

Pinellas County

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



Minutes - Final

Tuesday, January 12, 2016

9:30 AM

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

9:31 AM

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

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

INVOCATION

Invocation given by Lee Lockhart, Dean of Students and Chaplain at Northside Christian School in Clearwater.

PLEDGE OF ALLEGIANCE**PRESENTATIONS AND AWARDS**

1. Doing Things Employee Recognition: Lidell Golden, Maintenance Specialist with Utilities

2. We Will for Jill Proclamation

Presented to Greg Engelman, Robin Post, and Mort Stenzler.

3. Metropolitan Planning Organization/Pinellas Planning Council Presentation - Whit Blanton, Executive Director

Noting the importance of completing the transportation network and improving accessibility in the County to facilitate economic opportunities, Mr. Blanton related that in the next year the MPO and PPC will focus their resources on achieving economic goals, supporting redevelopment in target areas, encouraging higher density and mixed-use development in appropriate locations, and improving safety. He discussed initiatives for enhancing beach access, improving connectivity in the Gateway and mid-county area, developing work plans for spotlight emphasis areas such as the U.S. Highway 19 corridor, and the upcoming Complete Streets grant program for transformative road projects.

Mr. Blanton pointed out that the MPO is working to strengthen its partnership with the Pinellas Suncoast Transit Authority (PSTA); and that the organizations will hold a workshop on January 22 to discuss aligning transportation priorities, enhancing safety and access around transfer points, and additional opportunities for transfer locations.

Mr. Blanton related that a CSX Transportation representative attended a recent Tampa Bay Transportation Management Area Leadership Group (TMA) meeting and offered the opportunity to acquire CSX rail lines for use as a regional passenger transportation corridor; and that the group, comprised of representatives of the Pasco, Hillsborough, and Pinellas MPOs, may ask the state to acquire the lines, pending the results of a Florida Department of Transportation premium transportation study to be initiated later

this year; whereupon, he noted that it will be important to explore potential opportunities to maximize the CSX corridor in terms of the region's economic, housing, and multimodal transportation goals.

Commissioner Long invited Mr. Blanton to attend a meeting of the Tampa Bay Regional Planning Council and repeat his presentation, noting that the Council has hired a new Executive Director; that the group plans to make transportation its number one priority for the coming year; and that it would be significant for the agencies to be "on the same page" regarding the issue.

Commissioner Seel indicated that she is pleased with the progress of the TMA; and that the three counties are working together in a productive way, noting that the group has established regional priorities; and that it may revisit the possibility of regionalizing the MPOs; whereupon, she related that the CSX corridor was a topic of discussion in 2005, and finally there is an opportunity to move forward.

Stressing the importance of connecting with local residents, Commissioner Eggers thanked Mr. Blanton for his perspective of reaching out to address the concerns of the community, for working closely with PSTA, and for his leadership.

4. Tampa Bay ferry pilot program presentation - St. Petersburg Mayor Rick Kriseman

Referring to a PowerPoint presentation titled *High Speed Ferry St. Petersburg to Tampa*, a copy of which has been filed and made a part of the record, St. Petersburg Mayor Rick Kriseman introduced the pilot program proposal, noting that a ferry service would enhance transportation options available to county residents; and that a joint project may have a statewide and even a countrywide impact.

He discussed the proposal, noting that the City of St. Petersburg would be the party of record for the pilot program which would run from October 15, 2016 through April 15, 2017; that the date by which a vessel deposit needs to be provided was changed in the timeline from June 1, 2016 to April 1, 2016; and that the vessel would operate roundtrips Tuesdays through Sundays from downtown St. Petersburg to downtown Tampa; whereupon, he explained the advantages of the chosen locations.

In discussing the projected costs, Mayor Kriseman indicated that a single vessel operation would total approximately \$1.3 million, and a second vessel would add approximately \$900,000; that the participating governments would be involved as partners and are asked to contribute \$350,000 each; and that the City of St. Petersburg, as the lead government entity, would be involved in negotiations with the operator company, HMS Ferries; whereupon, he asked that the County make a firm financial commitment of \$350,000 by earmarking the funds, contingent upon a negotiated agreement and a business plan acceptable to all participating parties. In addition, he requested that the County provide assistance in lobbying for funding of a second vessel, as well as in marketing and soliciting sponsorships and co-sponsorships.

During discussion, Mayor Kriseman addressed concerns and responded to questions by the members pertaining to the need for a backup vessel, future funding requests, uncertainty of a return on the County's financial investment, the potential for state and federal funding, features of the ferry and selection of the service provider, ticket pricing and parking fees, duration of the ride, and involvement of the Pinellas Suncoast Transit Authority.

Mayor Kriseman indicated that the City of St. Petersburg has already committed its portion of the requested funds, Hillsborough County is in support of the program and is currently seeking funds, and the City of Tampa is considering the proposal; that the price of a ticket is yet undetermined, but is a critical factor; that it is anticipated that customers would include tourists, as well as local residents using the ferry service to commute to work and for leisure; and that potential HMS Ferries profit numbers would be disclosed in the upcoming business plan.

Commissioner Seel noted that the County commitment would set a precedent for other cities to request funds for similar purposes, and Commissioners Morroni and Eggers agreed; whereupon, Commissioner Eggers expressed concerns about government funds being requested for a risky venture, the County being in the middle of a fiscal year, and insufficient information and timeframe to contemplate the proposal. Mayor Kriseman explained the reasons for the compressed timeframe, noting that plausible opportunities could be missed, and pointed out that it is a pilot program; that while there may not be a return on the investment, the County exposure is limited to \$350,000; and that utilizing the waterways could potentially have a positive impact on the quality of life and economic development in the region, and Commissioners Long and Welch expressed their enthusiasm and an interest in further exploring the endeavor.

Discussion ensued regarding possible funding sources, including Tourist Development Tax revenue and the BP oil spill settlement; whereupon, Chairman Justice clarified that today the Board would indicate its level of interest by voting on the concept and proceeding to seek funds. Mr. Woodard requested flexibility related to options for recommending a funding source and indicated that he would present recommendations at the next BCC meeting, but adoption of a legal agreement to commit funds will require research and will take place at a future meeting.

A motion was made by Vice-Chairman Long, seconded by Commissioner Welch, that the concept for the pilot program, contingent upon a business plan, be approved; and that Mr. Woodard be directed to identify potential funding sources. The motion carried by the following vote:

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

Nay: 1 - Commissioner Eggers

5. Human Trafficking Proclamation

Presented to Christa Hernandez, representing the "Loving You Where You Are At" organization; Donna Lancaster, representing Community Campaign Against Human Trafficking; Pinellas County Sheriff Bob Gualtieri; and Major David Dalton, Clearwater Police Department. On behalf of the BCC, Chairman Justice asked the County residents to become a community that is more aware of the issue and supportive of the victims, with an intolerance for human trafficking; whereupon, Sheriff Gualtieri and Major Dalton thanked the Board for its leadership with regard to the Human Trafficking Ordinance and further stressed the importance of public and governmental support.

Commissioner Seel commended the Clearwater Police Department on many years of leadership in bringing the region together on the issue and thanked Major Dalton; whereupon, Commissioner Eggers requested information regarding additional County efforts to assist the victims of human trafficking.

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

6. Ordinance to establish human trafficking public awareness sign display requirements, enforcement responsibilities, and penalties.

Ordinance No. 16-01 adopted in accordance with the staff recommendation. No correspondence has been received. No citizens appeared to be heard.

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

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

7. Petition of Jeffrey J. Bednarski and Julia A. Bednarski to vacate a portion of a 65-foot easement on Lot 10, Ozona Trail Subdivision (quasi-judicial hearing).

Resolution No. 16-1 adopted granting the petition to vacate portions of 15-foot and 65-foot easements, subject to relocation of the existing drainage pipe. Authority granted for the Clerk record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Responding to query by Commissioner Eggers, Mr. Woodard explained that no sign was posted on the property because the vacation is of an easement, not a right-of-way; whereupon, he pointed out an amendment made to the draft resolution with regard to relocation of a drainage pipe by the petitioner.

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

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

COUNTYWIDE PLANNING AUTHORITY

8. Case No. CW 15-20 - City of St. Petersburg - Withdrawal Requested
Countywide Plan Map amendment from Residential Medium to Residential Low Medium, regarding 8.3 acres more or less, located in a portion of the Allendale neighborhood generally bounded by 38th Avenue North, Dr. Martin Luther King Jr. Street North, Foster Hill Drive North and Haines Road North, St. Petersburg (subthreshold amendment).

In response to query by Chairman Justice, Mr. Woodard confirmed that Case No. CW 15-20 is being withdrawn.

9. Case No. CW 15-21 - City of St. Petersburg
Countywide Plan Map amendment from Residential Low Medium to Residential Medium, regarding 2.9 acres more or less, located in a portion of the Allendale neighborhood generally bounded by 42nd Avenue North, 12th Street North, Haines Road North, and 15th Street North (subthreshold amendment).

Ordinance No. 16-02 adopted approving Case No. CW 15-21. 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 Morroni, seconded by Commissioner Gerard, that the item be approved. The motion carried by the following vote:

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

10. Case No. CW 15-22 - Pinellas County
Countywide Plan Map amendment from Resort to Retail & Services, regarding 5.7 acres more or less, located at 15151 113th Avenue North (regular amendment).

Ordinance No. 16-03 adopted approving Case No. CW 15-22. 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 Seel, seconded by Vice-Chairman Long, that the item be approved. The motion carried by the following vote:

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

11. Case No. CW 15-23 - City of Tarpon Springs
Countywide Plan Map amendment from Residential Medium to Retail & Services, regarding 0.8 acre more or less, located on the south side of Lake Tarpon Avenue, west of 1513 Lake Tarpon Avenue (regular amendment).

Ordinance No. 16-04 adopted approving Case No. CW 15-23. Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

CITIZENS TO BE HEARD

12. Public comment.

David Ballard Geddis, Jr., Palm Harbor, re cannot separate church from the water!

Greg Pound, Largo, re truth

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

CONSENT AGENDA - Items 13 through 19

A motion was made by Commissioner Gerard, 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 Seal

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

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

14. Vouchers and bills paid from November 8 through December 19, 2015.

Period November 8 through November 14, 2015

Payroll - None

Accounts Payable - \$13,315,207.71

Period November 15 through November 21, 2015

Payroll - \$3,609,593.65

Accounts Payable - \$6,719,861.17

Period November 22 through November 28, 2015

Payroll - None

Accounts Payable - \$12,774,784.29

Period November 29 through December 5, 2015

Payroll - \$3,207,628.80

Accounts Payable - \$43,451,260.81

Period December 6 through December 12, 2015

Payroll - None

Accounts Payable - \$16,935,959.68

Period December 13 through December 19, 2015

Payroll - \$3,199,999.07

Accounts Payable - \$12,360,014.09

Miscellaneous items received for filing:

15. City of Clearwater Ordinance No. 8771-15 adopted November 5, 2015, annexing certain properties.
16. Eastlake Oaks Community Development District minutes of the meeting held August 13, 2015.

COUNTY ADMINISTRATOR DEPARTMENTS

Real Estate Management

17. Declare surplus and authorize the donation of miscellaneous County-owned equipment.
Ten desktop and five laptop computers declared as surplus, and authorization granted for donation of the same to the Vincent House.

COUNTY ATTORNEY

18. Notice of a new lawsuit and defense of the same by the County Attorney in the case of Vizcaya Homeowners' Association, Inc. v. Pinellas County, et al - County Civil Case No. 15-008497-CO.
19. Notice of a new lawsuit and defense of the same in the case of Norm Roche v. Pinellas County, Mark Woodard, Paul Sacco, and unknown John Doe(s), Commissioner(s) of Pinellas County - Circuit Civil Case No. 15-007643-CI.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Engineering and Technical Support

20. Change Order No. 1 to the agreement with RTD Construction, Inc. for Process Pump 90 modifications at the Waste-to-Energy Facility.
(Bid No. 134-0449-CP; PID No. 000244A/2137) Change Order No. 1 approved, increasing the contract amount by \$71,404.30 (revised agreement amount, \$533,524.30) and extending the agreement term by 130 consecutive calendar days; work to be completed by February 11, 2016. Chairman authorized to sign.

In response to query by Commissioner Eggers, Director of Engineering and Technical Support Kevin Becotte related that the work was not included in the original contract; that the project is under budget; and that no additional changes are anticipated.

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

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

Human Services

- 21.** First Amendment to the Interlocal Agreement with the State of Florida Department of Health in Pinellas County for the Pinellas County Health Care Program.

Amendment approved allocating an additional \$746,305.00 in new grant funding through September 30, 2016, \$294,219.00 of which is contingent upon receipt of funding from the State of Florida Agency for Health Care Administration, and reallocating \$25,000.00 to lab costs for continuation of a pilot denture program (revised agreement amount, \$11,540,788.00). Chairman authorized to sign and the Clerk to attest.

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

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

- 22.** Financial Assistance Agreement with the Florida Department of Law Enforcement on behalf of the Pinellas County Forensic Laboratory for Fiscal Year 2016.

Contract No. CL004 approved for an estimated total expenditure in the amount of \$265,000.00; agreement is effective retroactive to October 1, 2015 and runs through September 30, 2016. Chairman authorized to sign and the Clerk to attest.

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

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

COUNTY ADMINISTRATOR

- 23.** County Administrator miscellaneous - None.

COUNTY ATTORNEY

- 24.** Consent to engage in dual legal representation for FordHarrison LLP

Consent granted, as described in the correspondence from FordHarrison LLP dated December 21, 2015.

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

- 25.** Proposal for settlement served by Plaintiff's counsel in the case of Shannon Baker, as Personal Representative of the Estate of Andrew James Cavanaugh, deceased, v. Board of

County Commissioners, Pinellas County, Florida, State of Florida, Department of Transportation, and Depositors Insurance Company - Sixth Judicial Circuit Case Number 10-16223-CI-15.

Proposal rejected in accordance with the confidential memorandum from County Attorney James L. Bennett dated January 12, 2016.

A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the proposal be rejected. The motion carried by the following vote:

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

26. County Attorney miscellaneous - None.

COUNTY ADMINISTRATOR REPORTS

27. County Administrator reports - None.

COUNTY COMMISSION

28. County Commission miscellaneous.

The members wished County staff and local residents a Happy New Year.

Commissioner Seel

Moved, seconded by Commissioner Gerard and carried unanimously, that Tasker Beal, Jr. be reappointed to the Housing Finance Authority Board of Directors.

Commissioner Eggers

Reported on the Palm Harbor Community Services Agency (PHCSA) strategic planning meeting held last weekend, noting that he looks forward to the Board's discussions of ways Penny for Pinellas funding could be used to help address the needs of PHCSA and other organizations.

Related that the Council of North County Neighborhoods is planning to expand its membership to include Homeowners Associations on the west side of Lake Tarpon.

Noted upcoming Martin Luther King Day celebrations in Dunedin and Clearwater.

Expressed his appreciation to the Executive Assistants for the service they provide to the Commissioners and residents.

Commissioner Welch

Thanked Chairman Justice for his leadership on the Human Trafficking Ordinance and Representative Darryl Rouson for securing funding for Martin Luther King Day of Service projects throughout the county.

Noted that the St. Petersburg City Council is moving forward on an agreement with the Tampa Bay Rays.

Thanked the Chairman for sending a letter to Clerk of the Circuit Court and Comptroller Ken Burke pertaining to the Pinellas Civil Citation Program Task Force and related his concerns. Following discussion, Chairman Justice noted that the Board will welcome any information and input the Task Force may provide.

Commissioner Gerard

Related that a bill has been filed in the Legislature that preempts action by the Board pertaining to “fracking” and requested permission to work with Intergovernmental Liaison Mary Scott Hardwick to prepare a letter to the Legislative Delegation regarding the matter, and no objections were noted.

Commissioner Morroni

Thanked the members for their contribution to the Wounded Warrior Project on his behalf, and Commissioner Gerard discussed the recent groundbreaking for a Wounded Warriors Abilities Ranch in Pinellas Park.

Commissioner Long

Reported on the progress of the Charter Review Commission and invited the members to attend one of their meetings.

Related that she had attended the Civil Citation Program Task Force meeting and found it very informative.

Chairman Justice

Discussed the possibility of holding eTownHall meetings or workshops at locations throughout the county to encourage public input; and following discussion, noted that he is working with the County Administrator to develop a list of appropriate facilities.

Noted that today is the opening day of the 2016 Legislative Session, thanked the legislators for their service, and wished them safe travels.

ADJOURNMENT

11:39 AM

Chairman

ATTEST: KEN BURKE, CLERK

By _____

Deputy Clerk