



# Pinellas County

315 Court Street, 5th Floor  
Assembly Room  
Clearwater, Florida 33756

## Staff Report

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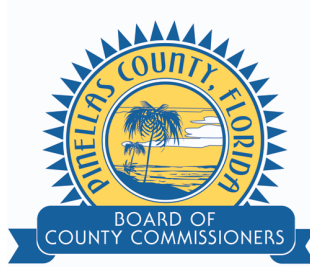
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**Subject:**

Minutes of the regular meetings held November 24 and December 15, 2015.

# **Pinellas County**

*315 Court Street, 5th Floor Assembly Room  
Clearwater, Florida 33756*



## **Minutes - Final**

**Tuesday, November 24, 2015**

**2:00 PM**

**BCC Assembly Room**

## **Board of County Commissioners**

*John Morroni, Chairman  
Charlie Justice, Vice Chairman  
Dave Eggers  
Pat Gerard  
Janet C. Long  
Karen Williams Seel  
Kenneth T. Welch*

**ROLL CALL**

2:01 PM

**Present:** 7 - John Morroni, Charlie Justice, Dave Eggers, Pat Gerard, Janet C. Long, Karen Williams Seel, and Kenneth T. Welch

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

**INVOCATION by Pastor Mark McIntyre from St. Paul's Lutheran Church in Clearwater****PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. "Doing Things" Employee Recognition:  
Deneta Jones, Public Works Traffic Division  
Thomas Breedlove, Parks and Conservation Resources
2. Pinellas Trail 25th Anniversary Proclamation  
Presentation to Scott Daniels, President, Pinellas Trails, Inc.
3. USF St. Petersburg Presentation and Proclamation  
Presentation to Regional Chancellor Sophia Wisniewska and Regional Vice-Chancellor Helen Levine; *State of the Campus* PowerPoint presentation by Sophia Wisniewska.

**CITIZENS TO BE HEARD**

4. Public comment.

David Ballard Geddis Jr., Palm Harbor, re Water-Case Law: Tyson Bro-United Theatre Ticket Offices vs. Banton - submitted documents

James McLynas, Indian Shores, re public records - submitted documents

Greg Pound, Largo, re families - submitted document

Mark Klutho, Largo, re stupidity, waste

Rondale McDowell, St. Petersburg, re constitutional and civil violations

JoAn Totty, Palm Harbor, re Palm Harbor ladder factory, closing of roads - submitted document

**CONSENT AGENDA - Items 5, 6, 11, and 13 (Items 7, 8, 9, 10, and 12 addressed under the Regular Agenda)**Approval of the Consent Agenda

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the Consent Agenda items be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

## CLERK OF THE CIRCUIT COURT AND COMPTROLLER

Reports received for filing:

5. Florida Development Finance Corporation financial statements for the year ended June 30, 2015 and Report of Independent Auditor.
6. Dock Fee Report for the month of October 2015.

## COUNTY ADMINISTRATOR DEPARTMENTS

Public Works

11. Interlocal Agreement with the City of Belleair Beach for the design and construction of mast arm signalization at Gulf Boulevard and Causeway Boulevard.  
PID No. 002680A; County's contribution, \$68,280.00; estimated total project cost, \$275,000.00. Chairman authorized to sign and the Clerk to attest.

Safety and Emergency Services

13. Renewal of Certificates of Public Convenience and Necessity for Advanced Life Support Providers.  
Renewal certificates issued for the following providers in accordance with Pinellas County Code Section 54 and Florida Statutes Section 401.25. Chairman authorized to sign the certificates.

ALS First Responders

Cities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, South Pasadena, St. Pete Beach, St. Petersburg, Tarpon Springs, and Treasure Island; East Lake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Special Fire & Rescue District

ALS Helicopter Ambulances

Florida Health Sciences Center, Inc., d/b/a Tampa General Hospital - Aeromed; and Rocky Mountain Holdings, LLC d/b/a Bayflite

Hospitals

St. Joseph's Hospital, Inc.; and All Children's Hospital

Sunstar Ambulance Service

Pinellas County Emergency Medical Services Authority d/b/a Sunstar

**REGULAR AGENDA**

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - Items 7, 8, 9, 10, and 12

County Administrator

7. Receipt and file report of non-procurement items delegated to the County Administrator.

In response to query by Commissioner Welch, Mr. Woodard reviewed Delegated Item No. 37, License Agreement with Pinellas County Homeless Leadership Board, Inc.; whereupon, Human Services Director Lourdes Benedict stated that the agreement would include a lease for eight spaces and the shared use of a small conference room at no charge; and that public hearings would be held off-site.

**A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Morroni, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Vice-Chairman Justice

Engineering and Technical Support

8. Award of bid to TLC Diversified Inc. for Ultraviolet Facility Modifications at South Cross Bayou Water Reclamation Facility. (PID 002473A/000847A)(Contract 145-0474-CP)

Bid in the amount of \$478,600.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work expected to be completed within 300 consecutive calendar days. Chairman authorized to sign the agreement and the Clerk to attest.

Responding to query by Commissioner Eggers, Director of Engineering Kevin Becotte, with input by Mr. Woodard, stated that the winning bid amount was 15 percent higher than the engineer's estimate; and that this year's budget for rehabilitation of the South Cross Bayou facility is \$2.2 million, which is sufficient to cover the overage.

**A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Morroni, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Vice-Chairman Justice

9. Award of bid to Westra Construction Corp. for the South Train Anoxic Valve installation project at South Cross Bayou Water Reclamation Facility. (PID 2108/002472A)(Contract 145-0419-CP)

Bid in the amount of \$598,020.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work expected to be completed within 140 consecutive calendar days. Chairman authorized to sign the agreement and the Clerk to attest.

Responding to query by Commissioner Eggers, Mr. Woodard related that comparisons to the engineer's estimates are no longer provided in agenda packets so as to provide

greater focus on the budgetary impact. Mr. Becotte stated that the winning bid amount was 42 percent higher than what was estimated; that a needed component was inadvertently omitted from the engineer's estimate; and that the County received three reasonable bids of roughly similar amounts. He noted that Agenda Items Nos. 8 and 9 relate to the same facility; and that together they total approximately \$1 million of the \$2.2 million rehabilitation budget.

**A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Morroni, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Vice-Chairman Justice

- 10.** Award of bid to Alspach Construction and Electric Company Inc. for the Exterior Lighting System Upgrade project at the W.E. Dunn Water Reclamation Facility. (PID 002476A/2153) (Contract 145-0487-CP)

Bid in the amount of \$664,532.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work expected to be completed within 180 consecutive calendar days. Chairman authorized to sign the agreement and the Clerk to attest.

Responding to query by Commissioner Eggers, Mr. Becotte stated that the winning bid amount was 19 percent lower than the engineer's estimate; and that the Fiscal Year 2016 budget for all projects at the facility is \$1.6 million.

**A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Morroni, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Vice-Chairman Justice

#### Real Estate Management

- 12.** Award of bid to Dynamic Security, Inc. for security guard services - Tampa Bay Area Purchasing Cooperative.

Bid No. 145-0311-B in the amount of \$5,035,558.50 awarded on the basis of being the lowest responsive, responsible bid meeting specifications, for a contract period of five years, through December 31, 2020. Bid from South Florida Elite Security Agency, Inc. rejected on the basis of being non-responsive for not meeting bid specifications.

Commissioner Welch stated that the winning bid indicated an hourly rate of \$10.75 which is lower than the \$12.50 hourly living wage that the Commission had previously discussed; that nine of the twelve bidders were at \$12.50 and above; that the contract

would continue for five years; and that this process may inadvertently incentivize bidders to pay less than a living wage, which he cannot support.

Mr. Woodard related that the item is a cooperative contract with the City of St. Petersburg and must meet requirements from both governments; that the unit pricing is the amount paid to the vendor to cover their cost of labor and benefits and is not equivalent to a wage or salary; and that the employee's actual wage is unknown but likely to be less than the unit price, and several members concurred.

Commissioner Welch, with input by Commissioner Eggers, noted that this year's budget cycle included discussion regarding ideas that might incentivize business partners to pay a living wage; that including employee compensation in negotiations involving County funds should be scrutinized in more detail; and that this is a topic of discussion that the Commission should have; whereupon, Commissioner Gerard agreed but noted that, in this case, it would not be fair to change the requirements after the bidding has been closed.

Mr. Woodard indicated that the contract includes a 30-day out-clause which would provide a legal path to cancel the contract should the Commission introduce a new policy that would directly impact it.

**A motion was made by Commissioner Eggers, seconded by Commissioner Seel, that the item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Morroni, Commissioner Eggers, Commissioner Gerard, Commissioner Long, and Commissioner Seel  
**Nay:** 1 - Commissioner Welch  
**Absent:** 1 - Vice-Chairman Justice

## COUNTY ADMINISTRATOR DEPARTMENTS

### Airport

- 14.** First Amendment to the Concession Services Agreement with Republic Parking System, Inc. for paid public parking & shuttle bus service at the St. Pete-Clearwater International Airport.

Amendment to Contract No. 134-0063-P approved, exercising the five-year renewal option period commencing on July 1, 2019. Chairman authorized to sign and the Clerk to attest.

In response to query by Commissioner Eggers, Mr. Woodard stated that the amended agreement would remain on budget; that the Airport has experienced a substantial increase in passenger traffic; and that the amendment allows the vendor to purchase a third bus for the existing passenger shuttle service.

**A motion was made by Commissioner Welch, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

### Economic Development

- 15.** Resolution approving B5081358530 as a Qualified Applicant for the Qualified Target Industry Tax Refund Program.

Resolution No. 15-119 adopted approving Project B5081358530 as a qualified applicant pursuant to Section 288-106, Florida Statutes, and identifying sources of local county financial support (total local contribution amount, \$15,000; 50 percent of which will be paid by Pinellas County, not to exceed \$7,500.00, to be paid over a series of fiscal years to be determined by the State).

Mr. Woodard related that the company is a machine manufacturer seeking to relocate to St. Petersburg which hopes to create 15 jobs with pay levels at least 115 percent of the State of Florida average annual wage; and that Pinellas County is competing with locations in North and South Carolina.

**A motion was made by Commissioner Seel, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

### Management and Budget

- 16.** Resolution to reallocate Reserve for Future Years in the FY15 Fire Districts Fund for the Clearwater Fire District Budget and the Safety Harbor Fire District Budget.

Resolution No. 15-120 adopted reallocating \$1,168,690.00 from the Clearwater Fire District's Reserve for Future Years, and \$41,130.00 from the Safety Harbor Fire District's Reserve for Future Years, to increase the Fiscal Year 2015 budget for Aids to Governmental Agencies-Capital.

**A motion was made by Commissioner Welch, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, and Commissioner Welch

**Absent:** 1 - Commissioner Seel

- 17.** Fiscal Year 2015 (FY15) Board Budget Amendment 15-10 to realign appropriation from the General Government (Reserve for Contingencies) cost center to the Communications cost center within the General Fund.

\$84,400.00 realigned for unanticipated capital outlay purchases and associated operating costs due to an emergency replacement of failing equipment.

**A motion was made by Commissioner Welch, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch



Real Estate Management

18. Resolution granting status to the Vincent House for donation of surplus miscellaneous personal property.

Resolution No. 15-121 adopted.

**A motion was made by Vice Chairman Justice, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

## COUNTY ADMINISTRATOR

19. County Administrator miscellaneous

- Advertisement of 12/15 TEFRA public hearing on behalf of St. Mark Village, Inc.
- Advertisement of 12/15 Local Option Fuel Tax public hearing.

Responding to query by Chairman Morroni, Mr. Woodard indicated that 23 of the 24 municipalities have taken action to request that the Board consider the six-cent Local Option Fuel Tax extension.

## COUNTY ATTORNEY

20. County Attorney miscellaneous.

None.

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Economic Development Authority

21. Resolution and interlocal agreement for issuance by the Pinellas County Industrial Development Authority (d/b/a the Pinellas County Economic Development Authority) of its Industrial Development Revenue Bonds, Series 2015, in an aggregate principal amount of not-to-exceed \$4.5 million on behalf of Volunteers of America of Florida, Inc.

Resolution No. 15-122 adopted and Interlocal Agreement with Leon, Brevard, and Manatee Counties approved.

At the request of Attorney Bennett, the Commissioners signed a Certificate As To Public Meeting indicating compliance with the Florida Sunshine Law.

**A motion was made by Commissioner Welch, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

## COUNTY ADMINISTRATOR REPORTS

22. Unincorporated Area (Municipal Services Taxing Unit) Paving Program Report.

Mr. Woodard indicated that, in the interest of time, the item would be deferred to a future meeting.

## COUNTY COMMISSION

- 23.** Appointment of member to the Palm Harbor Community Services Agency, Inc. (individual appointment).

Commissioner Gerard nominated Holly Bird for reappointment to a two-year term expiring November 9, 2017.

**A motion was made by Commissioner Eggers, seconded by Commissioner Welch, that the appointment be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

- 24.** Selection of 2016 Chairman and Vice-Chairman.

**Commissioner Welch moved, seconded by Commissioner Long, that Commissioner Charlie Justice be elected Chairman.**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Commissioner Justice moved, seconded by Commissioner Gerard, that Commissioner Janet Long be elected Vice-Chairman.**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

- 25.** County Commission miscellaneous
- Legislative Items.

### Commissioner Welch

Discussed House Bill 147/Senate Bill 386 moving through the Florida legislature regarding the expunging of juvenile criminal records for youths who meet certain criteria. Following discussion, Commissioner Welch moved, seconded by Commissioner Gerard and carried unanimously, that the Board adopt Resolution No. 15-123 in support of House Bill 147/Senate Bill 386.

Discussed House Bill 163/Senate Bill 300 moving through the Florida legislature regarding the open carrying of weapons for persons with a concealed weapons permit. Following discussion, Commissioner Welch moved, second by Commissioner Gerard and carried unanimously, that the Board adopt Resolution No. 15-124 in opposition of House Bill 163/Senate Bill 300.

In response to query by Commissioner Long, Mary Scott Hardwick provided a status update on the Tierra Verde bill with regard to a proposed new fire district.

Commissioner Gerard

Noted that Linda Umberger has resigned from the Lealman Community Redevelopment Area Advisory Committee, and nominated Sean Ingber as her replacement; whereupon, she moved, seconded by Commissioner Welch and carried unanimously, that Sean Ingber be appointed to the Committee.

Commissioner Seel

Provided an update on Creative Pinellas relating that the process of hiring a new Executive Director is now in the negotiations stage.

Requested that the Board have a discussion at a future meeting regarding whether the County should remain in the marina business or sell all related assets to the private sector.

Commissioner Long

Encouraged everyone to visit the Florida Botanical Gardens at night to enjoy their annual Holiday Lights presentation.

Requested that the Board receive a future update from Mary Scott Hardwick regarding the recent Florida Association of Counties conference. Chairman Morroni suggested that the update could be part of the upcoming Legislative Delegation meeting in December, and Commissioner Long concurred.

Indicated that the Board should have a conversation regarding its appointment to the RESTORE Act committee; and requested an update from Andy Squires, the Board's alternate on the committee, and discussion ensued.

Expressed her continuing concerns regarding Creative Pinellas. Commissioner Seel noted that Creative Pinellas will provide a full report to the Board in January; and that any nominations or suggestions for new Creative Pinellas Board members should be received by her before December 9.

Commissioner Eggers

Announced a December 8 meeting at Palm Harbor University to discuss the community's proposed roundabout project.

Suggested that staff begin to review the Palm Harbor Master Plan for a possible update in the near future.

Commissioner Justice

Stated that he is looking forward to serving the Board as its new Chairman in 2016.

Chairman Morroni

Congratulated Commissioners Justice and Long for their new assignments as Chairman and Vice-Chairman, and thanked Commissioner Justice for his support as Vice-Chairman over the past year.

Expressed his appreciation for the monthly "Doing Things" presentations which bring recognition to County employees.

The members expressed thanks and wished everyone a happy Thanksgiving holiday.

**Meeting recessed at 4:19 PM and reconvened at 6:03 PM.**

**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.**

Mr. Woodard announced the retirement of Elizabeth Freeman after 27 years of hard work and dedication to the Planning Department, and recognized her pivotal role in the Comprehensive Plan, the Lealman Revitalization Plan, and the Florida Forever program.

- 26.** Resolution to close the Marina Operations Fund and transfer remaining funds to the General Fund and to recognize and appropriate unanticipated fund balance within the Mosquito Control State Fund in order to close both funds effective September 30, 2015.

Resolution No. 15-125 adopted. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Long, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

- 27.** Resolution supplementing the Fiscal Year 2016 Sewer Interest and Sinking Fund Budget for unanticipated receipts and realigning funds within the Fiscal Year 2016 Sewer Revenue and Operating Fund Budget.

Resolution No. 15-126 adopted. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

- 28.** Case No. LU-27-10-15 (PARC, Inc.)

A request for a land use change from Institutional to Commercial General on approximately

2.1 acres located at the northeast corner of the intersection of 66th Street North and 58th Avenue North in the unincorporated area of Pinellas Park.

Ordinance No. 15-45 adopted approving the land use change. The Local Planning Agency recommended approval of the application based on the staff report. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Long, seconded by Vice Chairman Justice, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**29. Case No. Q Z-26-10-15 (GGR Ozona, LLP)**

A request for a zoning change from R-4, One, Two & Three Family Residential to RPD-5, Residential Planned Development, 5 units per acre and variances for a 23-foot setback from residential porches to the edge of a private street where 35 feet is required, an 8-foot setback from the pool cabana to the edge of a private street where 35 feet is required, and an 18-foot setback from the pool cabana to the edge of a public right-of-way where 25 feet is required on approximately 5.6 acres located on the south side of Tampa Road, 100 feet west of Candy Lane and adjacent to the Pinellas Trail in Ozona.

Resolution No. 15-127 adopted approving the zoning change and conditionally approving all variances, in accordance with the staff recommendation. The Local Planning Agency (LPA) recommended approval of the zoning change, conditional approval of the porch variance, and denial of the variances for the pool cabana. No correspondence has been received.

Planning Department Zoning Manager Glenn Bailey pointed out the subject property on the zoning and land use map and described surrounding land uses. Referring to aerial photographs, he related that the property consists of 11 parcels with vacated rights-of-way and a history of a diverse mix of uses, including verified nonconforming uses, and currently contains vacant buildings; and that the plan is to combine all parcels into a subdivision containing 26 single family homes with a pool and cabana, to be accessed via a private street.

Referring to the concept plan, Mr. Bailey described the proposed development and the requested variances, indicating that plans are for a traditional neighborhood design with front porches. He noted that the property lies within the Ozona Community Overlay; and that the applicant has met with the Ozona Village Improvement Society (OVIS), which has taken a neutral position regarding the zoning request; whereupon, he presented staff's recommendation for approval subject to the following conditions: (1) the porches shall not be enclosed; (2) the cabana shall be shielded from the adjacent public right-of-way by a six-foot-high perimeter wall; and (3) the development shall maintain substantial conformance with the submitted concept plan. In response to query by Chairman Morroni, he indicated that the developer has agreed to the proposed conditions.

Mr. Bailey briefly reviewed the LPA recommendation, noting that the members felt the cabana variances would not be necessary if the proposed number of units was reduced. Discussion ensued, and Mr. Bailey responded to comments and concerns of the members with regard to allowable density, sidewalks, stormwater runoff and retention, and the roadway level of service for U.S. Alternate Highway 19; whereupon, Mr. Woodard commented that although the site plan review has not yet been performed, stormwater retention on the development would actually ameliorate nearby flooding.

In response to the Chairman's call for the applicant, George Stamas, Pioneer Homes, related that the property was purchased with the intent of building townhomes befitting Ozona's character, with porches as a prominent front feature to encourage neighborhood interaction. He agreed with Mr. Bailey's presentation of the project and the reasons for the variances, noting that the front porch style of architecture places the homes closer to the sidewalk, with the garages set back; that the units do not have individual pools; and that residents typically prefer having a pool located near the front of the property.

Joe Cimino, Project Engineer, Water Resource Associates, stated that the developer is taking the drainage issue extremely seriously; that a meeting was held with the adjacent neighbors to the west and their attorney; that site plan review is currently underway with the County and the Southwest Florida Water Management District (SWFWMD), and 100-year storm criteria will be met; and that he is willing to address any additional questions or concerns.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals expressed their concerns and responded to queries by the members:

Brian Smith, President, OVIS, re compatibility with the ambiance of the community. Addressed sidewalk/roadway concurrency issues, and concurred with LPA recommendation regarding variances.

Shelley Schellenberg, Esquire, representing John and Melody Staunton, re wetlands and flooding.

Dave Chouinard, Palm Harbor, re traffic, safety, and drainage issues.

Responding to concerns expressed by the objectors, George Zutes, Pioneer Homes, indicated that the gate is being proposed due to traffic issues related to the adjacent elementary school; and that he would be willing to table the issue if law enforcement addresses the problem. He noted that the Staunton's flooding issue is existing; that there has been no development to contribute to the problem; and that the project will comply with all regulatory requirements.

In response to query by Chairman Morroni, Mr. Cimino stated that SWFWMD requirements have changed in recent years; and that it is holding the developer to a higher standard, noting that a stormwater model has been developed over and above

what a normal site would require; whereupon, Mr. Bailey related that Development Review Services Director Blake Lyon is assisting with stormwater issues.

At the request of Commissioner Eggers, Chairman Morroni indicated that the item would be divided for separate motions and votes.

**A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, that the zoning change be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**A motion was made by Commissioner Eggers, seconded by Commissioner Long, that the porch variance be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**A motion was made by Commissioner Eggers, seconded by Commissioner Seel, that the pool cabana variances be denied. The motion failed by the following vote:**

**Aye:** 3 - Commissioner Eggers, Commissioner Long, and Commissioner Seel

**Nay:** 4 - Chairman Morroni, Vice-Chairman Justice, Commissioner Gerard, and Commissioner Welch

**A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the pool cabana variances be approved. The motion passed by the following vote:**

**Aye:** 5 - Chairman Morroni, Vice-Chairman Justice, Commissioner Gerard, Commissioner Long, and Commissioner Welch

**Nay:** 2 - Commissioner Eggers, and Commissioner Seel

Deviating from the agenda, Chairman Morroni indicated that Items Nos. 31 and 32 would be heard at this time, and no objections were noted.

- 31.** Ordinance amending the Transportation, Capital Improvements, and Intergovernmental Coordination Elements, and the Concurrency Management Section of the Pinellas County Comprehensive Plan (first hearing).

First public hearing held and staff authorized to transmit the proposed ordinance to the Florida Department of Economic Opportunity for review and comment. The Local Planning Agency recommended approval of the amendments. No correspondence has been received. No citizens appeared to be heard.

In response to query by Chairman Morroni, Planning Department Director Gordon Beardslee explained the procedure for Comprehensive Plan amendments, indicating that following regional and state review, the item will come back to the Board for a second public hearing and final approval, which will likely take place in January or February 2016.

- 32.** Ordinance amending the Goals, Objectives and Policies, and the Future Land Use Map category descriptions and rules, of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan, amending the legend of the Future Land Use Map, and amending the Future Land Use Map (first hearing).

First public hearing held and staff authorized to transmit the proposed ordinance to the Florida Department of Economic Opportunity for review and comment. The Local Planning Agency recommended approval of the amendments. No correspondence has been received. No citizens appeared to be heard.

In response to query by Chairman Morroni, Planning Department Director Gordon Beardslee indicated that the second public hearing will likely take place in February 2016 following receipt of comments from the state.

In response to queries by Commissioner Seel, Mr. Beardslee provided clarification regarding changes to the Residential/Office Limited and Residential/Office General categories and elimination of the Institutional Overlay category.

- 30.** Case No. Q Z/LU-19-9-15 (Alice K. Gast, Trustee of the Nichols Family Trust)  
A request for a land use change from Residential Urban to Residential Medium, a zoning change from A-E, Agricultural Estate Residential to RM-12-5, Residential, Multiple Family, 12.5 units per acre, and a special exception to allow a 50% affordable housing density bonus on approximately 4.9 acres located 585 feet south of Ulmerton Road on the east side of Belcher Road South in the unincorporated area of Largo.

Resolution No. 15-128 adopted approving the zoning change and Special Exception, and Ordinance No. 15-46 adopted changing the land use designation. One letter in opposition to the application has been received; and 109 letters and one petition with 304 signatures in opposition were received in connection with the Local Planning Agency (LPA) hearing. The LPA recommended approval of the application subject to affordable housing development substantially in conformance with the submitted concept plan.

Referring to photographs and the zoning and land use map, Planning Department Zoning Manager Glenn Bailey pointed out the location of the subject property and described surrounding land uses. He indicated that the property currently contains a single family home; that its proposed use is for a 92-unit apartment complex; and that 80 percent of the units would be offered at market rate and 20 percent would be designated as affordable housing; whereupon, he stated that the project meets the County's definitional criteria for affordable housing.



Mr. Bailey reviewed the criteria for preferred affordable housing locations, as set forth in the Comprehensive Plan, and stated that staff is of the opinion that all criteria have been met. Referring to the concept plan, he described the proposed development and indicated that the project meets the criteria for granting Special Exceptions. He noted that ample parking will be provided; that a six-foot-high fence will be constructed around the perimeter of the property and existing trees will remain as a buffer; and that the projected traffic increase of 252 daily trips over what would be allowed under the current zoning would have a minimal impact on the carrying capacity of Belcher Road.

Thereupon, Mr. Bailey presented staff's recommendation for approval, noting that the Special Exception for a 50-percent density bonus is subject to affordable housing development substantially in conformance with the submitted concept plan.

Discussion ensued, and responding to queries by the members, Mr. Bailey related that the project would utilize water from Pinellas County Utilities and City of Largo sewer service; that the apartment complex to the east contains 170 units; and that the Ranchero Village Mobile Home Park has 900 units on 125 acres, with a density of 7.5 units per acre.

Responding to the Chairman's call for the applicant, Ed Armstrong, Esquire, Hill Ward Henderson, indicated that he represents Norstar Development USA; and that a representative of the Pinellas County Housing Authority is also in attendance, noting that the Housing Authority will ultimately own and operate the affordable housing project.

Mr. Armstrong provided a brief overview of the request and stated that, while he was not present at the LPA hearing, he reviewed the record and noted that a number of objectors focused on traffic and sewer service. He indicated that concerns regarding Belcher Road traffic are unfounded; that the sewer system serving the mobile home park may not be functioning appropriately and has nothing to do with the subject property; and that the development will have sewer service provided by the City of Largo; whereupon, he noted that the County's Comprehensive Plan supports affordable housing in appropriate locations; and that staff is of the opinion that the proposed development meets the criteria; whereupon, he requested approval of all three components of the request.

In response to queries by Commissioner Welch, Mr. Armstrong indicated that 18 of the 92 units would be affordable housing, for persons at or below 60 percent of the area median income; and Pinellas County Housing Authority Executive Director Debbie

Johnson related that the requirement pertains to 20 percent of the units; that all the units will be identical; and that the affordable housing units will be “floating” and scattered throughout the development.

Responding to the Chairman’s call for citizens wishing to be heard, the following individuals expressed their concerns and responded to queries by the members:

Gerry Soules, President, Ranchero Village Cooperative, Inc., Largo, re intrusion by residents of adjacent properties.

Susan Peck, Largo, re population, commercial, and traffic density; pedestrian and bicyclist safety; and intrusion from adjacent properties.

Rebecca Mays, Belcher Road Property, Inc., Largo, re safety issues and potential flooding.

In rebuttal and responding to queries by the members, Mr. Armstrong indicated that criminal activity would be addressed by law enforcement, and it would be fundamentally unfair to judge the application based on what might happen with regard to future residents; that objective criteria were used to measure traffic impacts; and that the buildings will be two and three stories in height; whereupon, he displayed photographs of similar projects by the same developer and reiterated that the project meets all criteria for the location of affordable housing.

During continued discussion and responding to queries by the members, Mr. Armstrong indicated that the proposed swimming pool is shown on the concept plan; that the developer is considering adding a fence, as suggested by Ms. Mays; and that drainage issues will be addressed as a requirement of the permitting process; and Mr. Bailey indicated that conformance with the concept plan is a condition of the Special Exception.

Responding to query by Commissioner Seel, Ms. Johnson provided the estimated rental amounts for the market rate and affordable housing units.

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Meeting recessed at 7:28 PM and reconvened at 7:37 PM.**

- 33.** Ordinance amending Section 118-32 of the Pinellas County Code relating to the Tourist Development Plan.

Ordinance No. 15-47 adopted, as amended. Four letters in support of the Ordinance and one letter signed by five parties proposing language revisions have been received.

Convention and Visitors Bureau (CVB) Executive Director David Downing presented a brief history of the ordinance, noting that the Plan amendment before the Board today was unanimously approved by the Tourist Development Council (TDC) at its October 21 meeting, noting that Mayors Kriseman and Palladeno were absent from the meeting. He indicated that the proposed ordinance simplifies the Plan by reducing the number of funding categories, eliminates funding restrictions, and allocates a minimum of 60 percent of Tourist Development Tax revenues to promotions, advertising and marketing, and a maximum of 40 percent to beach improvement/nourishment, capital project funding, and debt service payments.

Acknowledging that the item has previously been addressed by the Board, Commissioner Eggers indicated that it is important to give individuals an opportunity to voice their opinions before moving forward, questioning whether time is of the essence.

Mr. Downing indicated that on January 1, 2016, the County will begin collecting the sixth percent tax; that the existing Plan does not recognize or incorporate the collection of the sixth percent; that a consultant has been retained to review funding applications; and that once the Ordinance has been approved, the spending plans can be facilitated; whereupon, Chairman Morroni confirmed that the TDC unanimously approved the Plan last month after years of discussion, and emphasized that time is running out for passage by the end of the year.

Discussion ensued, and responding to concerns voiced by Commissioner Eggers, Managing Assistant County Attorney Michael Zas explained that the current Plan only addresses the first five percents; that the sixth percent had not yet been levied when the original Plan was adopted; that the collection of the sixth percent will begin on January 1; and that if it is not accounted for in the Plan, the funds would be frozen in reserves.

Acknowledging that it is difficult to make policy decisions without having a clearly articulated need, Mr. Woodard indicated that the funding guidelines are in place and a consultant has been retained to vet proposals; and that approval of the ordinance will put the framework in place to move the process forward, noting that the Board has the ability to modify the Plan with a supermajority vote.

Commissioner Long expressed concerns, suggested having more in-depth discussions before taking the vote, and remarked that even though changes could be made by a supermajority vote, it is very difficult to do so once approval has been given.

Following discussion, Chairman Morroni emphasized the importance of moving forward by approving the Plan due to time constraints and budgetary considerations, and related that the window of time for accepting applications has not been set.

Mr. Downing reiterated that today's vote is not for distributing the money, and that the framework must be put in place so the process of accepting applications can begin;

whereupon, Mr. Woodard explained that decisions regarding expenditure of the bed tax proceeds must be filtered according to state statutes, the Tourist Development Plan, and the fiscal year budget.

In response to queries by the members, Attorney Zas, with input by Chairman Morroni, clarified that the money from the Tropicana Field payoff can be used under the current Plan; that the sixth percent not captured in the current Plan could not be utilized unless the Board approved a budget amendment; and that the process is in a holding pattern and needs to be activated.

Following discussion, Commissioner Welch agreed that a decision needs to be made now to move the process forward. He indicated that flexibility without structure leads to unintended consequences; that the ordinance provides structure with flexibility; and that candid discussions need to take place soon regarding funding, strategy, and setting clear priorities. He noted that the County is fortunate to be able to implement the sixth cent, as most other counties cannot; that it is in a better position to fund operations and capital; and that the additional revenue will provide the opportunity to build a dedicated capital reserve.

Commissioner Seel indicated that after the framework is in place, it would be appropriate to have a joint meeting with the TDC to discuss strategies and priorities. She indicated that the TDC has been extremely supportive of the County in growing tourism, having agreed to levy the bed tax to fund marketing and promotions and to increase the tax, allowing its use for capital projects; and that it has conceded to decrease the split to 60 percent, noting that there could be a softening of the market, and if there is a commitment to long-term capital funding, marketing would be greatly impacted; whereupon, she noted that the next year's budget includes \$25.6 million in reserves.

Responding to comments by the members, Chairman Morroni provided historical information on the TDC's passage of the sixth percent and the revised Tourist Development Plan and stressed the importance of moving forward with a Plan in place, noting that the Board would have the opportunity to revise the Plan next year if circumstances change.

In response to the Chairman's call for persons wishing to speak, the following individuals expressed their support of the proposed ordinance:

Zev Buffman, Clearwater  
Tony Satterfield, St. Petersburg  
Doug Izzo, St. Pete Beach  
Mayor George Cretekos, Clearwater  
Mayor R.B. Johnson, Indian Rocks Beach  
Robin Solke, St. Pete Beach

The following individuals expressed their concerns regarding the ordinance language and proposed revisions:

Mayor Rick Kriseman, St. Petersburg  
Marcus Greene, Seminole  
Bob Warchola, Tierra Verde  
Chris Steinocher, St. Petersburg  
Rick Baker, St. Petersburg

Responding to query by Commissioner Long, Mayor Cretelos stated that he supports moving forward with the Plan currently before the Board, with the understanding that it will be reviewed in a year based on funding requests.

Commissioner Welch related that he agrees with Mayor Kriseman's suggestion to remove the words *minimum* and *maximum*, and estimated the dollar amounts for Categories A and B, and C, D and E. He clarified that, after capital payouts, any remaining funds at the fiscal year end would be rolled over to a dedicated capital reserve; whereupon, Attorney Zas related that the Commissioners could choose to pass a budget amendment, first approved by the TDC, in order to reallocate remaining capital funds for operations.

Commissioner Welch reiterated his proposed modifications, indicating the intent to allocate 60 percent for operations and 40 percent for capital, and extolled the benefits of the Plan, which avoids committing to bonded debt for capital projects moving forward.

Discussion ensued pertaining to the use of reserves, and Mayor Kriseman, Mr. Woodard, and Attorney Zas provided input. Responding to queries by Commissioners Eggers and Justice, Attorney Zas related that, per statute, every percent could be used for Categories A and B; and that a substantial amendment to the Plan requires a supermajority vote, while budget amendments can be made by a simple majority vote.

In response to queries and comments by the members, Mr. Woodard indicated that unexpended, rolled-over reserves are subject to statutory requirements; and Jim Abernathy, Office of Management and Budget, provided a description of the various reserve accounts, noting that he was asked to set up a sixth percent reserve account, and discussion ensued.

**Commissioner Seel moved, seconded by Commissioner Welch, that the Plan be approved, subject to the deletion of Section 2(b).**

Responding to query by Commissioner Welch, Commissioner Seel explained her rationale for retaining the words *minimum* and *maximum*. Discussion ensued, and Attorney Bennett reviewed the voting requirements for a Plan change versus a budgetary amendment; whereupon, Mr. Woodard compared anticipated bed tax revenues for the current fiscal year and actual collections from the last fiscal year

**The motion failed by the following vote:**

**Aye:** 2 - Chairman Morroni, and Commissioner Seel

**Nay:** 5 - Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, and Commissioner Welch

Commissioner Welch proposed an alternative motion, and Chairman Morroni requested that the motion be bifurcated.

**A motion was made by Commissioner Welch, seconded by Vice-Chairman Justice, that Section 2(b) be deleted. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**Following discussion with input by Attorneys Zas and Bennett and additional comments by Messrs. Satterfield and Downing, Commissioner Eggers moved, seconded by Commissioner Welch, that the wording of Section 2 be revised to indicate that it is the intent of the Board that 60 percent of the Tourist Development Tax revenue may be used for categories A and/or B and 40 percent of the revenue may be used for Categories C, D and E; and that the Chairman be authorized to approve the final language to be incorporated into the ordinance.**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**ADJOURNMENT - 9:48 PM**

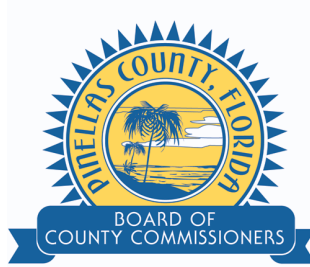
\_\_\_\_\_  
Chairman

ATTEST: KEN BURKE, CLERK

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

# **Pinellas County**

*315 Court Street, 5th Floor Assembly Room  
Clearwater, Florida 33756*



## **Minutes - Final**

**Tuesday, December 15, 2015**

**2:00 PM**

**BCC Assembly Room**

## **Board of County Commissioners**

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

**ROLL CALL**

2:02 PM

**Present:** 7 - John Morroni, Charlie Justice, Dave Eggers, Pat Gerard, Janet C. Long, Karen Williams Seel, and Kenneth T. Welch

**Others Present:** James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; Ken Burke, Clerk of the Circuit Court and Comptroller; Fred Dean, Director, Finance; and Michael Schmidt and Laura Todd, Board Reporters, Deputy Clerks.

**INVOCATION by Charles Cox from the Wolf's Heart Lodge Daughters/Sons of the Earth in Pinellas Park****PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. RESTORE Act presentation - Susan Latvala, Gulf Consortium Pinellas County Director

**DEFERRED**

2. "Doing Things" Employee Recognition:  
Monica Davis-Griffin, Justice Program Analyst with Justice Coordination  
John Miller, Facility Operations Manager with Real Estate Management
3. 60th Anniversary of Zeta Upsilon Omega Chapter of Alpha Kappa Alpha Sorority, Inc.  
Proclamation - Cassandra Williams, Chapter President
4. Community Water Wise Award Winners:  
Lisa and Scott Freeman  
Dianne Fecteau

**CITIZENS TO BE HEARD**

5. Public comment.

Rob Traester, Tarpon Springs, re letter received from Pinellas County. County Administrator to follow up.

David Ballard Geddis, Jr., Palm Harbor, re is the peace process duplicit in its meaning?

Rondale McDowell, St. Petersburg, re civil and constitutional violations.

**CONSENT AGENDA -- Items 6, 7, 9, 10, 11, 14, 15 and 16 (Items 8, 12, and 13 addressed under the Regular Agenda)**

A motion was made by Commissioner Welch, seconded by Vice-Chairman Justice, that the Consent Agenda be approved. The motion carried by the following vote:

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch



## CLERK OF THE CIRCUIT COURT AND COMPTROLLER

6. Minutes of the regular meeting held November 10, 2015.
7. Vouchers and bills paid from September 27 to November 7, 2015.

Period September 27 through October 3, 2015

Payroll - None

Accounts Payable - \$64,838,828.25

Period October 4 through October 10, 2015

Payroll - \$3,100,947.69

Accounts Payable - \$14,104,763.95

Period October 11 through October 17, 2015

Payroll - None

Accounts Payable - \$13,058,265.38

Period October 18 through October 24, 2015

Payroll - \$3,364,752.78

Accounts Payable - \$15,478,772.26

Period October 25 through October 31, 2015

Payroll - None

Accounts Payable - \$22,420,047.09

Period November 1 through November 7, 2015

Payroll - \$3,158,052.96

Accounts Payable - \$39,358,148.31

Reports received for filing:

9. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2015-37 dated November 30, 2015 - Audit of Short-Term Disability and Long-Term Disability Contracts.
10. Dock Fee Report for the month of November 2015.

## COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

11. Receipt and file report of non-procurement items delegated to the County Administrator.

Management and Budget

14. Fiscal Year 2016 Board Budget Amendment No. 1 for the County Attorney.

Amendment No. 1 approved realigning appropriation in the amount of \$49,300.00 from the General Government cost center to the County Attorney's cost center within the General Fund to complete the replacement of outdated legacy software for case, document, and research management systems.

#### Safety and Emergency Services

15. Resolution for a Fiscal Year 2015-2016 Grant Award from the State Emergency Medical Services Trust Fund.

Resolution No. 15-129 adopted certifying that monies received from the Emergency Medical Services Trust Fund shall be used solely to improve and expand pre-hospital emergency medical services (grant revenue, \$130,632.00). Chairman authorized to sign the grant application.

#### Emergency Medical Services Authority

16. Issuance of a Certificate of Public Convenience and Necessity to CareCabee Transportation, LLC for the provision of non-medical wheelchair transport.

Certificate issued in accordance with Section 54, Pinellas County Code. Chairman authorized to sign the certificate.

### **REGULAR AGENDA**

#### ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

8. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2015-35 dated October 15, 2015 - Audit of Pinellas County GIS (Geographic Information Systems) Infrastructure Construction Water and Sewer Information.

In response to queries by Commissioner Eggers, Mr. Woodard explained that the report shows a number of findings, along with the management response and implementation status; that the solutions to the findings are either in progress or are planned; that this is an initial audit; and that a follow-up audit will be conducted. He indicated that, as is the case with any audit, management is given the opportunity to respond to the auditor's findings or comments; and that the follow-up audit will provide more information and clarity with regard to status.

**A motion was made by Commissioner Eggers, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

12. Award of bid to TLC Diversified, Inc. for Fiscal Years 2016 - 2018 sanitary sewer pump station repair, rehabilitation and improvements.

Bid No. 145-0491-CP (PID No. 000964A) in the amount of \$5,997,777.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 1,095 consecutive calendar days. Chairman authorized to sign and the Clerk to attest.

In response to queries by Commissioner Eggers, Director of Engineering Kevin Becotte indicated that the item is an ongoing annual contract for sewer pump stations in the utility system; that \$1.4 million a year is budgeted for the program; and that the goal is to rehabilitate and repair the stations to maintain a 20-year life cycle, noting that there is sufficient funding in the program.

Responding to further query by Commissioner Eggers, Mr. Becotte clarified that the contract is for \$6 million; that staff may need to increase the budget to meet some of the contract requirements; that the cost is approximately \$100,000 per station; that around 15 stations each year are rehabilitated; and that the cost varies depending on the size of the station.

Mr. Becotte related that the contract utilizes operating funds; however, projects at the County's two wastewater facilities are often performed under this contract and funded by separate capital budgets.

During discussion and in response to further queries by Commissioner Eggers, Mr. Becotte indicated that the bids came in higher than expected this year; and that the contract is for three years; whereupon, Mr. Woodard added that it is important to note that departments would never spend more money than what is in the adopted budget; and that, if necessary, staff would come before the Board for approval of the appropriate budget action.

Mr. Woodard noted that several months ago, the county was inundated with 21 consecutive days of heavy rain, which overburdened and overtaxed many municipal sewer systems throughout the county to the point where there were overflows and discharges; and that because of the investment Pinellas County makes on an annual basis to renew and rehabilitate the pump stations and lift stations, any overflows were contained within the facilities.

Following discussion and at the request of Commissioner Welch, Mr. Woodard agreed to provide an after-action report to identify where in the county the spillages occurred.

**A motion was made by Commissioner Eggers, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

13. Award of bid to TLC Diversified, Inc. for the headworks piping modification project at the W.E. Dunn Water Reclamation Facility.

Bid No. 145-0503-CP (PID No. 002207A/2158) in the amount of \$2,897,777.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 240 consecutive calendar days. Chairman authorized to sign and the Clerk to attest.

In response to query by Commissioner Eggers, Director of Engineering Kevin Becotte indicated that a leak was discovered at the W.E. Dunn facility about a year ago; that a forensic investigation of the pipeline revealed other corrosive areas in danger of causing additional leaks; and that the repair is budgeted.

**A motion was made by Commissioner Eggers, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

17. First Amendment to the Agreement with URS Corporation Southern, Inc., for professional engineering consulting services for the Dunedin Causeway Bridge project development and environment study.

(Contract No. 134-0092-NC; PID No. 000423A) Amendment in the amount of \$377,322.25 denied.

Referring to a PowerPoint presentation titled *Dunedin Bridge Replacement Project Development & Environmental Study (PD&E)*, a copy of which has been filed and made a part of the record, Mr. Woodard explained that the proposed amendment stems from discussions at a work session in August regarding the project. He indicated that the Board requested that additional alignment options be brought forward; that consideration of those options would cost approximately \$37,000 and delay the contract by six months; and that the City of Dunedin and the Dunedin Causeway Bridge Ad Hoc Committee oppose looking at additional alignments.

Mr. Woodard related that it was noted during the workshop that the preferred center alignment option would require a temporary bridge at an estimated cost of \$10 million; that it was the desire of the Board to look at other less expensive options; and that what was not made clear at the time was that the north and south alignments would have their own unique set of cost impacts, including environmental impacts and impacts on recreational amenities.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals expressed their support for the center alignment option:

Julie Ward Bujalski, City of Dunedin Mayor

Jackie Nigro, Dunedin Causeway Ad Hoc Advisory Committee Chairman

Jorge Quintas, Dunedin Public Works Director

Metropolitan Planning Organization Executive Director Whit Blanton suggested that as

the Board looks at the alternatives and construction timeframe, it consider how the project can sequence with the PD&E study for Alternate U.S. Highway 19 and the opportunity to strengthen the overall multimodal connection not only up to Honeymoon Island, but into downtown Dunedin.

During discussion and in response to queries by Commissioner Welch, Director of Engineering Kevin Becotte indicated that Slide 4 of the presentation contains an Impact Matrix which details the nine alignment options, noting that each of the three alignments have three bridge height options - low, medium, and high; and that the north and south options have considerable environmental, utility relocation, and recreational impacts; whereupon, he confirmed that the recommendation of the City of Dunedin, the Ad Hoc Committee, and the consultant is to move forward with the existing, or center, alignment for both movable and fixed bridge options.

Referring to the matrix and responding to queries by Commissioner Seel, Mr. Becotte indicated that it has been determined that the south alignment is preferred for the tide relief bridge.

Responding to query by Chairman Morroni, Mayor Bujalski stated that the citizens of Dunedin are aware that by choosing the existing center alignment, the construction phase would be extended from two and one-half years to four years.

In response to queries by Commissioner Eggers, Mr. Becotte indicated that the cost comparison and design would begin in the next phase, noting that the first phase is for environmental evaluation and community input; whereupon, Commissioner Eggers indicated that he sees no reason to spend \$377,000 to study the additional six options, and discussion ensued.

Commissioner Gerard indicated that she does not support studying all nine options, and responding to her query pertaining to community support for a high-level fixed bridge, Mr. Becotte indicated that the process would be to first decide on the alignment and then determine the height of the bridge.

Responding to query by Mr. Woodard, Mr. Becotte indicated that if the consultant stays within the existing scope, the next step will be to look at the economics associated with the three center-aligned bridges; whereupon, Mr. Woodard explained that if the Board adopted the amendment, the path forward would be to study all nine options, and Commissioner Eggers provided input.

Mr. Becotte indicated that through the first phase of the PD&E study, it was determined that the center alignment had the least amount of impact as it relates to the National Environmental Policy Act (NEPA) process; whereupon, Mr. Woodard related that going through the NEPA process would allow the County to qualify for Federal Highway Administration funding.

Commissioner Seel provided historical information pertaining to the Belleair Causeway Bridge construction, noting that the project went through the NEPA process; that it is an

expensive process to go through in the hope of obtaining federal funding; and that she would like Intergovernmental Liaison Mary Scott Hardwick to determine whether there is a category for bridge funding in the new transportation act, opining that the County should not go through the NEPA process if there is no possibility of receiving funding, and adding that it would delay the entire process by at least one year; whereupon, she suggested that construction cost information for the Belleair Causeway Bridge would be helpful to the members, and discussion ensued.

Responding to queries by Commissioner Welch, Mr. Becotte confirmed that the center alignment would require a \$10 million temporary bridge; whereupon, Mr. Woodard clarified that engineering models could be used to estimate the cost of utility relocations, but determining the impact on recreation is a qualitative decision, as it would be difficult to place a hard number on the cost to a community for the loss of recreational amenities. He added that in any given year, Federal Highway Administration dollars are available for competition; and that those projects with minimal environmental and recreational impact compete better against peer projects, and discussion ensued.

Thereupon, Commissioner Seel reiterated her request for information regarding construction of the Belleair Causeway Bridge, and stated that if the Board desires a truly collaborative effort, all bridge height options should be considered in a fair and equitable manner, and Commissioner Eggers concurred.

**A motion was made by Commissioner Eggers, seconded by Commissioner Seel, that the amendment be denied. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

#### COUNTY ADMINISTRATOR DEPARTMENTS

**18. Agreement with the City of Madeira Beach for utility relocations.**

Agreement approved; total construction cost to the County, \$550,000.00. Chairman authorized to sign and the Clerk to attest.

In response to query by Commissioner Seel, Director of Engineering Kevin Becotte indicated that the County will be relocating water, reclaimed water, and sewer lines in a residential neighborhood; and that he is unsure whether the City plans to underground other utilities.

**A motion was made by Commissioner Welch, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**19. Change Order No. 1 to the Agreement with Traffic Control Devices, Inc. for Advanced Traffic Management System/Intelligent Transportation System improvements on S.R. 693 (66th Street) from Gulf Boulevard to Park Boulevard.**

(Bid No. 145-0189-CP; PID No. 000326A) Change Order No. 1 approved increasing the contract amount by \$702,445.57 (revised contract total, \$3,139,882.57) and extending the agreement term by 59 consecutive calendar days; work to be completed by October 1, 2016. Chairman authorized to sign and the Clerk to attest.

**A motion was made by Vice-Chairman Justice, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

### Human Services

20. Authority to advertise a public hearing to be held on Tuesday, January 12, regarding a proposed ordinance relating to the health, peace, safety, and general welfare of the people of Pinellas County by establishing human trafficking signage display requirements and by establishing enforcement responsibilities and penalties.

Authority granted.

**A motion was made by Commissioner Eggers, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

### Parks and Conservation Resources

21. Air Pollution Control Specific Operating Agreement between the State of Florida Department of Environmental Protection and Pinellas County.

Agreement approved. Chairman authorized to sign and the Clerk to attest.

**A motion was made by Commissioner Welch, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

### Planning

22. Resolution declaring two parcels of County-owned property as surplus and authorizing the conveyance of the parcels to the Pinellas County Housing Authority.

Resolution No. 15-130 adopted pursuant to Section 125.38, Florida Statutes (2015). Chairman authorized to execute the legal instruments necessary for the conveyance, including two County deeds; Clerk authorized to record the deeds and resolution.

**A motion was made by Commissioner Welch, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

### Public Works

- 23.** Amendment No. 3 to the Agreement with the Florida Department of Environmental Protection for the Honeymoon Island Beach Restoration project.

(County PID No. 000150A; FDEP Contract No. 13PI1) Amendment approved establishing Phase II post-construction monitoring for 36 months and extending the agreement to December 31, 2018 (no fiscal impact to the County). Chairman authorized to sign and the Clerk to attest.

At the request of Chairman Morroni, Mr. Woodard explained that the restoration project has been completed; and that the amendment allows the County to receive partial reimbursement for the ongoing monitoring of the project; whereupon, Natural Resources Division Manager Andy Squires indicated that funds were shifted from previously completed tasks to the beach fill and dredging management tasks; that the project was completed under budget, allowing the FDEP funding requirement to be reduced by \$1 million; and that the amendment allows the project to move forward with post-construction monitoring, as required by the permit.

At the request of Commissioner Long, Mr. Squires provided a brief update regarding activities relating to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act). He stated that the Gulf Consortium relates to Pot 3, which is money coming to the State of Florida; and that a consultant has been retained to develop an expenditure plan for the 23 counties along the Gulf Coast, noting that the money must be spent on economic and environmental considerations for the good of the state and the Gulf of Mexico. Noting the difficulty of getting 23 counties to agree on regional projects, as recommended, he indicated that the consensus is to divide the \$242 million from Pot 3 between the counties, with each receiving \$12.4 million; whereupon, he related that the Governor must approve the state's financial plan, which will likely take two years to complete; and that it will then go to a federal council for approval.

Responding to queries by the members, Mr. Woodard suggested that former Commissioner Susan Latvala be invited to update the Board after the next Consortium meeting, and related that with respect to Pot 1, Direct Component funding, the BCC would select the projects, and Mr. Squires provided input.

**A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

COUNTY ADMINISTRATOR

- 24.** County Administrator miscellaneous - None.

COUNTY ATTORNEY



25. Settlement demand in the case of Rebecca Meeker v. Steeplechase Townhomes Owners' Assn., Inc. and Pinellas County - allegations of negligence resulting in personal injury.

Settlement demand rejected in Circuit Civil Case No. 13-004929-CI-9, in accordance with the confidential memorandum from County Attorney James L. Bennett dated December 15, 2015.

**A motion was made by Commissioner Welch, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

26. County Attorney miscellaneous - None.

#### AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

##### Emergency Medical Services

27. Amendment No. 1 to the Advanced Life Support First Responder Agreement with the City of St. Pete Beach.

Sitting as the Emergency Medical Services Authority, the Board approved Amendment No. 1 to the Agreement (Fiscal Year 2016 expenditure, \$1,587,438.82; Fiscal Year 2017 expenditure, \$1,613,631.56). Chairman authorized to sign and the Clerk to attest.

City of St. Pete Beach Mayor Maria Lowe introduced Fire Chief Jim Kilpatrick and thanked the Board and County staff for their assistance and support with regard to restoring funding for Rescue 22 as an Advanced Life Support First Responder Unit.

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

28. Appointments to the Emergency Medical Services Advisory Council.

Sitting as the Emergency Medical Services Authority, the Board approved the appointments of Captain Michael Leiner and Captain Brian Browne as Pinellas County Sheriff's Office primary and alternate representatives, respectively, for two-year terms ending in December 2017.

**A motion was made by Commissioner Gerard, seconded by Commissioner Seel, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

#### COUNTY ADMINISTRATOR REPORTS

29. County Administrator reports - None.

#### COUNTY COMMISSION

30. Appointment to the South St. Petersburg Community Redevelopment Area Citizen Advisory Committee.

Ballots were distributed, each member was asked to select a candidate, and the ballots were presented to the Clerk for tabulation; whereupon, Chairman Morroni announced that Canaan McCaslin has been appointed to the Committee by a majority vote.

31. Appointment of one member to the Unified Personnel Board.

Ballots were distributed, each member was asked to select a candidate, and the ballots were presented to the Clerk for tabulation; whereupon, Chairman Morroni announced that Louise Dolsay has been appointed to the Board by a majority vote.

32. Appointments to WorkNet Pinellas d.b.a. CareerSource Pinellas Board of Directors.

Appointment of Carolyn King for a current term ending June 30, 2016, and reappointments of Aundre Green and Anthony Degina for two-year terms (July 1, 2015 through June 30, 2017).

**A motion was made by Commissioner Gerard, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

33. Appointment of Technical Management Committee representative for Solid Waste.

Appointment of Janice "Nan" Bennett, P.E., Office of Engineering and Technical Support, and Linda Larkins, Office of Management and Budget, as her alternate. Solid Waste authorized to request letters of interest from solid waste professionals in the private sector to fill the second Board-designated position.

**A motion was made by Commissioner Seel, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

34. Appointments to the Historic Preservation Board.

Commissioner Justice related that he will bring his Historic Preservation Board nomination to a future BCC meeting; whereupon, Chairman Morroni read the following reappointments into the record, indicating that they are for two-year terms expiring December 31, 2017.

John Barie reappointed by Commissioner Welch.

Wally Clark reappointed by Commissioner Seel.

Gina Clayton reappointed by Commissioner Long.

**A motion was made by Commissioner Long, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**35. Appointments/reappointments to the Feather Sound Community Services District, Inc.**

Referring to a document titled *Feather Sound Community Services District, Inc. Board Roster*, Chairman Morroni indicated that all of the present members are being nominated for reappointment.

**A motion was made by Commissioner Eggers, seconded by Vice-Chairman Justice, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**36. Appointments to 2016 Committees and Boards by the Chairman-Elect.**

Referring to a document titled *2016 Committee Board Appointments By Chairman*, Vice-Chairman Justice indicated that the vote is to accept the Chairman's appointees.

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**37. County Commission miscellaneous.**

The members wished County staff and local residents a happy holiday season.

Commissioner Long

Presented a Certificate of Appreciation to St. Petersburg Catholic High School student Samantha Burkart for being the 2015 Tony Jannus Distinguished Aviation Society High School Essay Contest winner.

Distributed chart and presented information re current activities of the Charter Review Commission.

Related that a press release had been sent out naming Sean Sullivan as the new Executive Director of the Tampa Bay Regional Planning Council.

Commissioner Eggers

Thanked the Sheriff's Office for taking him on a tour of south county and the Fort De Soto area.

Congratulated a local family on their new Habitat for Humanity home.

Provided information regarding a Personal Enrichment Mental Health Services (PEMHS) luncheon.

Thanked various communities for their holiday parades.

Commissioner Welch

Congratulated the St. Pete Silver Raiders on winning the Pop Warner Super Bowl.

Provided information re civil citations and similar topics relating to minor marijuana possession, and requested that the BCC hold a workshop regarding the matter, and no objections were noted.

Commissioner Gerard

Requested that the members discuss the prospect of passing an anti-fracking resolution at a future meeting, and no objections were noted.

Commissioner Justice

Provided information regarding the members of the Tampa Bay Estuary Program, relating that Pasco County has joined the Program.

Thanked Chairman Morroni for his leadership during 2015, noting that the members have made a contribution to the Wounded Warrior Project in his name.

Chairman Morroni

Thanked the members for their support during the past year and expressed appreciation for their donation to the Wounded Warrior Project.

Presented a gift and Certificate of Appreciation to Commissioner Welch for his service on the Tampa Bay Water Board of Directors.

**Meeting recessed at 4:24 PM and reconvened at 6:03 PM.**

**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.**

**BOARD OF COUNTY COMMISSIONERS**

- 38.** Tax Equity Fiscal Responsibility Act Resolution for issuance by the Pinellas County Health Facilities Authority of its Healthcare Facilities Revenue and Revenue Refunding Bonds, Series 2015A, in an aggregate principal amount of not-to-exceed \$18.5 million on behalf of St. Mark Village, Inc.

Resolution No. 15-131 adopted approving the issuance of the bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Gerard, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**39a.** Second Amendment to the Interlocal Agreement for the six-cent Local Option Fuel Tax (regular agenda item).

Second amendment to the Interlocal Agreement updating the distribution of monies derived from the imposition of the Tax to the county and various municipalities in the county and extending the expiration date of the agreement to December 31, 2027.

Attorney Bennett recommended that Agenda Items No. 39a and 39b be voted upon separately.

**A motion was made by Commissioner Long, seconded by Commissioner Seel, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**39b.** Ordinance reauthorizing the levy of the six-cent Local Option Fuel Tax and extending the termination date from August 31, 2017 to December 31, 2027.

Ordinance No. 15-48 adopted. No correspondence has been received. No citizens appeared to be heard.

At the request of Commissioner Eggers, Mr. Woodard provided background information regarding Agenda Items Nos. 39a and 39b, indicating that they serve to extend the existing six-cent Local Option Fuel Tax; that the proposed ordinance continues the current 10-year levy through December 31, 2027; that the amended interlocal agreement extends the present allocation of 60 percent of the proceeds to Pinellas County and the remaining 40 percent to be divided amongst the cities based on population; that the dollars will be used for transportation, operations, and maintenance; and that 22 of the 24 municipalities have provided resolutions in support of the item.

In response to queries by the members, Mr. Woodard related that obtaining unanimous approval of all 24 cities is not required to move forward; that the item is an extension to the current six-cent-per-gallon motor fuel tax; and that the levy generates approximately \$3.4 million in annual revenue per penny of tax. He reported that due to citizens driving more fuel-efficient vehicles and less demand for motor fuel during the recession, local revenues have been impacted; and that only very minor growth is anticipated during the economic recovery; whereupon, he indicated that the item was properly advertised regarding the date, time, place, and purpose of the public hearing.

**A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**40.** Petition of CBG Property Management, LLC to vacate approximately 33 feet of public right-of-way, known as Portsmouth Road, lying east of lots 44 and 45, Gulf Breeze Estates,

Plat Book 27, Page 57 in Section 30/29/16, per Florida State Statute 336, 2015 (legislative hearing).

Resolution No. 15-132 adopted granting the petition, reserving a drainage easement. Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**41. Case No. LU-28-11-15 (Katherine & Louis Kokkinakos)**

A request for a land use change from Commercial Neighborhood & Residential Low to Commercial General on approximately 0.7 acre located at the southwest corner of the intersection of Seminole Boulevard and 20th Terrace SW in the unincorporated area of Largo.

Ordinance No. 15-49 adopted approving the land use change. The Local Planning Agency recommended approval of the request. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Long, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**42. Case No. Q Z/LU-29-11-15 (Barry R. Berger, TRE, James J. Dowling, TRE & Holly S. Dowling, TRE)**

A request for a land use change from Residential Low to Residential/Office-Limited and a zoning change from R-4, One, Two & Three Family Residential to P-1A, Limited Office on approximately 0.2 acre located 160 feet west of the southwest corner of the intersection of Tampa Road and CR-1 in Palm Harbor.

Resolution No. 15-133 adopted approving the zoning change and Ordinance No. 15-50 adopted changing the land use designation. The Local Planning Agency recommended approval of the request. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Eggers, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**43. Case No. Q Z/LU-30-11-15 (Senior Development Partners, LLC)**

A request for a land use change from Residential Rural to Institutional and a zoning change from RPD-0.5-W, Residential Planned Development, 0.5 unit per acre-Wellhead Protection Overlay to IL-CO-W, Institutional Limited-Conditional Overlay-Wellhead Protection Overlay with the Conditional Overlay restricting the use of the property to an assisted living/memory care facility, limiting the maximum number of beds to 64 and limiting the building to one story

at a maximum height of 30 feet on approximately 4.2 acres located at the northeast corner of the intersection of East Lake Road and Foxwood Lane in East Lake Tarpon.

Resolution No. 15-34 adopted approving the zoning change and Ordinance No. 15-51 adopted changing the land use designation. The Local Planning Agency (LPA) recommended approval of the request. No correspondence has been received.

Referring to the Countywide Plan Map and aerial and ground-level photographs, Planning Department Zoning Manager Glenn Bailey pointed out the subject property, described surrounding land uses, and provided information regarding a new tool recently adopted by the members called the Conditional Overlay. He related that the subject property is part of the East Lake Tarpon Community Overlay; that the applicant's previous request had been denied by the members in February 2014; and that there had been public opposition at the time with respect to intensity and compatibility with surrounding uses; whereupon, he provided additional information with regard to the East Lake Road Scenic Non-Commercial Corridor, the Wellhead Protection Overlay, and roadway levels of service.

Mr. Bailey reported that the LPA recommends approval of the request with the understanding that the applicant has voluntarily committed to providing a 20-foot-wide landscape buffer on the east side of the subject property adjacent to the residential uses; and that Planning staff recommends approval of the request as well. During discussion and in response to queries by Commissioner Eggers, Mr. Bailey provided information relating to the Conditional Overlay and discussed levels of traffic congestion on East Lake Road; whereupon, Commissioner Eggers remarked that the aerial photograph is several years old and does not provide a fair representation of the area, and Chairman Morroni provided input.

Responding to the Chairman's call for the applicant, Joel Tew, Tew & Associates, indicated that he represents the property owner and applicant, Senior Development Partners, LLC, and provided historical background information regarding the application, relating that subsequent to reaching out to the Cypress Run, Crescent Oaks, and Foxwood Estates Homeowners' Associations to discuss and address their concerns, those Associations are now in favor of the current request; whereupon, he presented a fully executed mitigation agreement with Foxwood Estates HOA to the Clerk.

In response to the Chairman's call for citizens wishing to be heard, Michael Boutzoukas, Tampa, and T.R. Uvice, Jr., Tarpon Springs, spoke in support of the application.

Shannon Ivey, Tarpon Springs, spoke in opposition to the application, and expressed concerns regarding access to her property during construction, potential interruption of utilities, increases in vehicular traffic, cypress trees being planted in front of her business, and signage. Ms. Ivey indicated that she had been unable to attend the November 12 LPA hearing and, in response, Chairman Morroni related that it is important for residents to attend hearings that affect them; whereupon, he related that Mr. Tew spoke with the three Homeowners' Associations and obtained their support;

that he went through the LPA hearing process; and that he was unaware of any further opposition until now.

In response to queries by Chairman Morroni, Mr. Tew indicated that he had been unaware of Ms. Ivey's concerns prior to this evening's meeting; that he will provide her with his contact information; and that he will put her in touch with the planner, engineer, construction manager, and/or general contractor to address her concerns; whereupon, he related that the applicant wants to be a good neighbor; and that the issues brought forward by Ms. Ivey relate more to site development and logistical issues and not to the Comprehensive Plan or zoning issues, and brief discussion ensued with Commissioner Eggers providing input.

**A motion was made by Commissioner Long, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**44. Case No. Q Z-31-11-15 (Paul W. & Nancy J. Guilmette)**

A request for a zoning change from A-E, Agricultural Estate Residential to RPD-7.5, Residential Planned Development, 7.5 units per acre on approximately 2 acres located on the east side of Summerdale Drive, approximately 460 feet south of Hammock Pine Boulevard in the unincorporated area of Clearwater.

Resolution No. 15-135 adopted approving the zoning change. The Local Planning Agency recommended approval of the request. A letter of no objection has been received from the wastewater provider. No citizens appeared to be heard.

**A motion was made by Commissioner Eggers, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

#### COUNTYWIDE PLANNING AUTHORITY

**45. Case No. CW 15-18 - City of St. Petersburg**

Countywide Plan Map amendment from Residential Medium to Multimodal Corridor, regarding 0.3 acre more or less, located at 424 and 436 22nd Avenue North, St. Petersburg (subthreshold amendment).

Ordinance No. 15-52 adopted approving Case No. CW 15-18. Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Gerard, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**46. Case No. CW 15-19 - City of Pinellas Park**

Countywide Plan Map amendment from Residential Low Medium to Retail & Services, regarding 0.5 acre more or less, located generally north of 82nd Avenue, east of 43rd Street,



and west of U.S. Highway 19 North (subthreshold amendment).

Ordinance No. 15-53 adopted approving Case No. CW 15-19. Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

**A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**47. Countywide Plan Map - 2015 Annual Update.**

Resolution No. 15-136 adopted accepting the amended Countywide Plan Map and directing that it be filed with the Clerk of the Board of County Commissioners as the official Countywide Plan Map, as recommended by the Pinellas Planning Council in its Resolution No. 15-4 adopted November 18, 2015, a copy of which has been filed and made a part of the record.

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, and Commissioner Welch

**Absent:** 1 - Commissioner Seel

**BOARD OF COUNTY COMMISSIONERS**

**48. Appeal of Site Plan # 1858.11 (quasi-judicial item) (regular agenda item).**

Chairman Morroni related that Chief Assistant County Attorney Jewel White will be handling the item; whereupon, at this time, 6:42 P.M., Attorney Bennett left the dais and Attorney White assumed his seat.

Attorney White stated that the item relates to the appeal of a site plan; and that even though public notice is not required, it is a quasi-judicial matter; whereupon, referring to the uniqueness of the item, she related that she cannot recall receiving such an appeal during her 20 years of service on behalf of the County Commission, and provided information regarding protecting the due process rights of all parties involved in the case.

Attorney White indicated that the appeal was filed by June Barwick, a local resident; that the County Attorney's Office conducted a Pre-Hearing Conference in an attempt to clearly define the issues that will be brought before the Board in the appeal; and that the resulting Pre-Hearing Conference Statement and other pertinent documentation has been included in the members' agenda package.

Attorney White indicated that Ms. Barwick has requested that the matter be continued because the staff report was not available for public review three weeks prior to this evening's hearing as provided for in the Quasi-Judicial Ordinance; that Joel Tew, representative for the property owner, has indicated that he has no objection to the postponement; and that the recommendation of staff is to grant the request for a continuance.

In response to queries by Chairman Morroni, the members expressed support for postponing the item; whereupon, they reviewed prospective dates in February 2016. Chairman Morroni recommended that February 9 be selected since the entire Board will be in attendance, and Commissioner Eggers suggested that the date be advertised.

Attorney White related that Mr. Tew is in attendance; that he has filed motions in an attempt to narrow some of the issues to be heard by the members; and that the members can hear testimony and vote on those motions this evening if they so desire; whereupon, in response to queries by Commissioner Eggers, Attorney White indicated that both proponents and opponents will have an opportunity to be heard this evening regarding Mr. Tew's motions.

**A motion was made by Commissioner Long, seconded by Commissioner Gerard, that the item be deferred to the February 9, 2016 BCC meeting. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

Joel Tew, Esquire, Tew & Associates, indicated that he is land use counsel for Turtle Beach Land Company, LLC, and provided background information regarding the item, noting that the Appellant submitted a letter stating four grounds on which she is appealing the site plan. He provided detailed information regarding his motions, indicating that Paragraphs 2, 3, and 4 are not legal grounds for an appeal and should be stricken as legally insufficient; that the portion of Paragraph 1 dealing with traffic impacts should also be stricken, since the site plan and allowable density have not changed since the project was approved over 20 years ago; and that testimony should be limited to that of the parties and qualified witnesses. During discussion and in response to comments by Commissioner Eggers, Attorney White indicated that while local citizens can testify and offer their opinions regarding factual evidence, opinions regarding traffic counts or drainage issues, for example, would require the testimony of an expert in the field.

Attorney White indicated that the Quasi-Judicial Ordinance is not ideal for dealing with an appeal and suggested that County staff, the Appellant, and the Intervenor be provided 20 minutes each to present their testimony at the February 9 hearing; whereupon, she related that the property owner is considered an Intervenor as he was not provided a natural entry into the process.

In response to the Chairman's call for the Appellant, June Barwick, Crystal Beach, spoke in support of continuing the hearing to February 9 and in opposition to Mr. Tew's motions.

In response to the Chairman's call for citizens wishing to be heard, Kent Barwick, Jon Hall, Robin Bleier, Paul Ford, Robert Hill, and John McMahon, Crystal Beach, spoke in support of continuing the hearing to February 9 and in opposition to Mr. Tew's motions; whereupon, Michael Boutzoukas, Tampa, spoke in support of Mr. Tew's requests.

During discussion and in response to queries by the members, Senior Assistant County Attorney David S. Sadowsky stated that County staff supports the Intervenor's motion to dismiss grounds 2, 3, and 4. He discussed the timeframe for appealing a Board of Adjustment decision through the court system, and reported that the matter is in front of the members because the Appellant is actually appealing the site plan and not the Board of Adjustment decision; whereupon, he indicated that because grounds 2, 3, and 4 are not grounds for an appeal, the members lack jurisdiction to hear those items, and presented information relating to the Pinellas County Code, and lengthy discussion ensued. Thereupon, Ms. Barwick and Mr. Tew provided their final comments regarding the matter.

In response to queries by Chairman Morroni and Commissioners Welch and Eggers, Attorney White indicated that she is in agreement with the staff recommendation to support Mr. Tew's motion to dismiss grounds 2, 3, and 4; whereupon, she provided further information regarding the time provided to each party to present testimony and the ability of local citizens to be heard, and discussion ensued.

**Following discussion with input by Attorney White, a motion was made by Commissioner Seel, seconded by Commissioner Gerard, that the members hear the appeal of Paragraph 1; and that they not hear the appeal of Paragraphs 2, 3, and 4. The motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**A motion was made by Commissioner Gerard, seconded by Commissioner Seel, that County staff, the Appellant, and the Intervenor each be given 20 minutes to provide their testimony. Following brief discussion, the motion carried by the following vote:**

**Aye:** 7 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Gerard, Commissioner Long, Commissioner Seel, and Commissioner Welch

**ADJOURNMENT - 8:05 PM**

\_\_\_\_\_  
Chairman

ATTEST: KEN BURKE, CLERK

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