

Pinellas County

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



Minutes - Final

Tuesday, November 24, 2015

2:00 PM

BCC Assembly Room

Board of County Commissioners

John Morroni, Chairman

Charlie Justice, Vice Chairman

Dave Eggers

Pat Gerard

Janet C. Long

Karen Williams Seel

Kenneth T. Welch

ROLL CALL

2:01 PM

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

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

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

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

CITIZENS TO BE HEARD

4. Public comment.

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

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

Greg Pound, Largo, re families - submitted document

Mark Klutho, Largo, re stupidity, waste

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

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

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

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

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

Reports received for filing:

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

COUNTY ADMINISTRATOR DEPARTMENTS

Public Works

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

Safety and Emergency Services

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

ALS First Responders

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

ALS Helicopter Ambulances

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

Hospitals

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

Sunstar Ambulance Service

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

REGULAR AGENDA

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

County Administrator

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

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

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

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

Absent: 1 - Vice-Chairman Justice

Engineering and Technical Support

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

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

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

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

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

Absent: 1 - Vice-Chairman Justice

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

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

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

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

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

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

Absent: 1 - Vice-Chairman Justice

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

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

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

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

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

Absent: 1 - Vice-Chairman Justice

Real Estate Management

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

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

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

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

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

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

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

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

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

COUNTY ADMINISTRATOR DEPARTMENTS

Airport

- 14. First Amendment to the Concession Services Agreement with Republic Parking System, Inc. for paid public parking & shuttle bus service at the St. Pete-Clearwater International Airport. Amendment to Contract No. 134-0063-P approved, exercising the five-year renewal option period commencing on July 1, 2019. Chairman authorized to sign and the Clerk to attest.

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

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

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

Economic Development

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

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

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

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

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

Management and Budget

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

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

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

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

Absent: 1 - Commissioner Seel

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

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

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

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

Real Estate Management

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

Resolution No. 15-121 adopted.

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

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

COUNTY ADMINISTRATOR

19. County Administrator miscellaneous

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

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

COUNTY ATTORNEY

20. County Attorney miscellaneous.

None.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Economic Development Authority

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

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

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

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

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

COUNTY ADMINISTRATOR REPORTS

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

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

COUNTY COMMISSION

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

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

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

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

24. Selection of 2016 Chairman and Vice-Chairman.

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

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

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

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

25. County Commission miscellaneous
• Legislative Items.

Commissioner Welch

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

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

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

Commissioner Gerard

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

Commissioner Seel

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

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

Commissioner Long

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

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

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

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

Commissioner Eggers

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

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

Commissioner Justice

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

Chairman Morroni

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

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

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

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

PUBLIC HEARINGS

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nay: 2 - Commissioner Eggers, and Commissioner Seel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion failed by the following vote:

Aye: 2 - Chairman Morroni, and Commissioner Seel

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

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

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

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

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

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

ADJOURNMENT - 9:48 PM



Chairman

ATTEST: KEN BURKE, CLERK

By 

Deputy Clerk

