



# Pinellas County

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

## Staff Report

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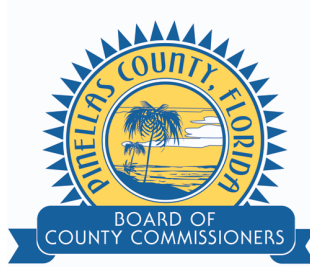
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**Subject:**

Minutes of the regular meeting held February 23, 2016.

# **Pinellas County**

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



## **Minutes - Final**

**Tuesday, February 23, 2016**

**2:00 PM**

**BCC Assembly Room**

## **Board of County Commissioners**

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

**ROLL CALL**

2:03 PM

**Present:** 6 - Charlie Justice, Janet C. Long, Dave Eggers, Pat Gerard, Karen Williams Seel, and Kenneth T. Welch

**Absent:** 1 - John Morroni

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

**INVOCATION by Manuel L. Sykes, Pastor of Bethel Community Baptist Church in St. Petersburg****PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS****1. Presentations and Awards:**

Doing Things Employee Recognition: James Abaka, Risk Management

Thanks for Doing Business Recognition: Monin U.S. Headquarters and Flavor Innovation Center

PARC Proclamation

National Consumer Protection Week Proclamation

Partner Presentation:

Florida Department of Health in Pinellas County - Dr. Ulyee Choe, Director

**Thanks for Doing Business Recognition: Monin U.S. Headquarters and Flavor Innovation Center**

William Lombardo, CEO; and Michael D. Brewster, Vice President of Plant Operations provided information regarding the company.

**PARC Proclamation**

Presented to Karen Higgins, President and CEO; Jacqueline Dryden, Chief Advancement Officer; and April Hill, Chairman of the Board of Directors.

**National Consumer Protection Week Proclamation**

Presented to Lourdes Benedict, Director, Human Services; Doug Templeton, Operations Manager, Consumer Protection; and Anna Marie Millett, Investigator & Outreach Coordinator, Consumer Protection.

**Partner Presentation: Florida DOH - Dr. Ulyee Choe, Director**

Dr. Choe related that having now been in the position for six months, he has been meeting the community partners and looking for opportunities; whereupon, he discussed the department's involvement in programs aimed to promote and protect public health. He provided updates regarding the Zika virus, HIV/AIDS, and Hepatitis C and their occurrence in Pinellas County, and gave an overview of various initiatives to address the issues of heart disease prevention and access to healthcare, including dental and mental health services; whereupon, he thanked the Commissioners for their continued support.

Responding to queries by Commissioners Welch and Long, Dr. Choe confirmed the number of people living with HIV/AIDS in the county, noting its prevalence in the population of people in their twenties, and explained why the number has been increasing. He confirmed that the Health Department partners with Metro Wellness in providing assistance to patients; whereupon, Commissioner Long indicated that she would like to find out about expanding the partnership and, referring to a memorandum from Metro Wellness, related that the organization is hoping to raise money to buy its building.

Thereupon, Commissioner Seel thanked Dr. Choe for his dedication to public health and accomplishments over the first six months on the job.

**CITIZENS TO BE HEARD****2. Public comment.**

Larry Biddle and Lorraine Langlois, St. Petersburg, re Metro Wellness & Community Centers - provided background information regarding the organization, requested financial support in raising \$500,000 towards the acquisition of its St. Petersburg facility, and responded to queries by the members. Following discussion, the Board expressed a desire to address the matter at a future meeting.

Lenore Faulkner, Madeira Beach, re education excellence Pinellas

David Ballard Geddis, Jr., Palm Harbor, re freedom to press liberty, freedom, and religion in the 14th Amendment

Kra Whitmore, Plant City, re street sweeping - Chairman Justice indicated that he received a letter from Mr. Whitmore but has not had an opportunity to look into the matter; and that Mr. Whitmore is welcome to follow up on his concerns with the BCC.

**CONSENT AGENDA - Items 3 through 12 (Item 9 addressed under Regular Agenda)**

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

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

**Absent:** 2 - Commissioner Morroni, and Commissioner Seel

**CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

3. Minutes of the regular meeting held January 26, 2016.
4. Vouchers and bills paid from December 20, 2015 through January 16, 2016.

Reports received for filing:

5. Reports of Expenses Incurred Under Incentives, Awards, and Recruitment Ordinance No. 07-26 for the quarters ended March 31 and June 30, 2015.
6. Dock Fee Report for the month of January 2016.

**COUNTY ADMINISTRATOR DEPARTMENTS**County Administrator

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

Management and Budget

8. Resolution supplementing the Fiscal Year (FY) 2016 General Fund Budget for unanticipated revenue to the Judiciary and the Human Services Department.  
Resolution No. 16-7 adopted appropriating earmarked receipts for a particular purpose (unanticipated grant revenue in the amount of \$877,030.00).

**COUNTY ATTORNEY**

10. Notice of new lawsuit and defense of the same by the County Attorney in the case of Rose Marie Wainwright v. State of Florida, Department of Juvenile Justice, et al., County Circuit Case No. 16-000016-CI-15.
11. Notice of new lawsuit and defense of the same by the County Attorney in the case of S&A Home Properties, LLC v. Pinellas County, et al.

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

##### Tax Collector

12. Award of quote to Gulf Coast Review Inc. d/b/a Business Observer for advertisement of the delinquent tax list.  
  
Quote No. 156-0102-Q in the amount of \$39,080.00 awarded on the basis of being the lowest responsive, responsible quote received meeting specifications; contract term is two years with unit prices held firm for the duration of the term.

#### REGULAR AGENDA

#### ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

##### Public Works

9. Cooperative funding agreement with the Southwest Florida Water Management District for completion of a Watershed Management Plan (N734) for the Curlew Creek and Smith Bayou Watersheds.

Southwest Florida Water Management District (SWFWMD) Agreement No. 16CF0000208 approved for funding in the amount of \$425,000.00. Estimated cost of the project is \$850,000.00, with the County and the cities of Dunedin and Clearwater funding 50 percent (County's portion \$262,943.91).

In response to queries by Commissioner Eggers, Mr. Woodard related that the partnership agreement with SWFWMD provides funding for the development and completion of a Watershed Management Plan for the basins shared by unincorporated Pinellas County, Dunedin, and Clearwater; whereupon, he provided the breakdown of project funding and noted that the County's portion will come from the surface water assessment fee.

Noting that this project goes beyond the Curlew Creek Master Plan project conducted in the early 2000s, as it extends into Clearwater and includes the Smith Bayou Watershed, Natural Resources Division Manager Kelli H. Levy indicated that a watershed study involves analyzing flooding issues, water quality, and natural resources and updating the floodplain maps; and that a detailed analysis is very important as its results would be

used to prioritize capital improvement projects funded by the Penny for Pinellas.

Ms. Levy emphasized that Curlew Creek is an impaired watershed that is considered a priority in terms of improving water quality; that the last restoration project had a great impact and saved homes; that the low-lying areas experienced a lot of damage last summer; and that to address residents' concerns, flooding can sometimes be made less frequent and extensive; whereupon, Commissioner Eggers pointed out that it is important to illustrate to the residents what is being done to understand floodplain areas, anticipate problems, and to identify capital spending priorities; and that understanding how the basins work is critical. He thanked Ms. Levy and her staff for the work they do and for being available to address residents' concerns.

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

## COUNTY ADMINISTRATOR DEPARTMENTS

### Airport

- 13.** First amendment to the agreement with Jacobs Engineering Group, Inc. for consultant services for the Airport Improvement Project - Taxiway Rehabilitation Phase 2 at the St. Petersburg-Clearwater International Airport.

Amendment to Contract No.112-0413-CN approved increasing the contract amount by \$301,214.00 for a total revised estimated expenditure in the amount of \$895,559.00. Chairman authorized to sign the amendment.

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

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

**Absent:** 1 - Commissioner Morroni

- 14.** Resolution authorizing continuation of a \$4.50 Passenger Facility Charge at the St. Pete-Clearwater International Airport.

Resolution No. 16-8 adopted authorizing the Airport to submit Passenger Facility Charge Application #3 to the Federal Aviation Administration to allow continued collection of Passenger Facility Charge fees to fund FAA approved projects. Total revenue to be collected in the new application is \$11.4 million.

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

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

**Absent:** 1 - Commissioner Morroni

- 15.** Ranking of firms and agreement with Cardno, Inc. for professional engineering consulting services related to the St. Pete Clearwater International Airport Landside and Parking Lot Improvements project.

Contract No. 145-0020-NC approved for a total expenditure not to exceed \$1,701,351.22 (includes optional services and contingency services not to exceed \$250,000.00 and \$220,000.00, respectively); contract term is 900 consecutive calendar days from the notice to proceed date. Chairman authorized to sign the agreement.

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

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

**Absent:** 1 - Commissioner Morroni

#### Economic Development

- 16.** Resolution approving B6010841048 as a Qualified Applicant for the Qualified Target Industry Tax Refund Program.

Resolution No. 16-9 adopted approving Project B6010841048 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support (total local contribution amount, \$84,000.00, 50 percent of which will be paid by Pinellas County, to be paid over a series of fiscal years as determined by the State).

Mr. Woodard indicated that the company is seeking to expand an existing business in the City of St. Petersburg, making a capital investment of \$4.6 million and adding 70 jobs with wages at least 150 percent of the State of Florida average annual wage; and that Pinellas County is competing with a location in Georgia.

In response to query by Commissioner Eggers, Mr. Woodard confirmed that the distribution of funds is contingent upon the applicant's capital investment and job creation over five years; and that 50 percent of the local contribution will come from the County's General Fund and 50 percent from the City of St. Petersburg.

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

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



**Absent:** 1 - Commissioner Morroni

### Public Works

17. Authority to advertise a public hearing to be held on March 29, 2016, regarding a proposed ordinance amending the Water and Navigation regulations of Chapter 166 of the Land Development Code, specifically dealing with the permitting requirements for the repair or replacement of existing docks.

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

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

**Absent:** 1 - Commissioner Morroni

### COUNTY ADMINISTRATOR

18. County Administrator miscellaneous - None.

### COUNTY ATTORNEY

19. County Attorney miscellaneous.

Referring to Agenda Item No. 11, Attorney Bennett related that he just received notice that the County has been dropped from the lawsuit.

### COUNTY ADMINISTRATOR REPORTS

20. County Administrator reports:  
Budget Forecast - FY 2017-22.

Referring to PowerPoint presentation titled *Budget Forecast: FY17-22*, a copy of which has been filed and made a part of the record, Budget and Financial Management Analyst James Abernathy, Office of Management and Budget (OMB), related that detailed forecast information is available for the public on the *Citizen's Guide to the Budget* website; whereupon, he discussed purposes of the forecast, noting that a multi-year forecast is helpful in understanding the impact that today's decisions have on the County's long-term fiscal stability.

Mr. Abernathy reviewed projected revenues and expenditures, indicating that they are made using a set of assumptions based on input from internal and external sources; that

individual fund forecast summaries and pro-formas are prepared for each of the County's ten key funds; that there are factors outside of the County's control which may have a positive or negative impact on the economy and accuracy of the forecast; and that the forecast is a living document that is regularly updated. He related that the County's economy continues to show overall slow and steady growth, as demonstrated by tourism and the housing market; and that the General Fund is balanced over the forecast period without millage increases; whereupon, referring to graphs showing projected revenues and expenditures, he related that the Transportation Trust and Surface Water Funds will not be in balance over the forecast period and discussed their revenue sources and balancing strategies.

During discussion and responding to queries by the members, Mr. Abernathy compared forecast expenditures and revenues from last year to this year, noting that last year's revenue forecast was adjusted for actual numbers, and OMB Director Bill Berger explained that the negative two-percent Communication Service Tax forecast is driven by the increase in use of non-taxable mobile equipment. Mr. Woodard discussed the impacts of vehicle fuel efficiency and mobility and user fees on the Transportation Trust Fund revenue, and responding to query by Commissioner Seel, indicated that he could work with the County Attorney's Office to explore alternative options for user fees.

During continued discussion, Mr. Woodard, with input by Mr. Abernathy and OMB Manager Cecilia McCorkell, provided clarifications and background information and further addressed the Commissioners' concerns regarding projected depletions of the Transportation Trust Fund and the Surface Water Fund, reviewing different balancing strategies and indicating that the Surface Water Fund is for operations and maintenance expenses related to stormwater in the unincorporated areas only, unrelated to capital projects funded by the Penny for Pinellas; that while both funds may not present a problem for the development of the Fiscal Year 2017 budget, they will need to be closely monitored; that the forecast shows a long-range view of the implications of decisions made today and in the near future; and that while there are options and staff continues to look for cost-saving opportunities, maintaining the same levels of service in some areas may become challenging over the long term.

## COUNTY COMMISSION

### **21. WorkNet Pinellas, Inc., d.b.a. CareerSource Pinellas, 2016 - 2020 Local Workforce Services Plan.**

WorkNet Pinellas/CareerSource Pinellas President and Chief Executive Officer Ed Peachey related that the Plan replaces the Workforce Investment Act Plans that previously governed the organization; that it provides specific information required by the state; and that attachments include the agreement between the County and the Workforce Development Board delegating fiscal and administrative entity responsibilities, as well as Memorandums of Understanding with various partner agencies.

Commissioner Welch thanked the Chairman for reappointing him to the WorkNet Board,

and noted that the Plan shows his name as the Chief Elected Official; whereupon, Mr. Peachey indicated that he will make a change to reflect that Chairman Justice is the Chief Elected Official.

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

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

**Absent:** 1 - Commissioner Morroni

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

Appointments of Celeste Fernandez and William Griffiths for current terms ending June 30, 2018.

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

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

**Absent:** 1 - Commissioner Morroni

**23. Appointment to the Historic Preservation Board.**

Chairman Justice appointed Jim Parent for a term of three years.

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

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

**Absent:** 1 - Commissioner Morroni

**24. County Commission miscellaneous.**

Commissioner Gerard

Thanked the Sheriff's Office flight group and Assistant County Administrators Jacob Stowers and John Bennett for an educational history tour of the county.

Commissioner Eggers

Thanked the Crescent Oaks Country Club for hosting a golf academy for wounded

veterans and other individuals.

Related that the Council of North County Neighborhoods (CNCN) is continuing its community outreach and leadership efforts, and that a Palm Harbor Community Services Agency representative spoke at the last CNCN event.

Commended staff on the successful Lealman Community Redevelopment Area open house.

Announced that the Blue Jays and Phillies will have a Mayors' Challenge Opening Day Game on March 2, signifying the start of spring training, and noted the importance of spring training for the community and the state.

Thanked Chairman Justice for initiating the Business Recognition Award.

#### Commissioner Welch

Related that he attended St. Petersburg City Council and Agenda 2020 meetings and provided an update on progress in the Community Redevelopment Area, thanking everyone involved.

#### Chairman Justice

Thanked Communications staff for the new proclamation design and encouraged Commissioners to look at and sign proclamations in a timely manner.

Announced a Farm Share event to be held in Lealman on April 4 and thanked the sponsoring agencies, noting that fresh produce will be distributed to 400 to 500 families.

Related that a letter has been sent to the Legislative Delegation regarding the issue of fracking and proposed drafting an ordinance. Discussion ensued, and Commissioner Eggers requested a staff presentation.

#### Commissioner Seel

Requested information regarding the impact that ordinances strengthening sexual predator distance rules passed in Hillsborough and Pasco Counties may have on Pinellas County, and Chairman Justice instructed Mr. Woodard to follow up with the Sheriff.

**Meeting Recessed - 4:06 PM****Meeting Reconvened - 6:00 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**

- 25.** Tax Equity Fiscal Responsibility Act resolution for issuance by the City of Tampa, Florida of an amount not to exceed \$225,000,000 of City of Tampa, Florida, Health System Revenue Bonds, BayCare Health System Issue, Series 2016A, with such Series 2016A Bonds to be issued in one or more series from time to time.

Resolution No. 16-10 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 Welch, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Morroni

- 26.** Case No. Q Z-3-1-16 (Providence Storage, LLC)  
A request for a zoning change from R-4, One, Two & Three Family Residential to C-3, Commercial, Wholesale, Warehousing & Industrial Support on approximately 0.7 acre located on the west side of Alternate U.S. Highway 19, 300 feet south of Brevard Street in Palm Harbor.

Resolution No. 16-11 adopted approving the zoning change. The Local Planning Agency recommended approval of the request. No correspondence has been received. No citizens appeared to be heard.

Rod Collman, Dunedin, indicated that he represents the applicant and noted that the application brings the parcel into conformity with the land use plan.

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

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

**Absent:** 1 - Commissioner Morroni

**27. Case No. Q Z-2-1-16 (Fitzgerald Motors, Inc.)**

A request for a zoning change from CP-1, Commercial Parkway to CP-2, Commercial Parkway on approximately 4.8 acres located on the east side of U.S. Highway 19 North, 600 feet north of State Road 580 in the unincorporated area of Clearwater.

Resolution No. 16-12 adopted approving the zoning change. The Local Planning Agency recommended approval of the request. No correspondence has been received. No citizens appeared to be heard.

Richard Marcel, The Sustainability Group, indicated that the applicant wishes to implement a tunnel carwash system, which will strictly be ancillary to the primary use of the property.

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

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

**Absent:** 1 - Commissioner Morroni

**28. Case No. Q Z/LU-1-1-16 (C & K Safety Harbor, LLC & Outbidya, Inc.)**

A request for a land use change from Residential Rural to Institutional and a zoning change from A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay to PSP-W-CO, Public/Semi-Public-Wellhead Protection Overlay-Conditional Overlay, with the Conditional Overlay limiting the use of the property to a private school and related accessory uses for a maximum number of 400 students, and limiting the maximum building height to 35 feet on approximately 9.4 acres located on the north side of Keystone Road, 100 feet east of Ranch Road in East Lake Tarpon.

Resolution No. 16-13 adopted approving the zoning change and Ordinance No. 16-11 adopted changing the land use designation. The Local Planning Agency recommended approval of the request. Eighty-three letters and a petition with 96 signatures in support of and one letter in opposition to the application were received in connection with the Local Planning Agency hearing.

Referring to the zoning and land use map, Mr. Bailey pointed out the location of the subject property and provided an overview of the application, noting that the Solid Rock Community School serves students from kindergarten through the 12th grade; that it currently leases three locations in north Pinellas County; and that the plan is to consolidate the campuses on one fully owned permanent site.

Mr. Bailey referred to aerial and ground-level photographs, discussed the surrounding land uses, described the area as a mix of large lot residential, preservation, and

nonresidential uses, and provided historical information, noting that the property is located within the East Lake Tarpon Community Overlay; that it is currently vacant; that it was previously approved as a residential subdivision; and that some site work was done, and a home foundation and an eight-foot perimeter wall were put in place, but the project was never completed.

Mr. Bailey indicated that Keystone Road is a Scenic/Non-Commercial Corridor; that the existing wall will help buffer the site from adjacent uses; that the Wellhead Protection Overlay will provide greater oversight over potential contaminants; that landscaping, storm water, and other issues will be addressed during site plan review; and that the proposed private school would not overburden Keystone Road; whereupon, he related that a traffic study provided by the applicant recommends construction of an exclusive eastbound left-turn lane into the property, the cost of which would be borne by the applicant.

Mr. Bailey related that staff finds the proposed amendments to be appropriate and compatible with the Comprehensive Plan, with the restrictions provided by the Conditional Overlay; that the infrastructure impacts are within acceptable parameters; and that the applicant has provided evidence of public support, including a letter from the Council of North County Neighborhoods; whereupon, he presented staff's recommendation of approval, noting that the Local Planning Agency unanimously recommended approval at its January meeting; and that, if approved, the case would proceed to the Pinellas Planning Council in April.

Responding to queries by Commissioner Eggers, Mr. Bailey explained that Keystone Road would continue as a Level of Service C; that the East Lake Tarpon Community Overlay restricts land use, but allows certain commercial uses that serve the community; that the Conditional Overlay would prohibit use of the subject property for anything but a school; and that there will only be one access to the property. He related that he posts signs on all properties pertaining to Board of Adjustment and zoning/land use cases approximately six weeks in advance, noting that pictures are taken of all posted signs; whereupon, Commissioner Eggers stated that no sign was present on the property last Sunday.

In response to the Chairman's call for the applicant, Katherine Cole, Esquire, Hill Ward Henderson, provided an overview of the application. She indicated that Special Exception and Conditional Use approvals have allowed a number of commercial and institutional uses in the area; that the amendments are required because the property is over five acres in size; and that the PSP zoning is being requested because Institutional zoning does not allow high schools.

School Founder and Director Michele Fasnacht provided background information, noting that the school has been in operation for a total of 11 years and in the Tarpon area for the last six; that the student population includes gifted and special-needs students; that the proposed site would allow for expansion of the school, which currently runs at full capacity; and that leases on the current properties are set to expire soon. She indicated that consolidating the locations would decrease traffic by eliminating the need to drive

from one campus to another; that expansion would increase employment in the area and provide additional revenue to local businesses; and that the school would be able to offer additional community programming and events that support the neighborhoods and families, noting that the school has received tremendous support from the community and the Council of North County Neighborhoods.

Responding to concerns expressed by Commissioner Eggers, Ms. Cole discussed the proposed turn lane and stacking plan, indicating that drop-off and pick-up periods would be expanded due to before- and after-care activities and the varying ages of students; that there is no expectation of a long traffic queue; and that consolidation in one location should reduce traffic overall. Richard Marcel, The Sustainability Group, responded to Commissioner Eggers' queries regarding storm water, indicating that the project will conform to Southwest Florida Water Management District and Pinellas County requirements.

In response to the Chairman's call for persons wishing to be heard, Laura Wood, Tarpon Springs, appeared and stated her concerns; whereupon, the following individuals spoke in support of the application:

Tim Mathew, Oldsmar  
Paul Eckley, Odessa  
Melissa Yost, New Port Richey  
Mike Putnam, Palm Harbor  
Nicholas Freburg, New Port Richey  
Matt Welch, Dunedin  
Eva Gialelis, Tarpon Springs  
J.J. Stevens, Palm Harbor  
Charles Puccini, Tarpon Springs  
Abdi Boozar, Safety Harbor  
Kari Weller, New Port Richey  
Marcy Haenig, Palm Harbor

In conclusion, Ms. Cole stated that the application is consistent with the goals, objectives, and policies of the Comprehensive Plan and the East Lake Tarpon Overlay and fulfills a need of the community, noting that many of today's speakers are residents of the area; whereupon, she requested approval of the land use and zoning changes.

Chairman Justice closed the public hearing. Commissioner Eggers thanked the citizens for taking the time to share their story and requested that the school continue to reach out to parents to address concerns that they may have.

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

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

**Absent:** 1 - Commissioner Morroni



**29. Case No. Q Z-33-12-15 (Pinellas County General Services/North County Office) (Final Adoption)**

A request for a zoning change from A-E, Agricultural Estate Residential, to PSP, Public/Semi-Public, on approximately 10.3 acres located at 29582 U.S. Highway 19 North in the unincorporated area of Dunedin.

Resolution No. 16-14 adopted approving the zoning change. The Local Planning Agency recommended approval of the request. One letter in opposition and two letters stating concerns regarding the application have been received. One letter and one email in opposition and two emails stating concerns regarding the application were received in connection with the first public hearing.

Referring to a PowerPoint presentation, Mr. Bailey pointed out the location of the subject property and reported that the current uses consist of a traffic court facility, recycling drop-off bins, and a communications tower; and that the proposed uses include a closed driver's license test course and a household electronics and chemical collection center (HEC3), noting that expansion of the existing buildings would not occur until 2020 or later. He referred to aerial and ground-level photographs and discussed surrounding land uses, noting that there is a mobile home park located to the south.

Mr. Bailey related that the mobile home park residents have previously expressed concerns regarding the application and addressed those concerns, noting that Solid Waste staff will continue to meet with the surrounding community regarding the concept plan for the driver's license test course and the HEC3 plan; that staff will work to devise a strategy to mitigate issues if future demand requires more than two collection events per month; and that the County will install a solid wall or six-foot-high fence along the adjacent residential property line, noting that staff will evaluate the need for additional screening and landscaping.

Mr. Bailey further indicated that a higher fence or wall is an option that would require a variance; that the County will not extend Ranchette Lane to U.S. Highway 19; that all materials will be removed from the site after each event; and that a concrete slab in the HEC3 collection area would be sloped to drain to a lined underground storage tank to safely collect any spilled or leaked material, noting that the site plan review will address any additional environmental issues; whereupon, he presented staff's recommendation of approval, relating that the subject area is located along a major road with good access; that there is a demonstrated need for the planned uses; and that the proposed amendments are appropriate and consistent with the Comprehensive Plan.

Mr. Bailey addressed questions that were asked at the last meeting regarding storage of items on the property and presented photographs of warning signs and various items that are kept on the premises, including supplies and equipment, noting that there is a flammable storage cabinet located inside the storage building; whereupon, Real Estate Management Director Andrew Pupke clarified that the main chemicals stored inside of the flammable storage cabinet include paints, oils, polish, and insect repellents, indicating that the posted signs are remnants from a time when the County maintained the property with gasoline-powered lawn equipment.

In response to queries by Commissioners Eggers and Seel, Mr. Bailey related that a zoning amendment or Conditional Use permit is required for the expansion of the court facility, which was permitted in the 1970s and grandfathered under the current code but is non-conforming at this time.

Deb Bush, Pinellas County Solid Waste, provided background information and statistics regarding collection events, participants, and items collected. She described the procedure for material collection, noting that the contractor and County staff are trained in chemical handling and spill response; and that the collection will take place on a concrete slab with absorbent materials available for immediate response.

Responding to queries by Commissioner Eggers and Chairman Justice, Deputy of Branch Operations Jim Batyanyi, Tax Collector's Office, spoke in support of the proposal, indicating that approximately 56 road tests are expected to be performed each day over a period of eight hours; and that the tests should not affect the properties to the south, and the two dedicated test courses will provide a safe opportunity to test in a controlled environment. He related that there are no other closed courses in Pinellas County, noting that three tests can be performed on a closed course for every one test in the neighborhood and on U.S. Highway 19.

In response to the Chairman's call for objectors to the application, the following persons appeared and stated their concerns:

Janice Boorse, Doral Village Board of Directors\*  
Phyllis Griffin, Clearwater (submitted petition with 214 signatures)  
Kay Shumway, Clearwater  
Francis McGrath, Dunedin  
Chia Ross, Dunedin  
Alexander Raymond, Dunedin (submitted document)  
William Smith, Clearwater  
Christine Johanson, Clearwater (submitted letter and photographs)

\*Spoke on behalf of four individuals in attendance

The following individuals appeared and indicated their support for the application:

Esteven Baza, City of Oldsmar Sustainability Coordinator  
Christina Perez, City of Dunedin Sustainability Coordinator  
Diana Hugg, City of Tarpon Springs Sanitation Department

Chairman Justice closed the public hearing. In response to queries by Commissioner Welch, Mr. Bailey related that the Board of Adjustment has approved variances for fences up to a height of eight feet; whereupon, Development Review Services Director Blake Lyon related that a code amendment approved by the Board last August gives the County Administrator authority to grant an administrative waiver for fence height, noting that anything in excess of eight feet would have to be approved by the Board of

Adjustment.

In response to queries by the members, County Traffic Engineer Thomas Washburn referred to a map and provided information pertaining to access to the subject site and the mobile home park, noting that the emergency response route would not be impacted; that all activities for the HEC3 and test course would take place onsite; and that posted signs clearly designate that the mobile home park is private, and discussion ensued regarding upcoming construction projects on U.S. Highway 19.

The members expressed concerns regarding protection of Curlew Creek, buffers to the adjacent neighborhood, and placement of the driving range. Mr. Washburn indicated that those issues would be addressed during the site plan review, and Mr. Woodard indicated that the County would continue to work with the residents and gather input. Commissioner Eggers indicated that, as owner of the property, the County needs to be a good neighbor, and it is appropriate for the members to provide input regarding site plan issues; whereupon, responding to his concerns, Solid Waste Director Kelsi Oswald discussed the study that was performed and criteria for the selection of the proposed site.

Mr. Woodard discussed the synergy between public demand and the County's need for a north county collection center and the Tax Collector's request for a closed driving course, noting that the location meets both needs and avoids the use of property taxes; whereupon, referring to comments and concerns raised by the objectors and the Board, he committed to making a good faith effort to work with the community to address the issues, where feasible, and to report back to the Board regarding the progress, and discussion ensued.

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

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

**Absent:** 1 - Commissioner Morroni

### **Meeting Recessed - 8:15 PM**

### **Meeting Reconvened - 8:23 PM**

**30. Case No. Q Z/LU-34-12-15 (Kamran & Dori Rouhani, Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, Inc.)**

A request for a land use change from Residential Suburban to Institutional and a zoning change from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited-Conditional Overlay, with the Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative

and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the facility on approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses: 2159, 2167, and 2175 McMullen Booth Road).

Resolution No. 16-15 adopted approving the zoning change and Ordinance No. 16-12 adopted changing the land use designation. The Local Planning Agency recommended approval of the request. Two letters in opposition to the application have been received.

Referring to the zoning and land use map, Mr. Bailey pointed out the location of the subject property, reviewed the provisions of the Conditional Overlay, and discussed the surrounding land uses. He provided background information, noting that there is an existing 20-bed assisted living facility (ALF) on the subject property under a Special Exception, as well as a single-family home; and that a second Special Exception was granted in 2013 for an ancillary building for physical therapy and doctors' offices in conjunction with the ALF.

Mr. Bailey reviewed the applicant's expansion plans and related that the proposed land use and zoning requests, along with the Conditional Overlay, provide a more appropriate mechanism for the proposed use, noting that a stand-alone medical office is not permitted in the Institutional Limited zoning district. He referred to aerial photographs and indicated that McMullen Booth Road is a Scenic/Non-Commercial Corridor, relating that the ALF is considered a quiet residential use; that a low-density residential use is typically encouraged; and that additional landscaping will be required at the time of site plan review.

Mr. Bailey provided information relating to traffic volume, indicating that the proposed expansion would add 64 daily trips and pose minimal impacts to McMullen Booth Road; whereupon, he presented staff's recommendation of approval, noting that the proposed amendments, with the Conditional Overlay restrictions, are appropriate and consistent with the Comprehensive Plan; that there are other institutional uses in the area; and that, if approved, the case would move forward to the Pinellas Planning Council in April.

In response to queries by Commissioner Eggers, Mr. Bailey related that a 15-foot rear setback and six-foot-high fence buffer would be required; and that the issue of tree preservation would be addressed during site plan review.

Responding to the Chairman's call for the applicant, Joel Tew, Esquire, Palm Harbor, stated that he is land use counsel for the Rouhani family and related entities and provided background information regarding the property and surrounding land uses. He indicated that the Conditional Overlay would restrict the number of beds to 60, where 94 would otherwise be allowed, and ensure that the rehabilitation and medical support services would be utilized strictly by ALF residents.

Mr. Tew related that the applicant is working with County staff with regard to the site plan and has agreed to concentrate much of the facility to the southern end of the property to preserve existing trees and to provide appropriate buffering and landscaping.

In response to the Chairman's call for objectors, Ann Witt, Clearwater, appeared and expressed her concerns regarding neighborhood compatibility and commercial uses. Responding to query by Chairman Justice, she clarified that her property is located north of the subject property.

Commissioner Seel commented that, given the current surroundings, it is unlikely the property would be redeveloped as residential; and that the proposed facility is less intense than other potential uses.

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

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

**Absent:** 1 - Commissioner Morroni

## ADJOURNMENT

8:39 PM

\_\_\_\_\_  
Chairman

ATTEST: KEN BURKE, CLERK

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