federal Plan; and that the Tampa Bay Estuary Program may receive funding as a result of a submittal by the Environmental Protection Agency. Referring to the State Fund, or spill impact component (Pot 3), Mr. Squires related that the 23-member Gulf Consortium has hired a consultant to devise a State Expenditure Plan, to be completed by January 2017.

In response to queries by Chairman Morroni, Mr. Squires indicated that the money BP owes is separate from damage claims, and Attorney Bennett related that damages are independent actions, noting that the County has an action pending; whereupon, in response to query by Commissioner Welch, Mr. Squires clarified the use of each pot of money, and discussion ensued. Responding to further query by Commissioner Welch, Mr. Squires indicated that the County should receive a decision regarding its specific grant applications by late next year.

In response to the Chairman's call for individuals wishing to be heard, Holly Greening, Executive Director of the Tampa Bay Estuary Program provided a brief overview of the Estuary program as it relates to the RESTORE Act, and provided an update on the fertilizer ordinance in the County; whereupon, Commissioner Justice thanked County and Estuary staff for their hard work in ensuring that the County and other local entities are positioned to receive RESTORE funding, and Commissioner Gerard provided input.

#18 Valerie Murray appointed as an alternate member to the Local Planning Agency (LPA).

In response to query by Commissioner Justice, Attorney Bennett indicated that rules were put in place about seven or eight months ago to address conflicts of interest for LPA members.

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

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Later in the meeting, Chairman Morroni indicated that Valerie Murray had been appointed by majority vote to the LPA.

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

#19 Miscellaneous:

- a. Commissioner Eggers thanked men and women in the military for their service; and announced that tomorrow is the second anniversary of the death of Zack Shannon in Afghanistan and offered the County Commission's thoughts and prayers to the Allison family.
- announced that the Dunedin Chamber of Commerce will hold a breakfast on Monday in honor of teachers and invited everyone to attend.
- thanked Bill Losasso, Senior Pastor at Pathways Community Church, for his work with the Adopt a Block program in Lealman.
- reminded residents of Belleair, Belleair Beach, Indian Rocks Beach, Kenneth City, Oldsmar, Safety Harbor, St. Pete Beach, and Treasure Island to vote today.
- b. Commissioner Welch echoed comments by Commissioner Eggers re Adopt a Block program and the Florida Dream Center, and thanked all the partners for their efforts.
- c. Commissioner Long invited members to attend the Annual Tiger Bay Banquet Thursday at the Club on Treasure Island.
- will join PSTA Chief Executive Officer Brad Miller in a meeting with the Senate Transportation Appropriation Committee this afternoon.

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provided update on the Advanced Tampa Bay Manufacturing Industry Certification Training Center (ICTC) Program German Skills Initiative.

reminded members of the Future of the Regions Symposium on March 27 at the Public Policy Institute, noting that Commissioner Welch will speak about transportation.

- d. Commissioner Seel reported that she observed stormwater drain cleaning on Haines Bayshore Road; and noted that a sign was placed announcing it was paid for by collected stormwater fees.
- e. Commissioner Justice thanked County staff and others who helped make the Adopt a Block party on Saturday a success, and Commissioner Long provided input.
- f. Chairman Morroni requested update on Canvassing Board for 2016, and Chief Assistant County Attorney Jewel White provided information.

announced that the County Animal Services Department was selected as Outstanding Agency of the Year for 2014 at the Florida Animal Control Association 2015 conference, and Joey Samba was selected as Animal Control Officer of the Year; thanked Animal Services Director Maureen Freaney and her staff for the work they do.

discussed his recent trip to Berlin with Tourist Development Council Executive Director David Downing.