

Clerk of the Circuit Court and Comptroller
Regular Public Meeting
May 5, 2015

5. Approval of minutes:

Regular meeting held April 7, 2015.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, APRIL 7, 2015 – 1:01 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; and Karen Williams Seel.

Not Present: Pat Gerard.

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Christopher Bartlett, Board Reporter, Deputy Clerk.

INVOCATION: Reverend Anthony Johnson, Unitarian Universalist Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Long.

PRESENTATIONS AND AWARDS:

1. "Playing on the Water" Dolphin Recognition.

Chairman Morroni expressed thanks to the Clearwater Regional Chamber of Commerce for the dolphin sculpture located outside the Clearwater Courthouse, and at his request, Anita Treiser, Tourism Marketing Consultant, presented an overview of the Chamber's Dolphin Trail project; whereupon, Bob Clifford, Vice President of Tourism and Economic Development, thanked Commissioner Long for her efforts in coordinating the Courthouse dolphin placement.

2. Coyotes presentation by Angeline Scotten, Florida Fish and Wildlife Conservation Commission.

Ms. Scotten conducted a PowerPoint presentation and distributed information regarding coyotes, copies of which have been filed and made a part of the record. Discussion ensued, and Ms. Scotten responded to queries by the members.

The Board and County Administrator recognized Pinellas County Animal Services Director Maureen Freaney and congratulated her on her upcoming retirement, noting that she and her team have accomplished wonders in turning the department around; whereupon, Ms. Freaney distributed dog tags to the Commissioners commemorating the

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Florida Animal Control Association's selection of the County shelter as the 2014 Outstanding Agency of the Year.

SCHEDULED PUBLIC HEARINGS

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

SCHEDULED PUBLIC HEARING – BOARD OF COUNTY COMMISSIONERS

- # 1 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 15-21 adopted approving the issuance of not to exceed \$9,500,000.00 Pinellas County Educational Facilities Authority Revenue Refunding Bonds (Shorecrest Preparatory School, 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 Justice
Second	-	Commissioner Long
Vote	-	6 – 0

SCHEDULED PUBLIC HEARING – COUNTYWIDE PLANNING AUTHORITY

- # 2 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-17 approving Case No. CW 15-7, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Suburban to Residential Low and Residential Low Medium, re 2.1 acres m.o.l., located on the southwest corner of Lake Shore Drive and Fourth Avenue South (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 Long
Second	-	Commissioner Seel
Vote	-	6 – 0

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re middle school excellence.

David Ballard Geddis, Jr., Palm Harbor, re reclaimed water/14th Amendment.

Mark Klutho, Largo, re stupidity, waste.

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At this time, 1:47 P.M., Commissioner Seel left the meeting.

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CONSENT AGENDA ITEMS NOS. 3 THROUGH 10 – APPROVED, WITH THE EXCEPTION OF ITEM NO. 7, WHICH WAS CONSIDERED UNDER ITEM NO. 11.

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

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

4 Reports received for filing:

- a. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2015-04 dated March 5, 2015 – Follow-Up Audit of Justice and Consumer Services' Justice Coordination Programs.
- b. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Annual Report for the year ended December 31, 2014.
- c. Pinellas Planning Council Basic Financial Statements and Regulatory Reports (annual audit) for the year ended September 30, 2014.
- d. Tampa Bay Water Annual Financial Report and Audited Financial Statements for the Fiscal Year ended September 30, 2014.
- e. Dock Fee Report for the month of February 2015.

5 Vouchers and bills paid – None.

6 Miscellaneous items received for filing:

- a. Pinellas Suncoast Fire and Rescue District Resolution No. 2015-01 adopted February 17, 2015, fixing the rate of non-ad valorem assessments in compliance with the Charter of the District.

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- b. City of Clearwater Ordinances Nos. 8635-15, 8638-15, 8641-15, 8644-15, 8647-15, 8651-15, and 8674-15 adopted February 5, 2015, annexing certain property.
- c. City of Seminole Ordinance No. 01-2015 adopted February 24, 2015, relating to nuisances.
- d. Notification by Homeowners Association of Highland Lakes, Inc. of its 2015 Board of Directors.

7 See Item No. 11.

8 Resolution No. 15-22 adopted supplementing the Fiscal Year 2015 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenues in the amount of \$50,000.00 to the Pinellas County Economic Development Budget).

9 Award of Bid to Traffic Control Devices, Inc. for Advanced Traffic Management System/Intelligent Transportation System Improvements – U.S. Highway 19 from 49th Street North to 126th Avenue North (Bid No. 145-0102-CP; PID No. 000404A) approved in the amount of \$255,255.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 180 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest.

#10 Receipt and file of the 2014 Annual Reports approved for:

- a. Housing Finance Authority of Pinellas County.
- b. Pinellas Community Housing Trust Fund Program.

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At this time, 1:47 P.M., Commissioner Seel returned to the meeting.

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#11 Item pulled for discussion from Consent Agenda:

- # 7 Award of Bid to David Nelson Construction Company for Remote Parking Lot Expansion – St. Pete-Clearwater International Airport (Bid No. 145-0152-CP; PID No. 000321A) approved in the amount of \$1,909,623.80 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 150 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest.

Commissioner Eggers requested a brief presentation; whereupon, Deputy Airport Director – Operations and Facilities Thomas Jewsbury related that a 30 percent increase in passengers is anticipated this year; and that the parking lot will double in size from 500 to 1,000 stalls.

Responding to query by Commissioner Long, Mr. Jewsbury discussed the differences between the governing boards of Tampa International Airport and St. Pete-Clearwater International Airport and indicated that the upcoming Master Plan will address how the St. Pete-Clearwater Airport will relate to the Tampa Airport in size and functionality.

In response to queries by Chairman Morroni, Mr. Jewsbury discussed Silver Airways' decision to discontinue its Orlando to St. Pete-Clearwater flight; and related that the decision will have no effect on the Airport's budget for this year; whereupon, in response to query by Commissioner Long, he related that marketing proposals are due this week, and a firm should be selected in the coming months.

During discussion and responding to queries by the members, Mr. Jewsbury related that the Airport's projection is for 1.7 million passengers this year.

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

- #12a Fiscal Year 2015 Board Budget Amendment No. 4 approved realigning appropriation in the amount of \$110,000.00 from Reserves for Contingencies to Real Estate Management General Asset Management within the General Fund for assessment of the environmental condition of a property located at 5833 126th Avenue (formerly 126th Avenue Landfill).

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Mr. Woodard pointed out that the environmental study of the landfill will determine any required remediation actions, as well as the future marketability of the parcel.

and

- #12b Fiscal Year 2015 Board Budget Amendment No. 5 approved realigning appropriation in the amount of \$60,000.00 from the General Government Non-Program cost center to the County Attorney's cost center within the General Fund for a purchase of a Thomson/Reuters ProLaw case and document management software system.

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

- #13 Resolution No. 15-23 adopted reallocating Reserve for Future Years in the Seminole Fire District's Fiscal Year 2015 budget.

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

- #14 First and final term extension to the contract with Tom's Sod Services, Inc. for sod materials and installation services (Co-op) (Contract No. 123-0216-B) approved extending the contract through July 6, 2017 at the same prices, terms, and conditions; Pinellas County estimated 24-month expenditure not to exceed \$525,000.00; Cooperative Agencies' estimated 24-month expenditure not to exceed \$95,000.00.

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

Mr. Woodard noted that this cooperative purchasing agreement is one of many wherein the County partners with the municipalities in an effort to identify volume quantities to drive lower unit pricing.

- #15 Pinellas County Program for Public Information (PPI) adopted as the guidance document for public outreach in support of the County's participation in the Community Rating System (CRS) program; activity funding is not to exceed \$64,000.00.

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

- #16 Transportation Incentive Program (TRIP) Agreement with the Florida Department of Transportation (FDOT) approved for the County Road 694 (Park Boulevard) and Park Street/Starkey Road Intersection Improvement Project from 84th Lane North to 82nd Avenue North (FDOT Financial Project No. 437138 1 58 01; County PID No. 001039A) (TRIP Funding, \$1,850,000.00; County Funding, \$7,250,000.00). Resolution No. 15-24 adopted authorizing the Chairman to execute the agreement and the Clerk to attest.

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

- #17 Appointment of Laurance P. Dickie to the Construction Pre-Qualification Committee representing the American Institute of Architects – Tampa Bay approved.

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

- #18 Other administrative matters – None.

- #19 County Attorney authorized to initiate litigation in the case of Pinellas County versus Mike Wells, as Pasco County Property Appraiser; Mike Fasano, as Pasco County Tax Collector; and Marshal Stranburg, as Executive Director of the Florida Department of Revenue.

Motion	-	Commissioner Long
Second	-	Commissioner Justice

Responding to queries by Commissioner Welch regarding alternatives to litigation, Attorney Bennett related that his office has not been able to engage in a conversation with the Pasco County Property Appraiser; that the position directing Pinellas County to redeem tax certificates issued in previous years for its properties located in Pasco County has been entrenched; that the Department of Revenue has provided no response on the matter; and that his office will attempt mediation once the suit is filed.

During discussion and responding to queries by the members, Attorney Bennett indicated that the situation is unique; that all properties he is aware of that are owned by other counties are treated as immune; and that since the immunity is afforded by the Constitution, the disagreement is a question of law to be resolved by a judicial authority; whereupon, agreeing with Commissioners Welch and Eggers that litigation is an

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undesirable course of action, Commissioner Justice and Chairman Morroni indicated that the County needs a concluding answer.

In response to queries by the members, Attorney Bennett clarified that the suit does not involve the Pasco County Commission. With regard to the history of the matter, he related that at one point in time the Pasco County Property Appraiser advised the County to stop paying taxes due to its immunity; that the County made some payments in lieu of taxes as a “good neighbor policy”; and that recently the properties were placed back on the tax roll.

Attorney Bennett reiterated that the present position of the Pasco County Property Appraiser is extreme in stating that Pinellas County loses its sovereign immunity upon crossing the county line; and noted that the protection of the Chapter 768.28 liability caps would also be lost; whereupon, Commissioner Seel, expressing her concern regarding liability and her support for the County Attorney’s actions, requested that Mr. Bennett provide further information on liability insurance and the amount of paid taxes.

Vote - 6 – 0

#20 County Attorney miscellaneous:

Attorney Bennett thanked Managing Assistant County Attorney Donald Crowell for his efforts in finding software for the County Attorney’s office.

#21 County Administrator reports:

a. Pinellas County Charter Review Commission Overview

Intergovernmental Liaison Mary Scott Hardwick, with input by Mr. Woodard, presented a brief history and overview of the Charter Review Commission (CRC), indicating that the 13-member body meets every eight years for the purpose of reviewing the County Charter and making recommendations on amendments; and that those recommendations are voted on by the electorate.

Ms. Hardwick stated that the CRC consists of one County Commissioner, one Constitutional Officer, one member of the Legislative Delegation, one elected city official, and nine citizens; and that all members are to be approved by the BCC; whereupon, Mr. Woodard related that the Constitutional Officers have chosen Clerk of the Circuit Court and Comptroller Ken Burke as their representative, and

an in-depth discussion ensued pertaining to the appointment of other CRC members, a facilitator, and counsel; the citizen application process; and young citizen participation, for which the Commissioners expressed great support.

Noting that CRC members must be appointed by August 1, 2015, Ms. Hardwick provided the timeline of upcoming CRC events; whereupon, she pointed out that although CRC members may continue to meet through the November elections for informational purposes, they may not campaign for any item placed on the ballot for referendum.

b. Charter Review Committee Appointment

Commissioner Seel moved, seconded by Commissioner Welch and carried, that Commissioner Long be appointed to the CRC.

Motion	-	Commissioner Seel
Second	-	Commissioner Welch
Vote	-	6 – 0

#22 Appointment of Peggy Niermann to the WorkNet Pinellas d/b/a CareerSource Pinellas Board of Directors for a two-year term through June 30, 2017, approved.

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

#23 County Commission miscellaneous:

- a. Commissioner Justice announced that the Youth Advisory Committee held a mock County Commission meeting and offered an archive on disk to the Commissioners for viewing; and thanked BCC and Communications staff for their efforts in making it a great experience for participants.
- b. Commissioner Long discussed the value of today's meeting with the Federal Legislative Delegation and encouraged the Board to pursue more partnering opportunities; thanked Intergovernmental Liaison Mary Scott Hardwick for coordinating the meeting.

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discussed the recent New Ideas Symposium, praised Commissioner Welch for his presentation on transportation, and encouraged members to attend future symposiums.

- c. Commissioner Eggers echoed earlier comments regarding the joint Delegation meeting and New Ideas Symposium.

discussed his conversation with a citizen re the future of downtown Palm Harbor.

announced that the Relay for Life will be held in Oldsmar on April 11 and Dunedin on April 17.

congratulated staff and the consultant on a successful kickoff event for the Dunedin Causeway project, noting a large turnout.

- d. Commissioner Welch echoed comments regarding the joint Delegation meeting.

discussed his attendance at a Wage Theft workshop in St. Petersburg. Commissioner Eggers requested that Attorney Bennett provide information on the topic at a future meeting.

declared outrage that the Legislature did not act on backyard gun ranges and discussed opportunities for action with Attorney Bennett. Chairman Morroni directed staff to continue exploring available options.

- e. Chairman Morroni related that Board members were in Tallahassee last week and could not attend the veterans event referenced in an e-mail from Reverend Swick, and discussion ensued regarding a funding request. The members agreed that further information is needed to make a decision.