

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, AUGUST 18, 2015 – 2:00 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 Laura M. Todd and Christopher Bartlett, Board Reporters, Deputy Clerks.

**INVOCATION:** County Attorney Bennett.

**PLEDGE OF ALLEGIANCE:** Commissioner Welch.

**PRESENTATIONS AND AWARDS:**

“Doing Things” Recognition to Sandy Sandmeyer, Human Services Case Manager.

2015 PTI Solutions Award for the Doing Things for You – Mobile App Presentation.

Tampa Bay Rays Honor Pass Recognition.

**CITIZENS TO BE HEARD**

Lenore Faulkner, Madeira Beach, re middle school excellence (submitted document).

David Ballard Geddis, Jr., Palm Harbor, re water district franchising water jurisdictions, dissolving local government (submitted documents).

Mark Klutho, Largo, re stupidity, waste.

Rondale McDowell, St. Petersburg, re denial of civil and constitutional right to trial.

Greg Pound, Largo, re families and truth.

**CONSENT AGENDA ITEMS NOS. 1 THROUGH 11 – APPROVED.**

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

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# 1 Minutes of regular meeting held July 21, 2015 approved.

# 2 Reports received for filing:

- a. Housing Finance Authority Resolution No. 2015-07 adopting and approving a General Fund Fiscal Year 2015 Budget Amendment.
- b. City of South Pasadena Comprehensive Annual Financial Report for the year ended September 30, 2014.
- c. Quarterly Donation Listing of \$500 or more for the quarter ended June 30, 2015.
- d. Juvenile Welfare Board Quarterly Financial Statements for the period ending June 30, 2015.

# 3 Vouchers and bills paid:

Period June 28 through July 4, 2015

Payroll

ACH – \$3,036,489.89

Checks – \$38,155.41

Third Party ACH – \$13,619.63

Third Party Checks – \$2,734.88

Accounts Payable

Checks – \$3,770,477.17

ACH Transfers – \$40,682,525.14

Wire Transfers – \$19,225.38

Period July 5 through July 11, 2015

Payroll – None

Accounts Payable

Checks – \$4,279,218.24

ACH Transfers – \$6,491,074.03

Wire Transfers – \$498,405.82

- # 4 Miscellaneous items received for filing:
- a. Third Amended and Restated Interlocal Agreement for Regional Transportation Planning and Coordination in West Central Florida involving the Pinellas County Metropolitan Planning Organization (MPO).
  - b. Miami-Dade County Board of County Commissioners Resolution No. R-315-15 adopted April 21, 2015, supporting the expansion of solar photovoltaic energy by local governments; welcoming the publication of the "*Florida Solar Financing Action Plan, A Menu of Options*"; and encouraging all other Florida counties to adopt the resolution.
  - c. Town of Kenneth City Ordinances Nos. 2015-636 through 2015-638 adopted July 8, 2015, annexing certain property.
  - d. City of Pinellas Park proposed Ordinance No. 3953 voluntarily annexing certain property; public hearing held July 23, 2015.
- # 5 In accordance with Resolution No. 05-61, the Report of Write-Offs for Accounting Purposes Delegated to the County Administrator for Approval for the period through March 31, 2015 was received for filing (total amount of write-offs, \$2,032,436.99).
- # 6 In accordance with Resolution No. 05-61, the Board approved Airport Accounts Receivable Write-Offs for Accounting Purposes for the period February 27, 2006 to September 30, 2011 (total amount of write-offs, \$60,576.77).
- # 7 In accordance with Resolution No. 05-61, the Board approved Sewer Accounts Receivable Write-Offs for Accounting Purposes for the period October 1, 2012 to September 30, 2013 (total amount of write-offs, \$29,543.03).
- # 8 Award of bid to Timothy L. Landt and Pamela M. Landt Revocable Trust for the sale of real property located at 6th Street West and 8th Avenue North, Tierra Verde (Contract No. 145-0247-B), approved on the basis of being the highest responsive, responsible bid received (total revenue, \$300,001.00); Chairman authorized to execute and the Clerk to attest the Contract for Sale and Purchase and the County Deed.

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- # 9 Conveyance of escheated properties to the Cities of St. Petersburg (3) and Safety Harbor (2) approved, and Resolution No. 15-77 adopted approving the retention of five escheated properties located in the Cities of Clearwater, Pinellas Park, and St. Petersburg in accordance with Florida Statute 197.592 (3); Chairman authorized to execute and the Clerk to attest the County Deeds.

Noting a scrivener's error in the agenda memorandum, Chairman Morroni clarified that three escheated properties are being conveyed to the City of St. Petersburg.

#10 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	Landlord Estoppel Certificate with Sheltair St. Petersburg, LLC for an Amendment to the Credit Agreement for St. Pete-Clearwater International Airport	N/A	7.13.15
2.	Airport	Temporary Concession Services Agreement with Republic Parking System, Inc. for costs associated with the new remote and overflow remote parking lots	\$151,760.00	6.19.15
3.	Animal Services	Service Funding Agreement with Operation Spay & Neuter In Pinellas for the Florida Animal Friend (FAF) Grant	\$5,000.00	6.29.15
4.	Animal Services	Service Funding Agreement with Humane Society of Pinellas, Inc. for the FAF Grant	\$5,000.00	5.7.15
5.	Building Services	Annual Facility Permit with Honeywell International, Inc. for facility operations	N/A	6.29.15
6.	Convention and Visitors Bureau	Sponsorship Agreements with Indemnification Provisions with: 1. Questex Media Group, LLC for a Trade Show Booth during the Travel Industry Exchange  2. Meeting Professionals International for the 2015 Healthcare Meeting Compliance Certificate Program	\$29,000.00	6.26.15
7.	County Administrator	Correction of scrivener's error in Board Resolution No. 15-62	N/A	6.8.15

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	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
8.	County Administrator	Correction of scrivener's error in Board Resolution No. 15-34	N/A	6.18.15
9.	County Attorney	Outside Counsel Services Agreement with Nabors, Giblin & Nickerson, P.A. for the Charter Review Commission	Not-to-exceed \$25,000.00	6.24.15
10.	Economic Development	Cost Reimbursable Subagreement with the University of South Florida for funding of the Small Business Development Center	\$153,359.00 revenue	6.25.15
11.	Human Services	Agreement with Pinellas Suncoast Transit Authority for the Transportation Disadvantaged Program	\$15,000.00	6.26.15
12.	Human Services	Amendment to the Letter of Agreement with the State of Florida Agency for Health Care Administration for an increase in Intergovernmental Transfer for Morton F. Plant Hospital	\$772,132.00 funding change, County Administrator authorized to approve 9.23.2014, Agenda Item No. 19	6.12.15
13.	Parks and Conservation Resources	Grant Agreement No. 2006-ST-091-000016-10 with the U.S. Department of Homeland Security (DHS) for the BioWatch Program	\$208,586.00 DHS grant revenue	7.23.15
14.	Parks and Conservation Resources	Lobbying and Litigation Certification for Grants and Cooperative Agreements with Environmental Protection Agency (EPA) for closure of EPA Grant	N/A	7.22.15
15.	Planning	Release of Liens (4)	Liens have been paid in full	6.19.15
16.	Planning	Release of Liens (3)	Liens have been paid in full	6.11.15
17.	Public Works	Landowner Agreement with Angelo's Aggregate Materials, LLC, d/b/a Angelo's Recycled Materials for the Lake Seminole Sediment Removal Project	\$1,000.00	6.30.15
18.	Public Works	Release of Cash Surety with Greander, LLC for work within the 100 <sup>th</sup> Way North Right-of-Way	N/A	6.19.15

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	<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
19.	Public Works	National Pollutant Discharge Elimination System Annual Report	N/A	6.17.15
20.	Public Works	Amendment No. 3 to the Grant Agreement with the Florida Department of Environmental Protection (FDEP) for the Sand Key Beach Nourishment Project final cost accounting	N/A	4.29.15
21.	Real Estate Management	Easement Agreement for a Sidewalk, Drainage and Utility Easement	\$1,000.00	6.18.15
22.	Real Estate Management	New Site Access Agreement with the FDEP for Indian Rocks Maintenance Yard and the County Courthouse Annex	N/A	4.14.15
23.	Solid Waste	Time Extension to the Consent Order OGC File No. 12-1610 with FDEP for the Waste to Energy Facility	N/A	7.18.15
24.	Utilities	Release of Liens (20)	All liens have been paid in full	6.24.15
25.	Utilities	Release of Liens (17)	All liens have been paid in full	6.12.15
26.	Utilities	Notice of Liens (19)	N/A	6.11.15
27.	Utilities	Release of Liens (12)	All liens have been paid in full	6.8.15
28.	Utilities	Notice of Liens (24)	N/A	6.4.15
29.	Utilities	Release of Liens (25)	All liens have been paid in full	6.3.15
30.	Utilities	Release of Liens (27)	All liens have been paid in full	5.27.15
#11	Notice of new lawsuit and defense of the same by the County Attorney in the case of Samuel J. Shammos, III and Maha Shammos, his wife versus Pinellas County Board of County Commissioners – Circuit Civil Case No. 15-004290-CI-20 – Allegations of Negligence Resulting in Personal Injuries.			
#12	Items for discussion from Consent Agenda – None.			

- #13 Co-Applicant Agreement between Pinellas County and the Mobile Medical Unit Advisory Council approved as required by the U.S. Department of Health and Human Services, Health Resources Services Administration (HRSA).

In response to query by Commissioner Eggers, Human Services Division Director Clark Scott indicated that the Co-Applicant Agreement adheres to HRSA guidelines for governance of the Mobile Medical Unit as a Federally Qualified Health Center, which provides medical services to homeless citizens.

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

- #14 Funding agreement between Pinellas County and 2-1-1 Tampa Bay Cares, Inc. approved; agreement takes effect October 1, 2015 and continues for a period of 36 months, with two one-year options of renewal; total funding not to exceed \$325,000 per year; Chairman authorized to sign the agreement and the Clerk to attest.

Human Services Division Director Clark Scott indicated that 2-1-1 Tampa Bay Cares is a call center that provides referral services to residents requiring assistance related to Human Services in Pinellas County. In response to queries by Commissioner Seel, he related that the funding amount of \$325,000 has been the same for quite some time; whereupon, in response to concerns expressed by Commissioner Seel as to an inflationary increase for this item, as well as the next two items, Mr. Woodard stated that staff will include an inflationary adjustment in all of the funding agreements within the Human Services area going forward, and Commissioner Seel provided input.

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

- #15 Funding agreement between Pinellas County and Boley Centers, Inc. for supportive housing approved; agreement takes effect October 1, 2015 and continues for a period of 36 months, with two additional 12-month options of renewal; total funding not to exceed \$317,480 per year; Chairman authorized to sign the agreement and the Clerk to attest.

Human Services Division Director Clark Scott indicated that the agreement continues the County's contractual relationship with Boley Centers and provides funding for continuing or transitional supportive housing for low income disabled residents; and Mr. Woodard added that funding by the County represents a portion of the required 25 percent local

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match and enables Boley Centers to bring \$1.9 million in U.S. Housing and Urban Development funds into the local economy.

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

- #16 Funding agreement between Pinellas County and Catholic Charities Diocese of St. Petersburg, Inc. approved for the operation of Pinellas Hope I; agreement takes effect October 1, 2015 and continues for a period of 36 months, with two one-year options of renewal; total funding not to exceed \$500,000 per year; Chairman authorized to sign the agreement and the Clerk to attest.

Human Services Division Director Clark Scott, with input by Mr. Woodard, indicated that Catholic Charities operates Pinellas Hope, one of the largest homeless shelters in the county; that in addition to homeless services, the program provides wraparound services, including meals, employment, and educational opportunities; and that the contribution by the Board constitutes about 24 percent of the total budget for Pinellas Hope; whereupon, in response to queries by Chairman Morroni, Mr. Scott agreed to provide the amounts contributed by the City of St. Petersburg and other contributors.

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

- #17 Funding agreement between Pinellas County and Personal Enrichment through Mental Health Services (PEMHS) approved for mental health and emergency treatment services; agreement takes effect October 1, 2015 and continues for a period of 36 months, with the option to renew for two additional one-year terms; total funding not to exceed \$1,693,066 per year; Chairman authorized to sign the agreement and the Clerk to attest.

Human Services Division Director Clark Scott indicated that the agreement continues the current level of financial support to PEMHS and provides mental health emergency treatment services for 11 Crisis Stabilization Unit beds in the City of St. Petersburg, noting that more than 50 percent of the clients are referred by law enforcement.

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



- #18 Authority delegated to the County Administrator to approve and execute agreements with the State of Florida Agency for Health Care Administration related to the Medicaid Low Income Pool/Buy Back program.

Human Services Division Director Clark Scott indicated that staff has requested the County Administrator be delegated the authority to sign contracts quickly should Low Income Pool (LIP) funding become available this coming fiscal year, and Mr. Woodard noted that \$1.00 of local funding can bring between \$1.08 to \$1.50 of state funding based upon the current year; whereupon, in response to queries by Commissioner Welch, Mr. Scott discussed the current state budget financing plan, including contributions from local governments, and the \$400 million contribution from state General Revenue, which was placed into the budget to assist with LIP funding.

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

- #19 Fiscal Year 2015 Board Budget Amendment No. 7 approved realigning appropriation in the amount of \$962,500 from the Reserves Program to the Facility Operations and Maintenance Program within the General Fund for unanticipated and non-budgeted costs.

and

Fiscal Year 2015 Board Budget Amendment No. 8 approved realigning appropriation in the amount of \$250,000 from Contingency Reserve to Capital Outlay within the 9-1-1 Fees cost center in the Emergency Communications E911 System Fund for payment of current Fiscal Year 2015 unanticipated expenses associated with the Vesta 4.X 911 phone equipment project for the 9-1-1 Call Center.

Mr. Woodard related that the county recently marked the first year of full operation of the new Regional 9-1-1 Call Center, noting that incoming calls handled during that time were 660,000 and of that number, 180,000 were dispatched.

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

- #20 Resolution No. 15-78 adopted supplementing the Fiscal Year 2015 Tourist Development Council Fund budget to appropriate earmarked receipts for a particular purpose

(unanticipated revenue in the amount of \$4,735,610 to the Tourist Development Council Fund Budget).

In response to queries by the members, Mr. Woodard, with input by Convention and Visitors Bureau Director David Downing, discussed the projected bed tax collection through the end of the fiscal year, the use of certain percents of the tax, and the County policy of maintaining reserves at 15 percent; whereupon, Mr. Downing stated that the transfers to capital projects are for beach nourishment and new technology platforms for each of the 13 websites used by the Bureau, which are operated independently.

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

- #21 Resolution No. 15-79 adopted establishing the Schedule of User Fees for services to be rendered by non-proprietary departments, enterprise departments, and the Florida Department of Health in Pinellas during Fiscal Year 2016, effective October 1, 2015.

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

- #22 Negotiated Agreement with American Infrastructure Development, Inc. for construction management services for the Terminal Apron Hardstand Expansion Phase 2 project at the St. Pete-Clearwater International Airport (Contract No. 112-0413-CN) approved for a total expenditure of \$349,171 including allowable reimbursable costs for quality assurance testing and on-site resident project inspections. Chairman authorized to sign and the Clerk to attest.

Responding to query by Commissioner Eggers, Airport Director Thomas Jewsbury related that the replacement equipment for the Federal Aviation Administration's malfunctioning navigational lead has been received; and that all noise abatement procedures will return to normal.

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

- #23 Resolution No. 15-80 adopted approving Project B5070737632 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund

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Program (total local contribution amount, \$357,000, 50 percent of which will be paid by Pinellas County, to be paid over a series of fiscal years as determined by the State).

In response to query by Chairman Morroni, Economic Development Director Mike Meidel related that a fast-growing company is considering sites around the country for their new headquarters; that this opportunity could attract 255 new jobs to St. Petersburg at 200% of the local average wage; and that the wage impact on the local economy would be \$29.4 million annually; whereupon, responding to query by Commissioner Eggers, he stated that the popularity of downtown St. Petersburg for office space has tightened the market; and that the biggest challenge is to meet the high demand for employee parking.

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

- #24 Ranking of firms and final negotiated agreement with the number one ranked firm, Sterns, Conrad and Schmidt Consulting Engineers, Inc., for professional consulting services for the Side Slope Closure at Bridgeway Acres West Landfill project (Contract No. 145-0113-NC) approved for an estimated 21-month expenditure not to exceed \$705,200; Chairman authorized to sign the agreement and the Clerk to attest.

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

- #25 Non-competitive Purchase Agreement with Automated Building Controls Systems, Inc. for the Energy Management System Upgrade – 440 Court Street, 333 Chestnut Street, and 509 East Avenue South project (Contract No. 145-0335-N; PID No.002595A) approved for an estimated total expenditure not to exceed \$290,805; all work is expected to be completed within 180 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.

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

- #26 Other administrative matters:

- a. Announcement of a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing to be held at the Board of County Commissioners meeting on September 10, 2015 at 6:00 P.M., on behalf of Saint Paul's School, Inc. to refinance existing

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Pinellas County Educational Facilities Authority Revenue Bond (Saint Paul's School, Inc. Project), Series 2005.

- b. Announcement of a public hearing to be held at the Board of County Commissioners meeting on September 10, 2015 at 6:00 P.M. regarding a proposed resolution for Fiscal Year 2016 Surface Water Service Assessments and Fees within the unincorporated area of Pinellas County.
- c. Agreement with the Pinellas County Property Appraiser and the Pinellas County Tax Collector for use of property tax collections to fund exemption audit services approved; Chairman authorized to sign the agreement.

Commissioner Seel requested that the Commission receive a progress report after the first year has passed; whereupon, Chairman Morroni noted that Property Appraiser Pam Dubov was in attendance and indicated her agreement to the request.

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

#27 County Attorney miscellaneous – None.

#28 Fifth amendment to the contract with Bright House Networks for Metro Ethernet/Wide Area Network Services (Contract No. 089-0339-P) approved exercising a 60-month term extension through February 2, 2020 and increasing the annual expenditure by \$249,780 (total 60-month expenditure not to exceed \$2,679,900); Chairman authorized to sign and the Clerk to attest.

Commissioner Welch thanked staff for the additional details and back up information, and Commissioner Seel concurred. In response to query by Chairman Morroni, Commissioner Welch noted that the Business Technology Services (BTS) Board will discuss the Chairman sitting on the BTS Board on August 20.

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

#29 County Administrator reports – None.

#30 Legislative Redistricting:

Intergovernmental Liaison Mary Scott Hardwick provided an update on current Legislative redistricting, stating that the House passed the base map by a vote of 76-35; that the Senate passed an amended base map out of committee which will go to the floor of the Senate on Wednesday; and that an additional amendment from the Senate floor has been filed which would further change the base map.

Noting that the special session will conclude on Friday, August 21, Ms. Hardwick related that all three versions of the base map have the southern tip of Pinellas County up through Clearwater as one District and that the remainder of the county would form a District with Pasco County and part of Hillsborough County.

During discussion and responding to query by Commissioner Welch, Ms. Hardwick indicated that the Senate will convene in special session late October and early November, when they will be redrawing Senate Districts; whereupon, Chairman Morroni requested that Ms. Hardwick provide an update to the Board after the special session has concluded on Friday.

#31 Annual performance review of the County Attorney:

Chairman Morroni indicated that the results of County Attorney James Bennett's annual performance review are included in the agenda packet. Discussion ensued, and noting that the County Attorney's Office remains conservative, the members stated that they appreciate the protection of the County's citizens and staff; that Attorney Bennett's attention and communication is consistent with his high level of integrity; and that his leadership ensures that his staff remain prepared to litigate an average of 700 active cases, and are able to accommodate staffing changes through a planned strategy for succession; whereupon, Attorney Bennett thanked the members and noted that the County Attorney's Office received high marks for staff effectiveness, which reflects the high level of professionalism of his and the Board's staff, the County Administrator and his staff, and the Appointing Authorities.

#32 County Commission miscellaneous:

The Commissioners offered their sympathies, prayers, and continued support to Commissioner Welch and his family and expressed appreciation for the uplifting Celebration of Life service held in remembrance of Tehira, LaMour, and India Welch.

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a. Commissioner Welch expressed thanks to his colleagues, the Pinellas County Government family, and the community for their outpouring of support for his family during the past week.

b. Commissioner Eggers offered thoughts and prayers to the Latimore family for their recent loss.

announced that Mease Manor has broken ground on a new memory care unit in Dunedin.

reported that he participated in the first meeting of the My VA Community Engagement Board which works toward the goal of improving communication with veterans and those serving in the military.

c. Commissioner Long provided an update on the AmSkills program and related that the Gene Haas Foundation has \$10 million set aside for grants for manufacturing education.

d. Commissioner Seel reported that she is working within the Adopt-a-Block program in Lealman and with St. Catherine's Catholic Church and other partners to bring the program into Highpoint.

expressed sympathies to Managing Assistant County Attorney Don Crowell and his family upon the passing of his mother.

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At this time, 3:27 P.M., the meeting was recessed and reconvened at 6:02 P.M. with all members present.

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**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.**

- #33 Ordinance No. 15-32 adopted amending portions of Chapter 138, Zoning, and Chapter 154, Site Development and Platting, of the Pinellas County Land Development Code. The Local Planning Agency recommended approval of the proposed amendments based on the staff report. Two letters in opposition to the amendments were received. No citizens appeared to be heard.

Responding to Commissioner Welch's query regarding elimination of the distance requirement between an alcoholic beverage dispensing establishment and a church, Principal Planner Scott Swearengen, Planning Department, related that the distance requirement for a school has been reduced from 750 to 500 feet, in accordance with Florida Statute; and that Florida has no statutory requirement for a distance separation from a church.

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

Thereupon, Commissioner Seel thanked the staff for their hard work in preparing the amendments.

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Deviating from the agenda, Chairman Morroni indicated that Item No. 36 would be heard at this time, and no objections were noted.

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- #36 Resolution No. 15-81 adopted granting the petition of James Bushert to vacate a 4-foot portion of the right-of-way known as Harbor View Drive, in Harbor View No. 1 Subdivision (Legislative 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.

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Chairman Morroni noted that there was no opposition to the petition and closed the public hearing. Commissioner Long moved, seconded by Commissioner Gerard, that the resolution be adopted and the petition granted, and discussion ensued. Responding to query by Commissioner Justice, Real Estate Management Director Andrew Pupke, with input from Mr. Woodard, related that 17 neighbors within 200 feet of the subject vacation were notified 14 days prior to the hearing; and that signage was also placed for the last two weeks.

Mr. Woodard noted that an amendment to the agenda memorandum was filed prior to the meeting which contained the following updates: the shed on the property has been removed; and the 15-foot swath of land south of the subject area is County-owned land and not right-of-way. He explained that neither amendment has any bearing on the current action, and discussion ensued.

In response to queries by Commissioner Seel, Mr. Pupke stated that the County-owned land is not open to the public; whereupon, Mr. Woodard related that property owners along the roadway have exclusive ingress and egress to their properties; and that the property being considered is at the end of the road with the same right of ingress/egress.

Thereupon, Commissioner Long moved, seconded by Commissioner Welch and carried, that the resolution be adopted and the petition granted.

Vote                    –            7 – 0

- #34      Resolution No. 15-82 adopted approving the application of Sergio Heritos, through Todd Pressman, Pressman and Associates, Inc., for a change of zoning from A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay, to IL-W, Institutional Limited-Wellhead Protection Overlay (4.08 acres), and P/C-W, Preservation Conservation-Wellhead Protection Overlay (0.92 acre), with a variance to allow one parking space per three beds, and a Development Agreement limiting the maximum number of beds to 80, limiting the height to one story at a maximum of 35 feet, and prohibiting drug rehabilitation and mental health services; and Ordinance No. 15-33 adopted amending the Future Land Use Map of Pinellas County by changing the land use designation from Residential Rural to Institutional (4.08 acres) and Preservation (0.92 acre) on approximately five acres located on the south side of Keystone Road, 1,960 feet east of East Lake Road in the unincorporated East Lake Tarpon area (Z/LU-13-6-15). Public hearing was properly advertised. Affidavit of Publication has been received for filing. Fourteen letters in support of and seven letters in opposition to the application have been received.



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Planning Department Zoning Manager Glenn Bailey referred to an aerial photograph and the land use map, pointed out the location of the subject area, described surrounding land uses, and provided a brief overview of the application; whereupon, he related that the proposed land use and zoning amendments are appropriate with the surrounding area; and that the 80-bed Assisted Living Facility (ALF) will have minimal impact on infrastructure.

Referring to the East Lake Tarpon Overlay, Mr. Bailey related that the preservation of 0.92 acre of open space, the limitations included in the Development Agreement, and other requests are in keeping with the intent and parameters of the overlay. He indicated that the Local Planning Agency recommended approval of the proposed Development Agreement and the Future Land Use Map and Zoning Atlas amendments, but recommended denial of the variance because parking was not shown on a concept plan; whereupon, he noted that the variance request now aligns with recent changes to the Countywide Plan; and that staff is recommending approval of all components of the proposal.

During discussion and in response to queries by the members, Mr. Bailey stated that the restrictions within the Development Agreement will transition to any future property owners; that the agreement is effective for five years and will revert the property to its present zoning if construction has not commenced; and that a deed restriction is required to hold the restrictions in perpetuity. He noted that an ALF's residents do not drive; that the impact on traffic will include an estimated 131 extra trips per day from visitors and staff; and that the impact is minimal during peak hours and spread out during the day.

In response to the Chairman's call for the applicant, Todd Pressman appeared and, referring to elevations and a site plan, provided an overview of the proposal, introduced Cheryl and Eric Moore, and presented photographs of their previous ALFs in Pinellas County. He indicated that the proposed ALF will be a memory care facility; that the typical patient will be an elderly Alzheimer's or dementia patient needing assistance with daily activities; and that preservation, forestation, and water features will provide a buffer for the adjacent Woodfield community.

Mr. Pressman related that the applicants have met with the Council of North County Neighborhoods twice; that two meetings were held a month apart with the citizens of Woodfield; and that the restrictions in the Development Agreement are based on feedback from those meetings. He noted that 400 to 500 notices were provided to the Woodfield Homeowners Association which distributed them to its 450 residents; that

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traffic during peak hours is projected to minimally increase by 0.76 to 1.25 percent; and that the proposed ALF will have no access from the Woodfield entrance.

Cheryl Moore, Trinity, stated that she is a physical therapist and has owned ALFs in Dunedin and Palm Harbor; that her facilities offer home-like environments, excellent care, and clean facilities; that ALFs in the area are primarily on the west side of Lake Tarpon; and that there is a need for ALFs in the East Lake Tarpon corridor; whereupon, Eric Moore, New Port Richey, related that 12 percent of senior citizens are affected by Alzheimer's; that 45 percent of those affected are not diagnosed; that of the 31,000 residents in the East Lake Tarpon corridor, about 800 would fall into the 12 percent; and that there are currently no memory care facility beds in the entire corridor.

Mr. Moore indicated that their plans include increasing the distance of the deceleration lane leading to the right-turn entrance to the facility and increasing parking spaces to 40 (one parking space per two beds); whereupon, responding to queries by the members, he stated that an 80-bed facility matches the surrounding community as opposed to building a 153-bed facility which would be allowed; that as a dedicated memory care facility, they will maintain three levels of security; and that unlike many other facilities, they will accept Medicaid for their patients.

Upon the Chairman's call for persons wishing to speak in support of the application, the following individuals appeared and indicated their appreciation of the Moores, discussed the need for memory care facilities, and noted their general support for the proposed facility:

Lisa Rose, Tarpon Springs  
Carolyn Johnston, Clearwater  
John Robinson, Tarpon Springs  
Charlie Ragghianti, Tarpon Springs  
Stephanie Moore, Trinity  
Fred Rezler, Tampa  
Maria Roman, Dunedin  
Amanda Tonery, Tarpon Springs  
Jason Davis, Clearwater  
Eric Dodson, Palm Harbor

Upon the Chairman Morroni's call for persons wishing to speak in opposition to the application, the following individuals appeared and related that their concerns pertain to traffic, noise, home resale values, and flooding; that notifications of the public hearing

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failed to reach all interested parties; that the request violates the spirit and intent of the East Lake Tarpon Overlay; and that the Board should deny all aspects of the petition:

Frank Kriz, Tarpon Springs (spoke on behalf of a group of five persons in attendance)

Joseph Smith, Tarpon Springs

Ron Delp, Tarpon Springs

Susan Rushing, Tarpon Springs

Karen Russo, Tarpon Springs

Al Cicciardello, Tarpon Springs

Jorge Andino, Tarpon Springs

In rebuttal, Mr. Pressman stated that there is no known opposition from the Woodfield Homeowners Association; that the Development Agreement addresses many of the local concerns regarding the facility; and that supporters outnumber those in opposition. Responding to queries by the members, he related, with input by Mr. Moore, that the Council of North County Neighborhoods has indicated no opposition to the project; that County staff has made a finding that the project meets the standards of the East Lake Tarpon Overlay; and that the proposed ALF is designed exclusively for memory care.

In response to queries by the members, Planning Director Gordon Beardslee related that restrictions in the Development Agreement ensure the project's compatibility with the overlay; that semi-public and institutional uses to the west and east nullify the possibility of spot-zoning; that deed restrictions must be in place prior to occupancy; and that the proposed ALF could not expand without the Board's approval, and discussion ensued.

Responding to a request by Commissioner Eggers, Assistant County Administrator Jake Stowers clarified that the plan and elevations presented by Mr. Pressman could be added to the Development Agreement only as a concept plan, and Mr. Woodard noted that the project will be subject to the normal site plan review process; whereupon, Mr. Bailey recommended language amending the Development Agreement with reference to the concept plan, and Attorney Bennett provided input.

Chairman Morroni noted that many people in the community worked with the County to establish the East Lake Tarpon Overlay, but there has been no contact from any of them in opposition to the application.

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

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- #35 Resolution No. 15-83 adopted granting the petition of Carol Powers to vacate a portion of the 15-foot platted alleyway lying south of Lot 8, Block R, and North of Lot 9, Block R, of the Revised Plat of Crystal Beach (Legislative 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. Two letters in opposition to the petition were received.

In response to queries by the members, Real Estate Management Director Andrew Pupke stated that the alleyway is currently unimproved; that the vacation is needed in order to sell the property; that the structure in question is an existing sunroom; and that should the alleyway be cleared in the future, the portion to be vacated would not affect the ability to pass.

Representing the applicant, Margo Powers, Plant City, related that the house was built in the 1920's; that it is unknown if the house existed before the alleyway or vice versa; that her mother, Carol Powers, purchased the home in the 1960's; and that they desire to sell the property to pay for her ongoing medical care; whereupon, she indicated that she grew up on the property; that the alleyway was never used; and that a fence across the alleyway has been removed.

Upon the Chairman's call for persons wishing to speak in opposition to the petition, P.D. Sabourin Goldstein and Elliott Goldstein, Crystal Beach, appeared and stated their concerns.

Responding to queries by Chairman Morroni, Ms. Goldstein referred to an aerial map and stated that she has a contract to purchase property adjacent to the alleyway; that the alleyway is blocked on the west side by tall, mature trees; and that if the vacation is granted, the remaining 9.5 feet of access to the alleyway is not sufficient to allow passage of a large boat or recreational vehicle.

In response to query by Commissioner Gerard, Public Works Section Manager Troy Tinch indicated that there are several large trees within the alleyway; that it is unlikely the alleyway has ever been open for use; and that Public Works does not improve alleyways, and doing so would be incumbent on the adjacent property owners; whereupon, Mr. Goldstein noted that Crystal Beach is a diverse community; that most alleyways are clear; that ten properties adjoin the alleyway; and that trees can be removed.

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Responding to query by Commissioner Eggers, Assistant County Administrator Jake Stowers stated that the plat maps of the time were not digitized well; that the nature of old communities is such that alleyways are not improved; that he believes no malicious intent is evident in the building of the house; and that the intent of the petition is to allow Ms. Powers to sell the property with a clear title.

In closing, Ms. Powers stated that the portion of the alleyway on her property is clear; and that it remains the only part of the alleyway accessible from Broadus Street; whereupon, Chairman Morroni closed the public hearing and called for the wishes of the Board.

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

#37 Meeting adjourned at 8:16 P.M.

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Chairman

ATTEST: KEN BURKE, CLERK

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