

Pinellas County

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



Minutes - Final

Tuesday, November 10, 2015

9:30 AM

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 - 9:32 AM

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

Absent: 1 - Pat Gerard

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael Schmidt, Laura Todd and Jenny Masinovsky, Board Reporters, Deputy Clerks.

INVOCATION - by Rabbi Daniel Treiser from the Temple B'Nai Israel in Clearwater

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

1. Performance by the Pinellas County Employee Choir

2. Veterans Day Proclamation

Presented to Kenn Brown, President of the Pinellas County Veterans Council.

3. "Doing Things" Employee Recognition:

Rosa Garcia, Procurement Analyst Coordinator with the Purchasing Department

Michael Dowling, Senior Veterans Services Officer with Veterans Services

4. With Partners We Can Do More Award:

Animal Emergency Clinic of St. Petersburg

Tampa Bay Veterinary Specialists and Emergency Care Center

Certificates presented to Dr. Ernest Godfrey and to Doug Brightwell, Interim Director of Animal Services, on behalf of Drs. Gary Oswald and Matt Oakes.

Mothers Against Drunk Driving Proclamation

Presented to Gulfport Police Chief Robert Vincent and Bianca Kendall, MADD.

PUBLIC HEARINGS

COUNTYWIDE PLANNING AUTHORITY

5. Case No. CW 15-13 - City of St. Petersburg

Countywide Plan Map amendment from Residential Medium to Multimodal Corridor, regarding 0.1 acre more or less, located at 416 35th Avenue North, St. Petersburg (subthreshold amendment).

Ordinance No. 15-37 adopted approving Case No. CW 15-13. 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 Welch, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Gerard

6. Case No. CW 15-16 - Pinellas County
Countywide Plan Map amendment from Residential Very Low to Public/Semi-Public and Preservation, regarding 5.0 acres more or less, located on the south side of Keystone Road, 1,960 feet east of East Lake Road, in the unincorporated East Lake-Tarpon area (regular amendment).

Ordinance No. 15-38 adopted approving Case No. CW 15-16. Pinellas Planning Council recommended approval of the proposal subject to the accompanying development agreement, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

Absent: 1 - Commissioner Gerard

7. Case No. CW 15-17 - City of Dunedin
Countywide Plan Map amendment from Residential Low Medium to Resort, regarding 2.4 acres more or less, located at 2641 Michael Place, Dunedin (regular amendment).

Ordinance No. 15-39 adopted approving Case No. CW 15-17. Pinellas Planning Council recommended approval of the proposal subject to the accompanying development agreement, and staff concurred. One email in opposition to the amendment has been received. No citizens appeared to be heard.

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

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

Absent: 1 - Commissioner Gerard

BOARD OF COUNTY COMMISSIONERS

8. Tax Equity Fiscal Responsibility Act resolution 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 \$4,500,000 on behalf of Volunteers of America of Florida, Inc.

Resolution No. 15-108 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 Long, seconded by Vice Chairman Justice, that the item be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Gerard

9. Tax Equity Fiscal Responsibility Act resolution for issuance by the Pinellas County Educational Facilities Authority of its Revenue and Revenue Refunding Bonds, Series 2015, in an aggregate principal amount of not-to-exceed \$50,000,000 on behalf of Eckerd College.

Resolution No. 15-109 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 Long, that the item be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Gerard

10. Resolution to appropriate unanticipated fund balance in the Water Renewal & Replacement, Sewer Renewal & Replacement, and Fleet Management Funds.

Resolution No. 15-110 adopted appropriating unanticipated fund balances in the abovementioned funds. 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: 6 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

11. Resolution designating the Ozona Village Hall as a historic landmark and landmark site.

Resolution No. 15-111 adopted. No correspondence has been received.

In response to the Chairman's call for persons wishing to be heard, Ozona Village Improvement Society President Brian Smith appeared and expressed his support for the proposed resolution.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

12. Fourth Amendment to the Intown Redevelopment Plan Interlocal Agreement with the City of St. Petersburg for the commitment of Tax Increment Revenues in the Intown Community Redevelopment Area (regular agenda item) (companion to items 13 and 14).

Mr. Woodard provided an overview regarding Items Nos. 12 through 16, indicating that they reflect a series of public hearing and regular agenda items related to the Board's prior approval of the St. Petersburg South Side Community Redevelopment Area (CRA). He related that as a condition of that approval, the members agreed that a series of further transactions would ultimately come before the Board involving the Intown and Bayboro CRAs; and that those items are presently before the members for their consideration and have been approved by the St. Petersburg City Council and the Mayor.

Mr. Woodard indicated that the amendments essentially do two things: (1) decrease the County's annual tax increment contribution to the St. Petersburg Intown Redevelopment Plan (IRP) Redevelopment Trust Fund from 95 percent to 85 percent effective January 1, 2016, and (2) increase the St. Petersburg IRP program budget by \$20 million to fund improvements in the Downtown Waterfront Master Plan for the Pier District.

In response to queries by Commissioner Eggers, Mr. Woodard provided detailed information regarding the CRAs, relating that whenever there is an amendment to the plan or project list, it requires approval by the County Commission and the City Council; whereupon, he indicated that although this action adds a \$20 million project to the list and increases the financial obligation to the County by the same amount, the projected revenue growth created by the incremental value enhancements within the Tax Increment Financing District are projected to cover that obligation.

In response to further queries by Commissioner Eggers, Mr. Woodard related that the percentage of County funds going back to the South Side CRA were adjusted from 95 percent to 85 percent as part of the bundle of negotiated transactions; and that the projected savings will be approximately \$3.3 million; whereupon, Commissioner Eggers opined that more funding should have been dedicated to the south side where it is more greatly needed and not to The Pier.

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

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

Nay: 1 - Commissioner Eggers

Absent: 1 - Commissioner Gerard

13. Ordinance amending the Pinellas County Code related to the City of St. Petersburg Redevelopment Trust Fund for the Intown Redevelopment Plan and reducing the County contribution to the tax increment for the Intown Community Redevelopment Area (companion to items 12 and 14).

Ordinance No. 15-40 adopted. No correspondence has been received. No citizens appeared to be heard.

In response to queries by Commissioner Welch, Mr. Woodard discussed how the public hearing and regular items are designated on the agenda.

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

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

Nay: 1 - Commissioner Eggers

Absent: 1 - Commissioner Gerard

14. Resolution to approve amendments to the Community Redevelopment Plan of the City of St. Petersburg for the Intown Redevelopment Area (companion to items 12 and 13).

Resolution No. 15-112 adopted. No correspondence has been received. No citizens appeared to be heard.

In response to queries by Commissioner Welch, Mr. Woodard related that the Intown Community Redevelopment Area expires in 2032; that based upon current incremental valuation of growth within the CRA, it may be able to fulfill the County's financial obligations to the CRA projects prior to that date; and that the County's commitment would sunset once its obligation has been met.

In response to queries by Commissioner Seel, Dave Goodwin, City of St. Petersburg Planning and Economic Development Director, indicated that the City is still planning a Mixed Use Transportation Facility; that it is working to determine the best location; and that it hopes to utilize a public/private partnership.

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

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

Nay: 1 - Commissioner Eggers

Absent: 1 - Commissioner Gerard

15. Interlocal Agreement with the City of St. Petersburg for the commitment of tax increment revenues in the Bayboro Harbor Community Redevelopment Area (regular agenda item) (companion to item 16).

Agreement incorporates specific conditions identified in the Interlocal Agreement for the South St. Petersburg Community Redevelopment Area executed on June 2, 2015, including a reduction in the County's contribution to the Bayboro Harbor CRA Trust Fund from 95 percent to 85 percent, which is projected to reduce the County's

contribution over the remaining three years of the Redevelopment Trust Fund by approximately \$14,000.

Mr. Woodard pointed out that this particular amendment requires that the Bayboro CRA sunset in 2018; and that while it is currently scheduled to expire in 2018, the City of St. Petersburg has agreed by virtue of the amendment to sunset it.

Following the vote, Commissioner Seel stated for the record that the item was a negotiated package that brought additional money for The Pier approach; that she wants future Commissioners to know that it was done in concert with other changes; and that it is her hope that they will honor what was negotiated and voted upon.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

16. Ordinance amending the Pinellas County Code related to the City of St. Petersburg Redevelopment Trust Fund for the Bayboro Harbor Community Redevelopment Area (companion to item 15).

Ordinance No. 15-41 adopted amending the Redevelopment Trust Fund in accordance with specific provisions contained in the Interlocal Agreement between the City of St. Petersburg and Pinellas County for governance of the South St. Petersburg Community Redevelopment Area executed on June 2, 2015. No correspondence has been received. No citizens appeared to be heard.

Following the vote, Commissioner Welch stated that he echoes the previous comments of Commissioner Seel; and that the South Side CRA was also part of the negotiation; whereupon, he related that the entire package represents years of work and great partnerships, using CRAs in a new way to address poverty.

In response to queries by Commissioner Welch, Mr. Woodard indicated that everything is now in place to move forward with the South St. Petersburg CRA; that the base year is Fiscal Year 2016, which began October 1; and that the dollars from the County's countywide levy and the City's municipal property tax levy will go into a trust fund dedicated to making the improvements noted within the Redevelopment Plan.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

17. Ordinance amending Chapter 14 of the Pinellas County Code relating to irresponsible owners and animal to animal attacks (companion to item 18).

Ordinances Nos. 15-42 and 15-43 adopted in accordance with the staff recommendation. No correspondence has been received.

Referring to a PowerPoint presentation, which has been filed and made a part of the record, Assistant County Administrator John Bennett introduced the proposed ordinances, relating that they would expand the County's power to improve public safety, as well as animal welfare, and bridge the gap between the state statute classifying a "dangerous dog" and the existing local rules. He provided a 2013-2015 statistical overview, showing a decrease in service calls, reported bites, and citations, and a total of 15 registered dangerous dogs, and noted that the data was fairly distributed by population density throughout the County; whereupon, he commended Animal Services Director Doug Brightwell and his staff on their efforts in educating the community.

Referring to the PowerPoint presentation, Mr. Brightwell discussed proposed Section 14-38, Irresponsible Pet Owner, noting its purpose and various levels of sanctions to be imposed on individuals who fail to care responsibly for their domestic animals; whereupon, confirming with Mr. Brightwell, Commissioner Eggers pointed out for the audience that the proposed ordinances present new methods of handling incidents involving domestic animals, and Mr. Woodard indicated that in situations where state law prohibits the County from regulating dangerous animals, the ordinances would address the issue by penalizing pet owners.

Mr. Brightwell related that proposed Section 14-39, Bite Incidents, is intended to address animal to animal attacks, and discussed the recommended sanctions; whereupon, responding to queries by Chairman Morroni and Commissioner Welch, he indicated that pet owners will be educated about the new ordinances by officers responding to service calls; that informational handouts will be prepared, and Animal Services will work with Communications to create a public service announcement regarding the changes; that while the state's two-kill rule is still in place, the proposed ordinance will allow levying fines for the first and any subsequent animal to animal attack causing severe injury or death; and that options are being considered to increase the number of Animal Control Officers in the field, and Attorney Bennett provided input regarding the effective date of the ordinances.

In response to the Chairman's call for persons wishing to be heard, Judi Adams, SPCA Tampa Bay, Largo, and Dan Hester, Seminole, spoke in support of the item and responded to comments and queries by the members; whereupon, Dawn Bohler, St. Petersburg, stated her concerns regarding the state statutes governing dangerous dogs and the inability of the ordinances to fully address all the issues. In response to Ms. Bohler's queries and comments, Attorney Bennett indicated that the ordinances are being proposed in an attempt to avoid dealing with state statutes which the County cannot control; and that in some instances, case law may guide the interpretation of definitions found in the statutes, and Messrs. Bennett and Woodard provided input.

During discussion, Chairman Morroni suggested that Ms. Bohler direct some of her concerns to state legislators; whereupon, Commissioner Welch requested an update on any changes to state statutes related to dangerous dogs, and Mr. Woodard indicated

that the ordinances would be adjusted to reflect any potential changes that may occur in the upcoming legislative session.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

18. Resolution amending Resolution No. 15-79, the Fiscal Year 2016 Adopted Schedule of User Fees for Non-Proprietary Departments and Enterprise Departments, and the Florida Department of Health in Pinellas, by adding to the Animal Services Department's fees (regular agenda item) (companion to item 17).

Resolution No. 15-113 adopted.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

19. Ordinance prohibiting wage theft under Chapter 70 of the Pinellas County Code relating to human relations.

Ordinance No. 15-44 adopted, as amended, effective January 1, 2016. One e-mail in opposition has been received.

Referring to his memorandum to the Board dated October 22, 2015, Office of Human Rights Director Paul Valenti discussed various changes that staff recommended incorporating into the draft ordinance to address concerns raised during previous Board meetings, including the County's authority to enact an ordinance that awards triple the wages owed and exempting itself or its municipalities as employers, as well as various technical amendments. He recommended that the heading and title be changed from *Wage Theft* to *Wage Recovery*; whereupon, Commissioner Welch requested that the title be changed to *Wage Theft and Recovery*.

Discussion ensued pertaining to inclusion of the County and municipalities as employers, and Mr. Valenti provided input, noting that the City of St. Petersburg has adopted an ordinance excluding itself as an employer, as have several other counties; that the U.S. Government and State of Florida would be excluded; and that the municipalities would have the option to opt out of the ordinance. Commissioner Welch noted that the Mayors Council unanimously endorsed the proposal, although the City of Clearwater had expressed some concern regarding liability. Following further discussion with input by Attorney Bennett and Senior Assistant County Attorney Carl Brody, it was the consensus of the members that the County and municipalities not be excluded.

Commissioner Welch expressed his concerns and hopes that any opt-out would be limited to the cities' position as an employer, and Attorney Bennett agreed to work with the city attorneys in that regard.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and spoke in support of the ordinance:

Doris Reeves-Lipscomb, Clearwater
Karen Lieberman, St. Petersburg
Sandra Lyth, Intercultural Advocacy Institute, Clearwater
Susan McGrath, St. Petersburg
Bruce Nissen, St. Petersburg
John DuBrule, Gulfcoast Legal Services, St. Petersburg

Responding to query by Chairman Morroni, Mr. DuBrule stated that he has not seen any instances of wage theft in governmental agencies, and Attorney Bennett indicated that additional protection is available to governmental employees. Responding to queries by Commissioners Eggers and Seel, Mr. Valenti discussed the local governments' handling of wage theft cases jurisdictional to federal government, enforcement of the ordinance, frivolous complaints, and educating employers; whereupon, Commissioner Eggers requested that staff report on how the ordinance is working in approximately six months.

Thereupon, Commissioner Welch thanked everyone involved in creating the ordinance, and the members thanked Commissioner Welch for bringing the wage theft matter forward.

A motion was made by Commissioner Welch, seconded by Commissioner Long, that the ordinance be adopted, including the technical amendments and title change as discussed. The motion carried by the following vote:

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

Absent: 1 - Commissioner Gerard

- 20.** Petition to Vacate submitted by Christopher and Laura Muller for a portion of 9th Street right-of-way between Ohio Avenue and Illinois Avenue (legislative hearing).

One letter and two petitions with a total of 56 signatures in support of and two letters and a petition with 60 signatures in opposition to the Petition to Vacate were received.

Following Chief Deputy Clerk Clareth N. Harris' confirmation of receipt of the petition with 60 signatures in opposition, Chairman Morroni requested that any citizen correspondence be provided earlier than the day prior to the meeting.

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Real Estate Management Director Andrew Pupke pointed out the location of the right-of-way on a map and aerial photograph. Noting that the petitioners own all properties bordering 9th Street between Ohio and Illinois Avenues, he related that in

addition to the right-of-way, the petitioners are requesting vacation of the unimproved alley on the east side of 9th Street and a portion of the unimproved alley on the west side, as well as a utility easement; that the matters of drainage and relocation of the water line were evaluated at the site plan review; and that the surrounding residents were notified of the petition by mail and two yard signs.

Responding to queries by Commissioners Seel and Eggers, Mr. Pupke clarified the location of the area requested to be vacated, confirmed that the access to the Pinellas Trail would remain, and discussed construction of the proposed cul-de-sac; whereupon, Mr. Woodard discussed the signage policy, and Attorney Bennett advised that the petition is not quasi-judicial and can be approved in part.

Referring to the PowerPoint presentation, Development Review Services Director Blake Lyon provided a historical overview of the area, discussing the Old Historic Palm Harbor Master Plan and citizen involvement in shaping the character of the community and its features; whereupon, he explained staff's reasons for objecting to the vacation, such as inconsistency with the Comprehensive Plan, issues of infill and redevelopment, transfer of traffic issues onto other property owners, potential cost of reacquiring the right-of-way, setting a precedent, and the public benefits of the existing configuration, including a newly-resurfaced road and the grid street system.

Responding to queries by Commissioner Welch, Mr. Lyon indicated that the petitioners have revised their request to address concerns of the community with regard to pedestrian connectivity; that it is anticipated that the pedestrian access would be through a dedicated easement; and that while the technical side of the request can be accomplished by relocation of water and sewer lines, staff is concerned about setting a policy precedent and changing the character of the neighborhood. Mr. Woodard provided input, clarifying that if the petition is granted, the vehicular connectivity along Ohio Avenue would be lost. In response to Commissioner Eggers' suggestion of a site plan change to enable vehicular connectivity to remain, Mr. Lyon indicated that while the opportunity may exist, it will have to be evaluated from a technical standpoint.

In response to the Chairman's call for the applicant, Katie Cole, Esquire, Hill Ward Henderson, indicated that she represents the petitioners and provided the history behind the petition, which was first presented to the County in 2009. She indicated that after the petitioners revised the site plan to address staff's technical concerns and received approval, pending vacation of the right-of-way, they were informed of the concerns from a policy standpoint. Referring to a map, she discussed how the Palm Harbor Master Plan applies to her clients' properties, noting that the grid system does not reach into the area requested to be vacated; that half of the right-of-way along Ohio Avenue and the alleyways on the neighboring streets have in the past been vacated and larger lots with cul-de-sacs have been created; that after the last hearing, her clients and their engineer held a meeting with the neighbors to address their concerns; and that the petitioners' site plan has met all the technical criteria and was found to be consistent with the County Code and hence with the Comprehensive Plan .

Christopher and Laura Muller, Palm Harbor, provided background information and

discussed their plans for the property, relating that they wish it to be contiguous; and that most of the rest of the neighborhood is built up to grid with roundabouts on the ends. Responding to queries by Chairman Morroni and Commissioner Welch, the petitioners indicated that once they addressed the neighbors' concerns regarding the access to the Pinellas Trail during the neighborhood meeting, most of them appeared to be either undecided or in favor of the proposal and pleased about how the petitioners have improved their property, making the neighborhood nicer; and that following that meeting, the petitioners proposed an additional alleyway for pedestrian use; whereupon, discussion ensued regarding the receipt of various correspondence from the neighborhood in favor of and against the petition.

In response to the Chairman's call for persons wishing to be heard, the following individuals presented their comments and concerns:

In support

Peter Gottschalk, Land O' Lakes

In opposition

Maggie Brinson, Palm Harbor

Edward Cole, Palm Harbor

Responding to queries by the members, Mr. Cole indicated that he is a long-time resident and neighbor of the petitioners; that while he is an attorney and speaking on behalf of other neighbors, he is not paid to represent them in this matter; that nine residents of Ohio Avenue oppose the vacation; that the area receives a lot of traffic; and that having a full-size road would not eliminate his other concerns of changing the historical characteristics of the neighborhood.

Undecided

David Ballard Geddis, Jr., Palm Harbor

Claire Cohn, Palm Harbor

Responding to query by Ms. Cohn, Mr. Lyon confirmed that the access between Illinois Avenue and Pinellas Trail would remain if the petition is approved.

In rebuttal, Ms. Cole related that while the request for vacating an 80-foot right-of-way may be a big ask relative to other petitions, 200-foot right-of-way vacations are being approved in many other areas of the County; that the Mullers offered to dedicate the alley on the north side of the street in response to concerns of the neighbors and revised that proposal to address concerns of the staff; that the petitioners would be open to discuss pavement with staff in order to do what is best for the neighborhood; that staff confirmed there would be no negative impact on stormwater or other utilities; and that according to the St. Joseph Sound Estates Plat of 1980, some cul-de-sacs in the neighborhood were constructed due to the proximity to the water and some are in the open area.

Responding to queries by Chairman Morroni and Commissioner Justice, Ms. Cole and

Tom Radcliffe, PE, Clearwater, advised that there is a clear precedent of establishing larger lots and cul-de-sacs in the area; that the size of the Mullers' combined lot is approximately an acre; that their monetary contribution with regard to relocating the utilities, construction of the cul-de-sac, and pavement would be at least \$50,000; that it was decided that 88 to 144 vehicle trips per day, as measured by a traffic engineer, do not justify the expenditure of building a road; and that the petitioners' net gain in square footage would be 7,000, not 20,000, as indicated by the opponents.

During discussion, the members expressed concerns about vacating the right-of way and the impact of a road closure on the neighborhood, and subsequent to comments by Commissioners Eggers and Justice regarding the possibility of relocating the road instead of closing it, Commissioner Seel indicated that it would be a compromise, and suggested that the item be continued in order for staff to examine that option from a technical standpoint. Commissioner Long indicated that a discussion of the current policy is warranted, and responding to query by Commissioner Eggers, Chairman Morroni confirmed that the item would be re-advertised with regards to the next hearing.

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

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

Absent: 1 - Commissioner Gerard

CITIZENS TO BE HEARD

21. Public Comment.

James McLynas, Indian Shores, re public records and the sheriff

David Ballard Geddis, Jr., Palm Harbor, re reclaimed water availability fee claims church as a bond servant

Lenore Faulkner, Madeira Beach, re thank you - Veterans Day 2015

Greg Pound, Largo, re Pinellas families

Meeting went into Recess - 1:53 PM

Meeting Reconvened - 2:35 PM

CONSENT AGENDA - Items 22 through 35, with the exception of item 30, which was addressed under the Regular Agenda.

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

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

Absent: 1 - Commissioner Gerard

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

22. Minutes of the regular meetings held October 6 and October 20, 2015.

- 23.** Vouchers and bills paid from September 20 to September 26, 2015.

Payroll - \$3,131,082.05

Accounts Payable - \$6,417,433.31

Reports received for filing:

- 24.** Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2015-31 dated October 8, 2015 - Follow-Up Audit of Human Services' Community Help & Electronic Data Application System (CHEDAS).
- 25.** Dock Fee Report for the month of September 2015.
- 26.** Quarterly Report of Routine Dock and Dredge/Fill Permits issued from July 1 to September 30, 2015.

COUNTY ADMINISTRATOR DEPARTMENTS

Engineering and Technical Support

- 27.** Award of bid to Bayshore Construction, Inc. for boardwalk repair at Boca Ciega Millennium Park.
- Bid No. 145-0406-CP (PID No. 000336C) in the amount of \$978,617.50 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 270 consecutive calendar days. Chairman authorized to sign the agreement and the Clerk to attest.
- 28.** Joint Project Agreement with the City of St. Petersburg for utility work associated with the Haines Road intersection project from 51st Avenue to 60th Avenue.
- County Project No. 000147A. Chairman authorized to sign and the Clerk to attest.

Management and Budget

- 29.** Resolution appropriating earmarked receipts for a particular purpose in the Fiscal Year 2015 Capital Projects Fund budget for unanticipated revenue transferred from the Tourist Development Council Fund for beach nourishment.
- Resolution No. 15-114 adopted transferring \$767,860.00 from the Tourist Development Council Fund.

Real Estate Management

- 31.** Award of bid to various firms for annual requirements of gasoline and diesel fuel (Tampa Bay Area Purchasing Cooperative).

Bid No. 145-0387-B awarded to Port Consolidated, Inc., Indigo Energy Partners, Petroleum Traders Corporation, and Mansfield Oil Company of Gainesville, Inc. on the basis of being the lowest responsive, responsible bids received meeting specifications. Contract effective December 16, 2015 through December 15, 2020. Pinellas County five-year estimated expenditure not to exceed \$32,038,127.00; total five-year estimated expenditure not to exceed \$43,144,578.00.

Risk Management

- 32.** Quarterly report of claim settlements from July 1 through September 30, 2015.

Report of claims requiring the mutual consent of the County Attorney and Risk Management in the settlement range of \$25,001.00 to \$50,000.00 received for filing - no claims paid.

Utilities

- 33.** Award of bid to Premier Magnesia, LLC for magnesium hydroxide and equipment services.

Bid No. 145-0496-B in the amount \$5,196,842.63 awarded on the basis of being the only responsive, responsible bid received meeting specifications. Contract is for five years and provides for price adjustments at 12 month intervals as set forth in the staff report. Estimated annual expenditure not to exceed \$1,039,368.53.

COUNTY ATTORNEY

- 34.** Notice of new lawsuit and defense of the same by the County Attorney in the case of Paul Hanson v. Pinellas County - allegations of negligence resulting in personal injuries.

Circuit Civil Case No. 15-006299-CI-21.

- 35.** Notice of new lawsuit and defense of the same by the County Attorney in the case of Danielle Frewer v. Pinellas County, Florida - allegations of interference with the Family and Medical Leave Act and retaliation resulting in lost wages.

United States District Court for the Middle District, Tampa Division, Case No. 8:15 cv2280T35EAJ.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Public Works

- 30.** Award of bid to Southeast Environmental Contracting, Inc. for side slope closure at the Bridgeway Acres Class 1 Landfill.

Bid No. 145-0282-CP (PID No. 000748A/1792) in the amount of \$13,688,980.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 548 consecutive calendar days. Chairman authorized to sign the agreement and the Clerk to attest.

Director of Engineering Kevin Becotte provided background information regarding the project, indicating that it will allow the permitted height of the landfill to increase from the current 65 feet to 150 feet in the future, which involves bringing in geotextile materials to stabilize the slope and building a new force main at an outside location; and that a permit for increasing the elevation has been granted by the Department of Environmental Protection.

Attorney Bennett provided input regarding litigation over properties of countywide significance, disagreement with the City of St. Petersburg, and additional permitting issues that would need to be addressed in the future; whereupon, Mr. Woodard pointed out that the aforementioned issues would not need to be discussed for the next 35 to 40 years; and that the height of 150 feet would add 40 years of disposal capacity to the landfill which, at the height of 90 feet, should last through the year 2045.

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 Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

COUNTY ADMINISTRATOR DEPARTMENTS

Convention and Visitors Bureau

- 36.** Authority to advertise a public hearing regarding a proposed ordinance amending Section 118-32 of the Pinellas County Code relating to the Tourist Development Plan.

Public hearing to be held at the Board of County Commissioners meeting on November 24, 2015.

Chairman Morroni expressed his appreciation for the hard work of Convention and Visitor's Bureau (CVB) Executive Director David Downing and Managing Assistant County Attorney Michael Zas, and noted that the amendments to the Tourist Development Plan received a unanimous vote by the Tourist Development Council (TDC) last month.

Mr. Downing related that the changes in the plan provide maximum flexibility and broad usage of the spending categories; that 40 percent of the revenue is earmarked for capital expenditures within the current fiscal year; and that 60 percent of the revenue will be dedicated to operations, promotions, and advertising; whereupon, in response to queries by Chairman Morroni, he indicated that the 60/40 split does not lower the advertising budget; that anything less than 58.6 percent would result in cutting the CVB

budget moving forward; and that as of the first of next year, the Tourist Development Tax will include the sixth percent.

Discussion ensued concerning the projects that might come before the BCC, the criteria for applying for the dollars, and the amount of money the sixth percent will bring in. Commissioner Seel related that the Board passed the guidelines for the funding criteria; and that it is uncertain when the process for funding capital projects would commence.

Mr. Woodard explained that the fifth cent previously paid to the City of St. Petersburg towards its debt on Tropicana Field will be placed in a reserve account beginning on January 1, 2016; that the proceeds from the sixth cent will be placed in a separate reserve account; and that the funds will not be released unless the Board takes specific appropriation action. In response to queries by Commissioner Eggers as to the expiration of the funding obligation for the City of Dunedin, Budget and Financial Management Analyst Jim Abernathy indicated that the County pays a fixed amount of \$297,000 to the City each year; and that after the last payment in February 2016, the funds will be placed in a separate reserve account, and discussion ensued.

Responding to query by Commissioner Seel, Attorney Zas indicated that under the proposed plan, the Dali Museum, beach nourishment, and professional sports and spring training facilities would come out of the capital funding allocation.

Mr. Downing announced that the annual marketing meeting will be held at The Palladium Theater in St. Petersburg on November 17 at 3:00 P.M.

Commissioner Welch congratulated Chairman Morroni on the unanimous vote by the TDC to approve the amendments to the plan, and Commissioner Seel pointed out that the Board has effectively doubled the amount for capital funding versus what was previously dedicated, and discussion ensued.

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

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

Absent: 1 - Commissioner Gerard

Economic Development

- 37.** Resolution approving the reorganization and expansion of Foreign Trade Zone 193 under the Alternative Sites Framework model.

Resolution No. 15-115 adopted. Proposed service area to include Pinellas, Pasco, and Hernando Counties.

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

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

Absent: 1 - Commissioner Gerard

- 38. Resolution approving B5051443633 as a Qualified Applicant for the Qualified Target Industry Tax Refund Program.

Resolution No. 15-116 adopted approving Project B5051443633 as a qualified applicant pursuant to Section 288-106, Florida Statutes, and identifying sources of local county financial support (total local contribution amount, \$27,000.00, 50 percent of which will be paid by Pinellas County, not to exceed \$13,500.00, to be paid over a series of fiscal years to be determined by the State).

Mr. Woodard related that the project will create 27 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 Tennessee and Georgia.

Commissioner Seel left the meeting at 2:59 PM.

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

Human Services

- 39. Contract with the State of Florida Department of Health for the operation of the Pinellas County Health Department for Fiscal Year 2016.

Contract amount, \$3,700,100.00. County Administrator authorized to execute administrative amendments to the contract.

Health Department Director Dr. Ulyee Choe related that he is pleased with the number of resources and community partnerships helping to fulfill the mission to improve the health of residents and visitors in Pinellas County; that he will continue to meet with various community partners; and that he has been in charge of the Health Department since the last day of September.

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

Public Works

- 40. Facility Encroachment Agreement with CSX Transportation, Inc. for the installation of fiber optic cable along the South Belcher Road Intelligent Transportation System Project from Druid Road to Park Boulevard.

Agreement No. CSX798383 in the amount of \$2,550.00; includes a one-time license fee of \$1,500.00 and a Railroad Protective Insurance Liability Fee of \$1,050.00 (County Project ID No. 001030A).

In response to query by Commissioner Long regarding the liability language, Traffic Division Manager Ken Jacobs indicated that staff has requested that the verbiage be removed, but CSXT has maintained that the language either stays in or the County would not be allowed to perform the work, and Commissioner Long provided input.

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: 5 - Chairman Morroni, Vice-Chairman Justice, Commissioner Eggers, Commissioner Long and Commissioner Welch

Absent: 2 - Commissioner Gerard and Commissioner Seel

- 41.** Interagency Agreement with Big Brothers Big Sisters of Tampa Bay, Inc., Boys & Girls Clubs of the Suncoast, Inc., Special Olympics Florida, Inc., and Metropolitan Systems, Inc. for the installation and maintenance of public seating services/bus benches.

Ten-year agreement supersedes and replaces the current agreement. Clubs and Service Provider granted the right to lease display space on designated benches for public service and commercial messages. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

Purchasing

- 42.** Second Amendment to the agreement with Dean, Mead, Egerton, Bloodworth, Capouano, Bozarth, P.A. for state legislative consultant services.

Amendment to Contract No. 134-0087-N extending the contract expiration date to November 30, 2016 for an amount not to exceed \$100,000.00. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

- 43.** Second Amendment to the agreement with Van Scoyoc Associates, Inc. for federal legislative consultant services.

Amendment to Contract No. 134-0216-PB extending the contract expiration date to February 27, 2017 for an amount not to exceed \$95,000.00. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

Real Estate Management

- 44.** Purchase authorization for heavy and light duty vehicles and equipment pursuant to the pricing, terms and conditions of each contract.

Contract No. 156-0016-PB for a total expenditure in the amount of \$10,782,276.36 per the following contracts:

Florida Sheriffs Association/Florida Association of Counties: Police Rated,
Administrative, Utility Vehicles, Trucks and Vans, and Heavy Equipment
National Joint Powers Alliance: Heavy and Utility Equipment
Houston-Galveston Area Council

U.S. Communities Government Purchasing Alliance

State of Florida, Department of Management Services: Vehicles, Equipment, and Fleet

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

- 45.** Resolution declaring a parcel of County-owned land surplus, establishing a base bid, and authorizing the Economic Development Authority to seek business opportunities for the sale and development of the property through a Request for Negotiations process.

Resolution No. 15-117 adopted establishing a base bid of \$684,000.00 for Parcel No. 27/30/16/00000/420/0200; proceeds to be distributed to the Economic Development Authority for the Employment Sites Program. Clerk authorized to record the resolution.

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

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

Absent: 2 - Commissioner Gerard and Commissioner Seel

- 46.** Resolution declaring a portion of County-owned land as surplus and authorizing the sale of the property.

Resolution No. 15-118 adopted establishing a sale price of \$13,162.00. Chairman authorized to execute and the Clerk to attest the Contract for Sale and Purchase and the County Deed; Clerk authorized to record the resolution.

Commissioner Justice left the meeting at 3:05 PM.

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

Aye: 4 - Chairman Morroni, Commissioner Eggers, Commissioner Long and Commissioner Welch

Absent: 3 - Vice-Chairman Justice, Commissioner Gerard and Commissioner Seel

Utilities

- 47. Interlocal Agreement with the City of Safety Harbor for the sale of wholesale potable water.

Agreement is for a period of five years. Chairman authorized to sign and the Clerk to attest.

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

Aye: 4 - Chairman Morroni, Commissioner Eggers, Commissioner Long and Commissioner Welch

Absent: 3 - Vice-Chairman Justice, Commissioner Gerard and Commissioner Seel

COUNTY ADMINISTRATOR

- 48. County Administrator miscellaneous - None

COUNTY ATTORNEY

- 49. County Attorney miscellaneous - None

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services

- 50. Reappointments to the Emergency Medical Services Advisory Council.

Sitting as the Emergency Medical Services Authority, the Board approved the reappointments of Chief Joe Accetta and Chief Jeffrey Parks as Fire Chiefs' Association primary and alternative representatives, respectively, and Joy Lewis as Citizen Representative for a two-year term ending in November 2017.

Commissioners Seel and Justice returned to the meeting at 3:06 and 3:07 PM, respectively.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

51. Amendment No. 6 to the contract with Paramedics Plus, LLC for ambulance services.

Sitting as the Emergency Medical Services Authority, the Board approved Amendment No. 6 to Contract No. 034-283-P in the amount of \$43,607,104.18, an increase of \$957,737.40 from the original not-to-exceed expenditure and compensation amount. Chairman authorized to sign and the Clerk to attest.

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 Long, Commissioner Seel and Commissioner Welch

Absent: 1 - Commissioner Gerard

COUNTY ADMINISTRATOR REPORTS

52. None.

COUNTY COMMISSION

53. Appointment of two members to the Pinellas County Educational Facilities Authority.

Following brief discussion, ballots were distributed, each member was asked to vote for two candidates, and the ballots were presented to the Chief Deputy Clerk for tabulation.

Later in the meeting, Chairman Morroni announced that Christopher Brennan and Robert Kapusta, Jr. have been reappointed by majority vote to the Educational Facilities Authority.

54. Appointment of four members to the Palm Harbor Community Services Agency, Inc.

Appointments are for a term of two years, expiring November 9, 2017.

Chairman Morroni explained that the four appointments would be selected by the District 4 member and the three at-large members; whereupon, the appointments proceeded as follows:

Commissioner Eggers reappointed Terry Haas
Commissioner Long reappointed Tom McKone
Commissioner Justice appointed Kelli Snow

Noting that Commissioner Gerard was absent and has not provided the name of her appointee, Chairman Morroni indicated that her selection would be deferred to the November 24 BCC meeting.

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

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

Absent: 1 - Commissioner Gerard

55. County Commission miscellaneous.

Commissioner Justice

Welcomed Courtney Vandenberg to his office and noted her many years of legislative experience.

Related that he attended the World Travel Market with the Convention and Visitors Bureau.

Related that the Pinellas County Legislative Delegation passed a local bill this morning that will begin steps for an Independent Special Fire District in Tierra Verde.

Commissioner Long

Announced that she appointed Economic Development Director Mike Meidel as her alternate for the AMSkills Governing Board.

Expressed concern regarding Creative Pinellas and requested that the matter be discussed at an upcoming work session. Commissioner Seel provided input, and discussion ensued.

Commissioner Eggers

Noted that a new fire rescue boat was christened in Dunedin and thanked Assistant County Administrator John Bennett for his work on a water safety plan.

Announced that Allegiant Airline Chief Executive Officer Maurice Gallagher and his employees received the Tony Jannus Award this week, noting that Samantha Parker was the essay contest winner.

Thanked veterans for their service and announced Veterans Day ceremonies to be held at Curlew Hills and in downtown Safety Harbor.

Commissioner Welch

Discussed bills moving through the legislature regarding the expunging of criminal records for youth who meet certain criteria, and the open carrying of weapons. Following discussion, Chairman Morroni requested that the matters be placed on the November 17 work session agenda.

Chairman Morroni

Discussed a Medical Tourism meeting he attended in Orlando.

Wished veterans a happy Veterans Day and thanked them for their service.

ADJOURNMENT - 3:30 PM

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk