

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, OCTOBER 6, 2015 – 9:35 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Chairman; Charlie Justice, Vice-Chairman; Janet C. Long; Kenneth T. Welch; Dave Eggers; and Pat Gerard.

Not Present: Karen Williams Seel.

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Christopher Bartlett, Board Reporter, Deputy Clerk.

INVOCATION: Reverend Dr. Candace R. Shultis from the King of Peace Metropolitan Community Church in St. Petersburg.

PLEDGE OF ALLEGIANCE: Commissioner Gerard.

PRESENTATIONS AND AWARDS

- # 1 “Doing Things” Employee Recognition presented to Eric Bell, Graphics Designer, Communications Department.
- # 2 Guardianship Month Proclamation presented to LynnMarie Boltze, President, and Monica Moses, Secretary, Guardian Association of Pinellas County.
- # 3 Falls Prevention Awareness Day Proclamation presented to Christine Hamacher, Chair, and Pete Grasso, Fall Prevention Coalition of Better Living for Seniors.

SCHEDULED 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.

- # 4 Sitting as the Countywide Planning Authority, the Board approved the request by the City of St. Petersburg to withdraw Case No. CW 15-13, a proposal to amend the Countywide Future Land Use Plan from Residential Medium to Multimodal Corridor, regarding 0.1 acre m.o.l., located on 35th Avenue North.

Motion	-	Commissioner Gerard
Second	-	Commissioner Welch
Vote	-	6 – 0

5 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-34 approving Case No. CW 15-14, the proposal by the City of Oldsmar to amend the Countywide Future Land Use Plan from Retail & Services to Employment, regarding 4.4 acres m.o.l., located at 200 Forest Lake Boulevard (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Long
Second - Commissioner Gerard
Vote - 6 – 0

6 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-35 approving Case No. CW 15-15, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low Medium to Public/Semi-Public and Preservation, regarding 2.4 acres m.o.l., located at 721 East Lake Road in the unincorporated East Lake Tarpon area (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Gerard
Second - Commissioner Welch
Vote - 6 – 0

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Deviating from the agenda, Chairman Morrone indicated that Item No. 19 would be heard at this time, and no objections were noted.

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#19 Toytown Redevelopment Request for Negotiation – Review of Top Ranked Proposal

Mr. Woodard introduced the report and provided a brief overview of the topics to be discussed. He noted that the proposal from Meridian Realty Capital, LLC, has been disqualified due to a violation of the anti-lobbying ordinance but will still be reviewed briefly in the presentation.

Referring to a PowerPoint presentation titled *Doing Things! Toytown Redevelopment*, a copy of which has been filed and made a part of the record, Economic Development Director Michael Meidel stated that the Request for Negotiations (RFN) was active from

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July 1 to September 1, 2015; and that it focused on identifying the best overall benefit for Pinellas County and its citizens. He stated that a selection team determined a ranking of the three submissions received, and provided the history and details of the Toytown property, reviewed the members of the selection team, and discussed a project proposed by Bear Creek Construction that was canceled in 2009 due to the economic downturn.

Mr. Meidel reviewed the eight criteria used to evaluate the submissions as follows:

- Net Sale/Lease Proceeds
- Highest and Best Intended Use(s)
- Value of Future Tax Payments
- Number of Jobs Created
- Wages and Benefits of Jobs Created
- Reduction/Elimination of County Expenses
- Other Benefits to the County
- Ability to Complete Proposed Project

Mr. Meidel indicated that proposals were received from Meridian Realty Capital, LLC, SportsPark Partners, LLC, and Trinity Resurrection Partners, LLC; and that unique aspects of the projects may garner national and international attention, and could serve as catalysts to other county activities. In response to query by Commissioner Justice, he explained that tourism was part of Other Benefits to the County.

Mr. Meidel stated that Meridian Realty Capital, LLC, proposed a mixed-use commercial and retail project, similar to the earlier Bear Creek project. He discussed details of the proposal and provided the following highlights:

- \$1 million for the property payable at closing
- Retail, corporate, civic, and residential, including some affordable units
- 10,000 new jobs, including 7,000 high wage
- Total capital investment over \$1.1 billion

Mr. Meidel stated that SportsPark Partners, LLC, proposed a mixed-use amateur/pro sports destination project; that local representatives include Darryl LeClair of Echelon, LLC, and former Major League Baseball player Gary Sheffield, who runs a sports foundation for disadvantaged youth; and that the Atlanta Braves organization is part of the negotiating team. He discussed details of the proposal and provided the following highlights:

- \$20 million for the property, payable over 40 years
- Spring training stadium for the Atlanta Braves
- Venues for outdoor and indoor sports
- Retail and corporate office space with hotel and dormitory on site
- 3,300 new jobs, including 1,200 high wage
- Total capital investment of \$662 million

Mr. Meidel stated that Trinity Resurrection Partners, LLC, proposed an ash disposal/solar array facility, with future mixed-use development no earlier than 2021. He discussed details of the proposal and provided the following highlights:

- \$1,000 per year lease, starting in phase two
- Diversion of ash from the County's Waste-to-Energy Plant
- Elimination of County maintenance costs for the property
- 1,300 new jobs, including 900 high wage
- Total capital investment of \$296 million

Mr. Meidel related that the selection team ranked SportsPark's proposal as number one, Meridian's as number two, and Trinity's as number three. He indicated that SportsPark had the highest purchase price; that the opportunity for media attention was considerable; that involving a program to help low-income youth would benefit the community; that tourism impacts would be very high; and that the hotel on site would be purposely undersized to encourage visitors to utilize other hotels around the county.

Mr. Meidel stated that county residents would benefit from recreation at the site; that the partners have had local success and have connections in the community and with potential tenants; that the Atlanta Braves have proposed using the construction and design teams they used for their new stadium in Atlanta to create the spring training stadium; that a potential connection with All Children's Hospital Johns Hopkins Medicine would extend the County's community of sports medicine and medical tourism; and that IBC Baseball, an amateur organization sponsoring tournaments throughout the State of Florida, has suggested they would be a tenant and could move their headquarters to the site.

Responding to query by Commissioner Long, Mr. Meidel related that the proposed Johns Hopkins facility would focus on sports medicine treatment and research; that 120 medical

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staff are anticipated for the facility, including surgeons who could treat players; and that research would include injury prevention and sports performance studies.

In response to queries by the members, Attorney Bennett related that a letter on behalf of Meridian was sent to Purchasing Director Joe Lauro, and copied to the Commissioners, which violated the context of the purchasing ordinance; and that the due diligence for the Bear Creek project has been posted on the Economic Development website for the past several years.

Mr. Meidel reviewed the advertising campaigns for the RFN, which included the Wall Street Journal and other websites, direct emails to targeted developers and industry trade groups, and social media partnerships.

Commissioner Eggers related his concern that the opportunity to submit was too short; that originally it was 30 days and was extended twice to a maximum of 60 days; and that interested parties may have felt there was not enough time to complete an accurate proposal, and Chairman Morrone and Commissioner Gerard concurred. Chairman Morrone noted that the Board had approved the original duration, and staff has acted on the Board's direction. Commissioner Eggers indicated that he would like to consider the Meridian option for discussion purposes only, and responding to query by Chairman Morrone, Attorney Bennett stated that the Board is free to discuss what it wishes.

Commissioner Welch stated that the anti-lobbying provisions are in place to prevent certain difficulties experienced by the Board in the past; that all bidders were made aware of the rules, and the rules were violated; and that waiving the rules at this time would set a precedent going forward, and discussion ensued.

Analyst Linda Larkins, Office of Management and Budget, provided details of the SportsPark proposal and reviewed the potential uses of the indoor and outdoor facilities, and the total acreage and costs for each component. She related that a portion of the proposed facility might be eligible for Tourist Development Tax funding; and that a public funding request for up to \$270 million is part of the proposal.

Ms. Larkins stated that the proposal includes one spring training facility, but the site could accommodate two teams; that an annual request of \$6.5 million for one team, or \$10.5 million for two, is part of the proposal; and that the term would be for 30 years. In response to query by Commissioner Welch, Ms. Larkins stated that she has had no time to tie the 30-year term to the funding aspects of the proposal and will provide a response

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to the Board after the meeting; and that the proposal seeks an additional commitment from the County of \$1.25 million for advertising and promotional development, and usage fees allowing the County to use the site for events.

Senior Analyst Jim Abernathy, with input by Attorney Bennett, reviewed the proposed sale terms and related that the County maintenance costs would be eliminated under the proposal; that the sale might be worth \$10 or \$11 million dollars, adjusting for inflation; and that the proposal states it would generate \$1.6 million in property tax revenue for the County's General Fund in its first year of stability (2022).

Mr. Abernathy related that the proposal projects an additional \$7 million in Penny for Pinellas sales tax revenue for the County; that Tourist Development Tax revenue would be about \$7.8 million; and that an additional \$2.4 million would come from unspecified State spending to the Pinellas County area; whereupon, Mr. Woodard stated that all numbers being presented and discussed are directly from the proposal and a comparison would have to be made with current numbers, and discussion ensued.

Responding to query by Commissioner Welch, Mr. Meidel related that the computer model used for the proposal is one of the best available; that it relies on accurate input of raw data; and that the numbers in the proposal are likely overstated, but the impact would still be sizeable. He indicated that the County would set realistic performance metrics as part of any negotiations.

Referring to the presentation, Mr. Abernathy discussed the proposed number of jobs, participants, and spectators related to the project, and noted that the areas of liability, traffic, storm water treatment, and occupancy assumptions must still be addressed.

In conclusion, Mr. Woodard stated that the purpose of today's presentation was to provide an overview of the proposals received, to provide detailed information on the number one ranked proposal, and to seek direction for staff on whether to pursue further due diligence on the number one ranked firm.

Upon the Chairman's call for citizens to be heard, City of Dunedin Mayor Julie Ward Bujalski appeared and stated that it is beneficial to review the types of proposals received to help understand the value of the property; that the Tampa Bay Rays situation in St. Petersburg is part of this decision as it involves similar funding and location opportunities; that the City of St. Petersburg should look upon the County as its partner; and that today's discussion could contribute to helping resolve the issue with the Rays, and Commissioner Justice concurred.

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Responding to queries by Commissioner Justice, Mr. Woodard reviewed the unique characteristics of building over a former landfill; and related that the site information for the Bear Creek project is in the public domain and was likely used by SportsPark for their proposal.

Commissioner Gerard stated that she remains concerned about the sizable investment being asked of the County and that the process has moved quickly; that a decision needs to be made to avoid leaving the property as it is year after year; and that the County needs input from those wanting to have an impact on the decision.

Agreeing with his colleagues, Commissioner Welch related that he would like to receive information on the environmental assessment completed by SportsPark and its breakdown of the number of full- and part-time jobs the project would generate; and that many questions must be answered in order to understand this opportunity. He indicated that he is concerned that the project asks for as much as \$10.5 million a year, which is more than one percent of the Penny; that the City of St. Petersburg has made some progress with the Rays but the issue remains stagnant; that the County is heavily invested in the decision involving the Rays and needs a decision from the City; and that he is not ready to make a decision today.

Commissioner Eggers stated that Major League Baseball franchises are critically important to Pinellas County; that the Tampa Bay Rays belong to the Tampa Bay region and not just to the City of St. Petersburg; that it is not known if the Toytown property would be suitable for a new Rays stadium; and that there are many things to discuss before any decisions can be made.

Commissioner Long noted that the Rays provide many ancillary needs for children and the community that might be discontinued if the team were to relocate; and that waiting for a decision from the City of St. Petersburg regarding the Rays has held hostage other opportunities regarding the Toronto Blue Jays, the Clearwater Marine Aquarium, and possibly the Tampa Bay Rowdies; whereupon, Commissioner Welch related that his recent conversations with St. Petersburg Council Members Kornell and Kennedy were productive; and that he is optimistic that things might move forward now that the County has multiple options for its funding source.

Chairman Morroni indicated that the proposals confirm that there is interest in the Toytown property; that many organizations will come before the Board seeking public funds; and that a decision does not need to be made today. He stated that the St.

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Petersburg City Council needs to make a decision regarding the Rays within the next month or two in order to allow the County Commission to move forward; and that there will be no decision from the Board until it receives more information.

Thereupon, Mr. Woodard summarized the discussion and indicated that there are three potential partnerships before the Board for funding: a new Tampa Bay Rays stadium, Toytown redevelopment, and a new spring training facility in Dunedin; and that the Penny for Pinellas could potentially fund two of those items but likely not all three. Following input by Chairman Morroni, he related that staff will not move forward to negotiate with any party, but will bring the ranking back to the Commission in November.

In response to query by Chairman Morroni, Attorney Bennett stated that without a resolution to waive the provision of the ordinance, discussions with the number one ranked firm should occur through the Purchasing Department or his office and not through the Commission directly, and discussion ensued.

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At this time, 11:36 A.M., the meeting was recessed and reconvened at 11:48 A.M. with all members present, except Commissioner Long.

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CITIZENS TO BE HEARD

- Monique McCulley-Leonard, Clearwater, re Eagle Lake Park neglect.
- Lenore Faulkner, Madiera Beach, re thank you, Lourdes; Common Core.
- Dawn Bohler, St. Petersburg, re public safety.
- Greg Pound, Largo, re Pinellas families.
- Tab Brown, Treasure Island, re renewable energy.

CONSENT AGENDA ITEMS NOS. 7 THROUGH 11 – APPROVED.

Motion	-	Commissioner Welch
Second	-	Commissioner Gerard
Vote	-	5 – 0

7 Minutes of regular meeting held September 10, 2015 approved.

8 Vouchers and bills paid:

Period August 23 to August 29, 2015

Payroll

ACH – \$3,047,080.42

Checks – \$24,130.27

Third Party ACH – \$13,812.38

Third Party Checks – \$2,734.88

Accounts Payable

Checks – \$8,825,889.25

ACH Transfers – \$8,881,474.25

Wire Transfers – \$667,621.04

MISCELLANEOUS ITEMS RECEIVED FOR FILING:

- # 9 Southwest Florida Water Management District Fiscal Year 2016 Schedule of Meetings and a map depicting the District's boundaries.
- #10 Recommendation for the Clerk to accept payment for the paving assessment lien for property owned by the City of Pinellas Park (Parcel No. 12/30/15/83922/000/0002) in the principal amount of \$12,223.10, together with interest in the amount of \$5,497.39, for a total of \$17,720.49, and authorization for the Clerk to relieve all interest accrued after December 30, 2009, approved, provided payment is received within 30 days.
- #11 Notice of new lawsuit and defense of the same by the County Attorney in the case of Chateaux De Bardmoor Condominium Owners Association, Inc. versus Pinellas County, et al. – Circuit Civil Case No. 12-010690-CI-15 – Dispute seeking declaratory judgment.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM CONSENT AGENDA – None.

- #12 Authorization granted to advertise a public hearing to be held on November 10, 2015 regarding proposed amendments to Chapter 14 of the Pinellas County Code relating to animals, establishing sections addressing irresponsible owners and bite incidents.

Motion – Commissioner Welch

Upon the Chairman's call for persons wishing to be heard, Sarah Brown, Clearwater, appeared and stated that she is the Executive Director of the Humane Society of Pinellas; that there is a good partnership between the Humane Society, SPCA Tampa Bay, and Pinellas County Animal Services; and that the proposed ordinances, combined with the Trap-Neuter-Vaccinate-Return and Anti-Tethering ordinances already passed, contribute to making this a great year for animals in the county; whereupon, she thanked the Commissioners for their work and support. Chairman Morroni thanked Ms. Brown for her comments, and acknowledged the efforts of Mr. Woodard for working with the community and improving communications on the issues.

Second – Commissioner Gerard

Responding to query by Commissioner Justice, Interim Director of Animal Services Doug Brightwell referred to diagrams depicting current and proposed procedures, and provided an overview of the proposed changes, noting that a citation would be given to the owner of a dog causing a severe injury to another dog or cat in a bite incident; that an Irresponsible Owner designation would be created which would include fines and restrictions of the owner's current and future animal ownership; and that the changes would apply only to pets at-large and would not apply in a designated dog park, and discussion ensued.

In response to query by Commissioner Welch, Mr. Brightwell stated that Animal Services worked with the County Attorney's Office to set the proposed amount of the citation fees; and that a severe dog bite injury to a human would escalate the incident directly to the Dangerous Dog designation; whereupon, Mr. Woodward related that there are limitations under state laws as to what the County can do; and that the proposed ordinances are focused more on the owner in hopes of preventing a second bite from ever occurring.

Vote – 5 – 0

#13 County Administrator miscellaneous – None.

#14 Second Amendment to the Business Technology Services (BTS) Board Interlocal Agreement and designation of the Chairman or another member of the Board of County Commissioners to serve on the BTS Board, approved.

Motion - Commissioner Welch
Second - Commissioner Eggers
Vote - 5 – 0

#15 Recommendation of settlement in the case of Cecelia Barr and Ciera Pinheiro, as co-personal representatives of the estate of Noi Pinheiro, deceased versus Pinellas County – Circuit Civil Case No. 14-007942-CI-7 approved in accordance with the confidential memorandum from County Attorney James L. Bennett dated October 6, 2015.

Motion - Commissioner Welch
Second - Commissioner Gerard
Vote - 5 – 0

#16 Recommendation of acceptance of a non-binding arbitration verdict in the case of Theocharis Varitimidis and Sevasti Varitimidis versus Pinellas County – Circuit Civil Case No. 13-010614-CI-21 approved in accordance with the confidential memorandum from County Attorney James L. Bennett dated October 6, 2015.

Motion - Commissioner Eggers
Second - Commissioner Welch
Vote - 5 – 0

#17 County Attorney miscellaneous – None.

#18 Resolution 15-101 adopted approving the issuance by the Housing Finance Authority of Pinellas County of its Multifamily Housing Revenue Bonds, Series 2015, in a principal amount not to exceed \$6,000,000.00 for the benefit of Sumter Partners, LLC, a Florida limited liability company, or its affiliate; no County general funds are required; all lendable funds are generated from the sale of tax-exempt housing bonds.

Motion - Commissioner Justice
Second - Commissioner Welch
Vote - 5 – 0

#20 Appointment of Richard Linthicum to the Feather Sound Community Services District, approved.

Motion - Commissioner Eggers
Second - Commissioner Gerard
Vote - 5 – 0

#21 Appointment of Michael Funsch and reappointment of Joel Giles, Nick DiCeglie, Gerard Stempinski, Michelle Helms, and Paul Renker to the Economic Development Council for two-year terms expiring in October 2017, approved.

Motion - Commissioner Gerard
Second - Commissioner Eggers
Vote - 5 – 0

#22 Appointment of Jackson Gillette as the Youth Advisory Committee representative to the Parks and Conservation Resources Advisory Board effective through July 31, 2016, approved.

Motion	-	Commissioner Justice
Second	-	Commissioner Welch
Vote	-	5 – 0

#23 County Commission miscellaneous:

a. Commissioner Eggers related that he recently toured the jail and participated in a ride-along with Sunstar Paramedics.

thanked Florida Department of Transportation for hosting a public meeting regarding a possible roundabout in Palm Harbor and thanked residents for their input.

b. Commissioner Welch stated that he likes the format of the agenda items which were created using the new agenda automation system, and discussion ensued.

discussed his participation as a panelist in the St. Petersburg College Institute for Strategic Policy Solutions Sea Level Rise Conference.


c. Commissioner Gerard congratulated Jackson Gillette, Youth Advisory Committee representative to the Parks and Conservation Resources Advisory Board, for receiving the Fang and Claw Award for toughest question at the Tiger Bay Club’s luncheon yesterday.

d. Commissioner Justice noted that Tampa Bay harbor now has over 40,000 acres of sea grass and invited everyone to attend a Sea Grass Celebration at Picnic Island Park in Tampa.

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- e. Commissioner Morrone related that the County's flags are at half-mast by Presidential proclamation and asked for a moment of silence to remember the victims of the Oregon shooting incident.

#24 Meeting adjourned at 12:34 P.M.


Chairman

ATTEST: KEN BURKE, CLERK

By 
Deputy Clerk

