

Pinellas County

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



Minutes - Final

Tuesday, January 26, 2016

2:00 PM

BCC Assembly Room

Board of County Commissioners

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

ROLL CALL

2:03 PM

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

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

INVOCATION by Reverend Jon Roberts from Calvary Episcopal Church in Indian Rocks Beach

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

1. Presentations:

Doing Things Employee Recognition - Sandy Wilson, Project Management Specialist with Parks and Conservation Resources

Partner Presentation:

Habitat for Humanity - Mike Sutton, CEO of Habitat for Humanity of Pinellas County

Mr. Sutton, along with Habitat homeowner and Board of Directors member Tamara Davis, presented the County with a “check” in an amount over \$336,000 to represent the 2015 tax base contributions by the 345 Habitat for Humanity homeowners in Pinellas County.

Partner Presentation:

National 2-1-1 Awareness Day Proclamation

2-1-1 Tampa Bay Cares, Inc. - Micki Thompson, Executive Director

Ms. Thompson conducted a PowerPoint presentation and responded to queries by the members.

CITIZENS TO BE HEARD

2. Public comment.

David Ballard Geddis, Jr., Palm Harbor, re water (public and private) carnival
Lenore Faulkner, Madeira Beach, re gratitude: Lourdes, Judy, Gulf Coast Legal; Pinellas schools, failure factories; middle school negligence
Toni Gross, Oldsmar, re gratitude to PCBCC: son, Frank Gross, 2011 Afghanistan

CONSENT AGENDA - Items 4, 5, 6, 8, 9, and 10 (Items 3 and 7 addressed under Regular Agenda)

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

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

Miscellaneous items received for filing:

- 4. City of Clearwater Ordinances Nos. 8777-15, 8780-15, and 8783-15 adopted December 3, 2015, annexing certain properties.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

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

Economic Development

- 6. Resolution supplementing the Fiscal Year 2016 General Fund budget for unanticipated revenues to Economic Development.
Resolution No. 16-2 adopted appropriating earmarked receipts for a particular purpose (unanticipated revenue in the amount of \$35,000.00).

Management and Budget

- 8. Receipt and file report on the Law Enforcement Trust Fund from October 1 to December 31, 2015.
- 9. Receipt and file report on Sheriff's Office grants received and service contracts from October 1 to December 31, 2015.

Purchasing

- 10. Receipt and file of procurement items approved by the County Administrator for the quarter ending December 31, 2015.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Reports received for filing:

3. Dock Fee Report for the month of December 2015.

At the request of Commissioner Eggers, Parks and Conservation Resources Bureau Director Paul Cozzie provided an update on the new boat ramp installation at Sutherland Bayou, relating that expectations are to reopen the ramp in mid March; and that the Bait Shop remains open while construction is taking place.

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

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

Engineering and Technical Support**7. Award of bid to Caladesi Construction Co., PCL Construction, Inc., TLC Diversified, Inc., and WPC Industrial Contractors, LLC for job order contracting for wastewater treatment and water plant maintenance, repair, minor construction and underground utilities.**

Bid No. 156-0013-CP approved for a total expenditure in the amount of \$5,000,000.00 per vendor for a total of \$20,000,000.00 on the basis of being the lowest responsive, responsible bids received meeting specifications; all work is expected to be completed within 60 consecutive calendar months. Chairman authorized to sign the agreements and the Clerk to attest.

At the request of Commissioner Welch, Mr. Woodard provided background information regarding the proposed contract, noting that jobs would be identified and assigned to each vendor on a rotating basis; that each vendor would be authorized for no more than \$1 million for any one job; and that any specialized work needed would be assigned to the most qualified vendor.

Responding to query by Commissioner Eggers, Mr. Woodard noted that the funds to pay for the provided services are currently identified within the budget; and that in the case of an emergency, staff would submit a request for reallocation of reserves.

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

COUNTY ADMINISTRATOR DEPARTMENTS

Planning

11. Authority to advertise a public hearing to be held on March 29, 2016, regarding a proposed ordinance amending portions of Chapter 134, Article VI (Concurrency System), of the Pinellas County Land Development Code.

A motion was made by Commissioner Morroni, seconded by Commissioner Gerard, that authority be granted. The motion carried by the following vote:

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

12. Authority to advertise a public hearing to be held on March 29, 2016, regarding a proposed ordinance amending portions of Chapter 150, Impact Fees, of the Pinellas County Land Development Code.

Responding to query by Commissioner Morroni, Mr. Woodard indicated that considerable efforts have been made to inform municipalities and engage developers regarding the possibility of increased impact fees.

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

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

COUNTY ADMINISTRATOR

13. County Administrator miscellaneous.

Mr. Woodard, with input by Attorney Bennett, discussed recently filed Senate Bill 1322 and how it might affect the County's ongoing litigation to resolve the Department of Juvenile Justice issue with the State of Florida, and stated that a statewide conference call will be held with the county attorneys involved in the case in order to discuss options on how to proceed.

Mr. Woodard indicated that a compromise has been proposed that the litigating counties drop their lawsuit should the bill move forward; that the proposal would generate about \$1.5 million per year in savings which would make the County whole in four years; and that \$9 million would be saved over a six year period, as noted by the Florida

Association of Counties (FAC), and discussion ensued.

Responding to queries by Commissioner Welch, Mr. Woodard stated that Senate Bill 1322 does not specifically request that the County drop its litigation in the event that it is passed; that the suggestion to couple both issues was brought to the County's attention by FAC; that the County is currently paying 60 percent of the required payment; and that the bill proposes a 50/50 split between the counties and the State.

In response to queries by Commissioner Long, Intergovernmental Liaison Mary Scott Hardwick stated that Representative Latvala has filed a companion bill in the House; whereupon, she provided updates on the progress of Senate Bill 1322 and the Tierra Verde Fire District bill through the legislative committees.

Referring to similar issues, Chairman Justice noted that settlement is often more favorable than asking the courts to order the legislature to appropriate funds, and Commissioner Welch and Mr. Woodard concurred; whereupon, Mr. Woodard thanked Planning and Contract Services Division Director Tim Burns for diligently working to provide information for today's report.

COUNTY ATTORNEY

14. County Attorney miscellaneous - None.

COUNTY ADMINISTRATOR REPORTS

15. County Administrator reports - None.

COUNTY COMMISSION

16. Resolution regarding the high speed ferry pilot program.

Resolution No. 16-3 adopted in support of the High Speed Ferry Pilot Program, amending the Fiscal Year 2016 budget to appropriate \$350,000.00 contingent upon the outlined conditions being met.

Mr. Woodard provided background information, stating that the resolution calls for a commitment of \$350,000.00 to help fund the High Speed Ferry Pilot Program; and that it is contingent upon: a) matching contributions of \$350,000.00 each from Hillsborough County and the Cities of Tampa and St. Petersburg; and b) the creation and development of a business plan that is approved by the Board.

Responding to query by Commissioner Welch as to the source of funding, Chairman Justice related that a discussion of the BP Oil Spill settlement money, which could be an option, is scheduled to take place in March; and that a decision on funding the pilot program will not be needed until a business plan has been presented and approved.

Referring to the proposed resolution, Commissioner Eggers suggested that the word "each" be inserted to clarify that \$350,000.00 will be contributed by each of the four governmental entities. He indicated that he requires a better understanding of what risks would be assumed by the private third party in the program; and that he shares Commissioner Welch's concern regarding the County's funding source.

In response to queries by the members, Mr. Woodard related that staff is currently negotiating the sale of the Young-Rainey STAR Center with the top-ranked firm previously selected by the Board; that a discussion regarding the sale proceeds is planned for the March 1 work session; and that any appropriated funds not expended in the current fiscal year would carry over into next fiscal year's budget, and discussion ensued.

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

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

Nay: 1 - Commissioner Eggers

17. County Commission miscellaneous.

Commissioner Morroni

Announced that his Law Enforcement Luncheon for emergency personnel will be held in April.

Commissioner Seel

Offered sympathies to Bob and Susan Churuti and the Hamilton family on the passing of Dr. Hamilton, a civil and medical leader in St. Petersburg.

Commissioner Eggers

Thanked the Administrator and his staff for their presentations to the Board during the productive work sessions last week.

Congratulated small business Juan's Mexican Grill on the opening of its new location in Palm Harbor.

Congratulated food bank Dunedin Cares on its recent ribbon cutting and noted that plans are to provide food on Tuesdays, Thursdays, and on the weekend.

Noted that Tim Lima was recently elected President of the Council of North County Neighborhoods.

Expressed concern over the large number of rape cases that are backlogged and remain unsolved at the State level, and suggested that the Board discuss the topic in the future and draft a resolution to send to Tallahassee.

Commissioner Welch

Recognized Dr. Jon Thogmartin and the work being done locally to ensure that Pinellas County does not experience a backlog in the processing of rape cases.

Commissioner Long

Related that the Pinellas Suncoast Transit Authority, Metropolitan Planning Organization, and Pinellas Planning Council held a joint meeting last week regarding transportation solutions for Pinellas County and the region.

Chairman Justice

Thanked the Dunedin Rotary Club for inviting him to speak at their event last night.

Meeting Recessed - 3:11 P.M.

Meeting Reconvened - 6:02 P.M.

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

18. Q Z/LU-25-10-15 (Ralph M. Wescott)
A request for a land use change from Industrial Limited to Residential Low Medium and a

zoning change from C-3, Commercial, Wholesale, Warehousing & Industrial to R-4-CO, One, Two & Three Family Residential-Conditional Overlay, with the Conditional Overlay limiting the use to a single family home and related accessory uses on approximately 1.1 acres located at the southwest corner of the intersection of 135th Place N. and Palm Way in the unincorporated area of Largo (a portion of parcel 01/30/15/70416/400/1101).

Resolution No. 16-4 adopted approving the zoning change and Ordinance No. 16-05 adopted changing the land use designation. The Local Planning Agency recommended approval of the request. One letter in opposition to the application was received in connection with the Local Planning Agency hearing.

Planning Department Manager Glenn Bailey referred to an aerial photograph and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided background information regarding the property and the current request. He indicated that the applicant currently resides on the property; that his daughter wishes to divide the property and build a home on the vacant portion to be close to her father for caretaker purposes; and that the Conditional Overlay was added to the application at the request of the Local Planning Agency.

Mr. Bailey related that the subject property is the only vacant parcel in the industrial area; and that the conversion of industrial land is an important consideration, as it promotes economic viability and job growth. Referring to a PowerPoint presentation, he discussed various aspects of the property with regard to the seven conversion criteria contained in the Comprehensive Plan; whereupon, he presented staff's recommendation of denial, noting that the Local Planning Agency recommended approval, and the case is scheduled to be heard by the Pinellas Planning Council on March 9.

In response to queries by the members, Mr. Bailey indicated that the Conditional Overlay was not a factor in the staff recommendation, as it does not address the conversion of industrially-designated land. He reviewed the history of the property, noting that he is unsure whether the previous agricultural zoning would have allowed the applicant to build a house, and clarified that, should the request be approved, the applicant would need to obtain a variance or administrative waiver due to insufficient road frontage.

Ralph M. Wescott appeared in response to the Chairman's call for the applicant. He provided background information, related that a number of his neighbors have indicated their support, and requested the Board's consideration of the request. Referring to photographs, Teresa Wescott Lavrinc described the property and the surrounding area. She indicated that her father has no intention of using the property for industrial purposes; that the area has poor access; and that property owners in the industrial park have trouble retaining tenants due to traffic issues; whereupon, she submitted one letter in support and minutes of a neighborhood association meeting that noted no objections to the request.

Responding to the Chairman's call for citizens wishing to be heard, Marina Crawford, Michael Rice, and Eugene Carlson, Largo, spoke in support of the request, noting the lack of demand for industrial properties in the area due to poor access; whereupon,

Chairman Justice closed the public hearing.

Noting her familiarity with the neighborhood, Commissioner Seel related that the area to the east is completely residential, and County staff is researching the possibility of providing access to Belcher Road. Discussion ensued, and confirming the importance of preserving industrial land, the members stated their reasons for supporting the Local Planning Agency's recommendation, indicating that it is a unique situation.

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

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

19. Case No. Q Z-32-12-15 (Stewart Wittel)

A request for a zoning change from R-3, Single Family Residential to M-1, Light Manufacturing & Industry on approximately 0.6 acre located on the east side of Faxon Street, 500 feet south of Ulmerton Road in the unincorporated area of Largo.

Resolution No. 16-5 adopted approving the zoning 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 Gerard, seconded by Commissioner Morroni, that the item be approved. The motion carried by the following vote:

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

20. Case No. Q Z-33-12-15 (Pinellas County General Services/North County Office)

A request for a zoning change from A-E, Agricultural Estate Residential to PSP, Public/Semi-Public on approximately 10.3 acres located at 29582 U.S. Highway 19 N. in the unincorporated area of Dunedin (first hearing).

The Local Planning Agency recommended approval of the request. One letter and one email in opposition and two emails stating concerns regarding the application have been received.

Mr. Bailey referred to the zoning and land use map and aerial and ground-level photographs, pointed out the location of the subject property, and indicated that the property currently contains recycling drop-off bins, a traffic court facility, and a communication tower; that the proposed uses include a driver's license test course and a Household Electronics and Chemical Collection Center (HEC3); and that expansion of the existing buildings would not occur until 2020 or later.

Mr. Bailey described surrounding land uses and presented staff's recommendation of approval, relating that the location is easily accessible from U.S. Highway 19; that there is a demonstrated need for the proposed uses; and that the proposed PSP zoning is consistent with the Comprehensive Plan and the existing Institutional land use category. He indicated that there is a six-foot fence on the south end of the property and a thick

stand of Australian Pine trees to the west, providing screening from adjacent residential uses.

Mr. Bailey indicated that no decision will be made today, as it is the first hearing; and that the issue will be decided at the second hearing to be held on February 23, 2016.

Deb Bush, Pinellas County Solid Waste, provided background information, relating that there have been many requests from the municipalities, participants, and other partners for consistent north county collection events; that the Tax Collector needs a safe driving course for license examinations; and that the subject property is large enough to house both uses. She provided statistical information regarding collection events and participants, noting that north county events are much more popular than those in south county, and discussed the challenges of operating mobile collection sites in Home Depot and high school parking lots.

Ms. Bush related that the proposed HEC3 site would operate one Saturday per month from 8:00 A.M. to 4:00 P.M. She explained the collection process and provided estimates with regard to collection timing and volume, and indicated that participation is expected to be low for the first couple of years; that the proposed queuing area would accommodate 354 vehicles; and that materials to be collected would include household and garage items, noting that used oil, gasoline, and antifreeze are accepted as bulk items.

In response to query by Mr. Woodard, Ms. Bush related that all materials would be removed from the site at the end of each event; and that the only onsite storage items would be cones, carts, and other supplies. Commissioner Eggers expressed concerns regarding appropriate barriers and placement of the pole barn, and requested additional information regarding future expansion plans; whereupon, Ms. Bush indicated that the project is in the conceptual planning phase; that engineers are assisting with the site layout; and that residents are welcome to participate in any discussions going forward.

Discussion ensued, and responding to queries by Commissioners Gerard and Eggers, Planning Department Director Gordon Beardslee clarified that there are no plans to extend Ranchette Lane. Mr. Woodard commented that the project is intended to be a partnership that would respond to citizen demand for a north county collection site and the Tax Collector's need for a safe driving facility location.

Chief Deputy Tax Collector Carlos Thomas spoke in support of the proposal, indicating that road tests are currently conducted in a nearby neighborhood and on U.S. Highway 19; and that the project would provide a safe driving course for citizens while allowing tests to be conducted more frequently, more efficiently, and at a reduced cost.

Nicole Easter, U.S. Ecology, indicated that she represents the contractor that handles household hazardous waste for the County; whereupon, she provided information regarding safety measures to be taken during operation of the site.

Calvin Warren, Assistant Public Services Director, City of Indian Rocks Beach, provided

input regarding safety measures taken at previous events and discussed the need for a drop-off facility in north county.

In response to the Chairman's call for objectors to the application, the following persons stated their concerns regarding hazardous waste, environmental accidents, air quality, ground and creek contamination, hazardous material storage, trespassing, traffic, noise, protected habitats, home values, appropriate buffers, and public access to Ranchette Lane, and responded to queries by the members.

Phyllis Griffin, Clearwater
Didier Malagies, Dunedin
Chia Ross, Dunedin
Alexander Raymond, Dunedin (submitted petition with 12 signatures)
Kay Shumway, Clearwater
Francis McGrath, Dunedin

Thereupon, Real Estate Management Director Andrew Pupke, Ms. Bush, and Messrs. Woodard, Beardslee, and Bailey responded to the concerns of the objectors and queries by the members, relating that no hazardous material incidents have occurred at any of the collection sites; that testing of underground gas tanks before removal revealed neither leakage nor contamination; that Institutional land use code would be strictly followed pertaining to residential buffers; that the County is subject to the same conditions, regulations, and codes that any private party would be subject to; and that the property would be used as a staging area for the collection of household chemicals and electronics, and no industrial waste would be accepted.

In response to query by Commissioner Gerard, Ms. Bush related that four events held last year had an average of 490 participating vehicles during an eight-hour time frame; and that the types of waste vary over time. She reviewed the procedure for the collection, separation, storage, transport, and disposal of collected materials, clarifying that all material would be removed from the site at the end of the day, and indicated that explosives and commercial waste are prohibited, although there is an exception for businesses that generate less than 220 pounds of waste per month; whereupon, Commissioner Eggers requested that an informational document be created to address residents' concerns.

In response to queries by Chairman Justice and Commissioners Eggers, Mr. Bailey related that the building setback requirement is 20 feet; and that there is a mini storage facility to the north of the subject property.

Thereupon, Chairman Justice restated that the second public hearing will be held on February 23.

- 21.** Case No. Q Z/LU-18-9-15 (Pinellas County, C1 Bank and Pinellas County Surplus Land Trust-Bayside, Pinellas Community Housing FDTN Inc., TRE) (Final Adoption)
A request for a land use change from Residential Low Medium to Residential Low on approximately 11.8 acres located at the northern terminus of 49th Street North, being west of

the western terminus of 164th Avenue North in the unincorporated area of Largo.

Ordinance No. 16-06 adopted changing the land use designation. The Local Planning Agency recommended approval of the request. Two letters in support of the application have been received, and correspondence carried over from Case No. Z/LU-3-3-15 includes eight letters and a petition with 700 signatures in support of the land use and zoning designations reverting to the designations that existed prior to the 2008 Development Agreement.

Noting that today's Final Adoption hearing applies only to the land use component, Planning Department Zoning Manager Glenn Bailey referred to the zoning and land use map, pointed out the location of the properties, and identified the areas that were rezoned in October 2015. He indicated that the properties are owned by the County and C-1 Bank, noting that the majority belongs to the County.

Mr. Bailey indicated that the area is the location of the defunct Bayside Apartment Homes and Bayside Reserves project approved in 2008; that a provision in the Development Agreement stipulated that the property would revert to its previous land use and zoning designations if construction did not commence in five years; and that construction did not occur. He reported that the Board approved the zoning amendments last October; that the Future Land Use Map component was transmitted to state and regional agencies for review and comment as required by law; and that the agencies either were in favor of the amendment or had no comment; whereupon, he presented staff's recommendation of approval, noting that a Countywide Plan Map amendment is not required.

In response to the Chairman's call for citizens wishing to be heard, David Waddell and Richard Shott, Clearwater, appeared and stated their concerns. Mr. Waddell thanked the Board for honoring the terms of the Development Agreement and, referring to a site plan, expressed frustration pertaining to the quasi-judicial process and late notice of a February 8 Plan Review Committee meeting regarding the property, indicating that he has requested a continuance.

In response to query by Commissioner Welch, Mr. Woodard related that the County became aware of the Bank's intention to submit a rezoning application late last year; and that the site plan displayed by Mr. Waddell was likely a preliminary submission; whereupon, Development Review Services Director Blake Lyon indicated that the site plan was submitted at a pre-application meeting in November; and that the Plan Review Committee will meet on February 8 to consider the rezoning request prior to making a recommendation to the Local Planning Agency.

Noting that he has a great deal of respect for tonight's speakers and other residents in the area, Mr. Woodard stated that the County has a responsibility to process properly submitted zoning and land use requests in accordance with its policies, rules, and regulations.

Responding to queries by Commissioner Welch, Messrs. Bailey, Lyon, and Woodard provided clarification regarding the parcels currently under consideration and the

location of the Bank properties referred to by Mr. Waddell.

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

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

ADJOURNMENT

7:41 PM

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk