

Pinellas County

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



Minutes - Final

Tuesday, December 15, 2015

2:00 PM

BCC Assembly Room

Board of County Commissioners

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

ROLL CALL

2:02 PM

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

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

INVOCATION by Charles Cox from the Wolf's Heart Lodge Daughters/Sons of the Earth in Pinellas Park

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

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

DEFERRED

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

CITIZENS TO BE HEARD

- 5. Public comment.

Rob Traester, Tarpon Springs, re letter received from Pinellas County. County Administrator to follow up.
David Ballard Geddis, Jr., Palm Harbor, re is the peace process duplicit in its meaning?
Rondale McDowell, St. Petersburg, re civil and constitutional violations.

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

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

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

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

Period September 27 through October 3, 2015

Payroll - None

Accounts Payable - \$64,838,828.25

Period October 4 through October 10, 2015

Payroll - \$3,100,947.69

Accounts Payable - \$14,104,763.95

Period October 11 through October 17, 2015

Payroll - None

Accounts Payable - \$13,058,265.38

Period October 18 through October 24, 2015

Payroll - \$3,364,752.78

Accounts Payable - \$15,478,772.26

Period October 25 through October 31, 2015

Payroll - None

Accounts Payable - \$22,420,047.09

Period November 1 through November 7, 2015

Payroll - \$3,158,052.96

Accounts Payable - \$39,358,148.31

Reports received for filing:

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

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

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

Management and Budget

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

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

Safety and Emergency Services

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

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

Emergency Medical Services Authority

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

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

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Julie Ward Bujalski, City of Dunedin Mayor

Jackie Nigro, Dunedin Causeway Ad Hoc Advisory Committee Chairman

Jorge Quintas, Dunedin Public Works Director

Metropolitan Planning Organization Executive Director Whit Blanton suggested that as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNTY ADMINISTRATOR DEPARTMENTS

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

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

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

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

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

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

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

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

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

Human Services

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

Authority granted.

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

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

Parks and Conservation Resources

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

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

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

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

Planning

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

Resolution No. 15-130 adopted pursuant to Section 125.38, Florida Statutes (2015).

Chairman authorized to execute the legal instruments necessary for the conveyance, including two County deeds; Clerk authorized to record the deeds and resolution.

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

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

Public Works

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

(County PID No. 000150A; FDEP Contract No. 13P11) Amendment approved establishing Phase II post-construction monitoring for 36 months and extending the agreement to December 31, 2018 (no fiscal impact to the County). Chairman authorized to sign and the Clerk to attest.

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

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

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

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

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

COUNTY ADMINISTRATOR

24. County Administrator miscellaneous - None.

COUNTY ATTORNEY

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

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

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

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

26. County Attorney miscellaneous - None.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services

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

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

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

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

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

28. Appointments to the Emergency Medical Services Advisory Council.

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

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

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

COUNTY ADMINISTRATOR REPORTS

29. County Administrator reports - None.

COUNTY COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

34. Appointments to the Historic Preservation Board.

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

John Barie reappointed by Commissioner Welch.

Wally Clark reappointed by Commissioner Seel.

Gina Clayton reappointed by Commissioner Long.

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

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

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

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

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

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

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

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

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

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

37. County Commission miscellaneous.

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

Commissioner Long

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

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

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

Commissioner Eggers

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

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

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

Thanked various communities for their holiday parades.

Commissioner Welch

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

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

Commissioner Gerard

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

Commissioner Justice

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

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

Chairman Morroni

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

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

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

PUBLIC HEARINGS

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

BOARD OF COUNTY COMMISSIONERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNTYWIDE PLANNING AUTHORITY

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

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

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

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

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

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

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

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

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

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

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

47. Countywide Plan Map - 2015 Annual Update.

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

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

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

Absent: 1 - Commissioner Seel

BOARD OF COUNTY COMMISSIONERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT - 8:05 PM

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk