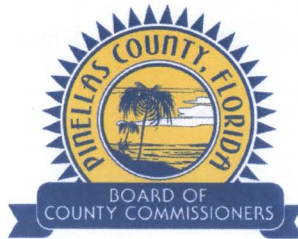


Pinellas County

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



Minutes - Final

Tuesday, May 23, 2017

2:00 PM

BCC Assembly Room

Board of County Commissioners

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

ROLL CALL - 2:01 P.M.

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

Others Present: Jewel White, Chief Assistant County Attorney; Mark S. Woodard, County Administrator; Frederick L. Dean, Finance Division Director, Deputy Clerk; and Lynn Abbott and Tony Fabrizio, Board Reporters, Deputy Clerks.

INVOCATION by Pastor John Fullerton with St. Andrews Presbyterian Church in Dunedin.**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS****1. Employee Appreciation Month Proclamation.**

Proclamation presented to:

Robert Alexander, Public Works
Chuck Fry, Utilities
DJ Jones, Animal Services
Roberto Quijada, Real Estate Management
Natasha Suarez, Planning

Chairman Long and Mr. Woodard thanked the honorees for delivering first class services to the public and exemplifying what is great about Pinellas County.

2. Doing Things! Employee Recognition - Clarethia Monroe, Utilities.

Chairman Long and Mr. Woodard recognized Customer Services Specialist Clarethia Monroe, relating that she is a seven-year employee who assists Utilities customers with billing and service concerns through the Customer Service Call Center and helps coworkers address complicated customer inquiries. He noted that she has been selected to participate in the Career Ladder program; whereupon, a video was shown highlighting the services she provides.

3. Memorial Day Proclamation and Video.

Following a video of the Battlefield Cross Memorial dedication, Chairman Long recognized Gold Star Family representatives Jim Beck, Michele Cary, Toni Gross, Annette Kirk, Yolanda Mercado, Tom Oakley, and Jean Uffalussy; whereupon, she read a proclamation, and presented a plaque to Dianne Magee, Pinellas County Veterans Council Secretary.

4. Partner Presentation:

Tampa Bay Partnership - Barry Shevlin, Member, Council of Governors.

Barry Shevlin, CEO and President of Vology, provided a historical, financial, and operational overview of his company, noting that it is a full-service Information Technology solutions provider, and discussed his work with the Tampa Bay Partnership Council of Governors, noting the importance of solving transportation issues, developing statewide regulations for the rideshare industry, and moving forward to help plan, implement, and operate a regional transit plan; whereupon, the members thanked him for his commitment to Pinellas County.

CONSENT AGENDA - Items 5 through 18 (Item 12 addressed under Regular Agenda)

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

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER**5. Minutes of the regular meeting held April 25, 2017.****6. Vouchers and bills paid from April 9 through April 29, 2017.**

Period: April 9 through April 15, 2017

Payroll - None

Accounts Payable - \$10,628,493.80

Period: April 16 through April 22, 2017

Payroll - \$3,299,757.13

Accounts Payable - \$15,506,895.35

Period: April 23 through April 29, 2017

Payroll - None

Accounts Payable - \$29,646,655.34

Reports received for filing:

7. Juvenile Welfare Board of Pinellas County Financial Statements and Compliance Reports for the year ending September 30, 2016, along with Certified Annual Financial Report dated May 3, 2017.**8. Dock Fee Report for the month of April 2017.**

Miscellaneous items received for filing:

9. City of Clearwater Ordinances Nos. 9000-17 and 9001-17 adopted April 6, 2017, annexing certain properties.
10. Eastlake Oaks Community Development District minutes of the meeting held February 9, 2017.
11. Clearwater Cay Community Development District proposed Fiscal Year 2017-2018 Annual Operations and Maintenance Budget.

COUNTY ADMINISTRATOR DEPARTMENTS

Human Services

13. Program recommendation for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant submission.

Public Safety Coordinating Council's recommendation approved for the submission titled "Pinellas County Marchman Act Recovery Team." Grant application is for \$400,000.00 per year for up to three years, to be administered by Operation PAR.

Planning

14. Authority to advertise a public hearing to be held on June 20, 2017, regarding the Fiscal Year 2017-2018 Annual Action Plan for federal funding from the U.S. Department of Housing and Urban Development.

Public Works

15. Award of bid to Sunbelt Sod & Grading Co. and Tom's Sod Services for requirements of sod materials and services for the Tampa Bay Area Purchasing Cooperative.

Bid No. 167-0120-B in an annual amount of \$334,820.50 awarded on the basis of being the lowest responsive, responsible bids received meeting specifications. Total estimated five-year expenditure not to exceed \$1,674,102.50; County estimated five-year expenditure not to exceed \$1,410,243.75.

- Sunbelt Sod & Grading Co. for sod delivered and installed for a total amount of \$1,589,465.00.
- Tom's Sod Services for sod (pick up), for a total amount of \$84,637.50.

Utilities

16. Award of bid to Chemtrade Chemicals US, LLC for annual requirements of liquid aluminum sulfate - a Tampa Bay Area Purchasing Cooperative contract.

Bid No. 167-0128-B in an annual amount of \$628,739.90 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. Total estimated 60-month expenditure not to exceed \$3,143,699.50; County estimated 60-month expenditure not to exceed \$2,045,503.50. Contract provides for annual price adjustments as set forth in the Staff Report.

COUNTY ATTORNEY

17. Notice of new lawsuit and defense of the same by the County Attorney in the case of Jill Fischer-Peters v. Ameripath Florida, LLC, Sunstar, et al. - Circuit Civil Case No. 17-002251-CI-13.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

18. Renewal and Issuance of Certificates of Public Convenience and Necessity for Non-Medical Wheelchair Transport and Stretcher Van Providers.

Certificates issued to the following providers in accordance with Pinellas County Code Section 54. Chairman authorized to sign the certificates.

Americhair Transport Service, Inc.

CareCabee Transportation, L.L.C.

Care Ride, L.L.C.

Comfort Coach Wheelchair Transportation, Inc.

EKallevig Transport, L.L.C. d/b/a Caliber Patient Transport

Liberty Wheelchair Transport, L.L.C.

Lifefleet Southeast, Inc. d/b/a American Medical Response (AMR)

Mac J Transport, Inc.

MedFleet, Inc.

Tender Touch Transport Service, L.L.C.

The Crisis Center of Tampa Bay, Inc. d/b/a TransCare Medical Transportation Services

Trinity Mobility, Inc., d/b/a A Trinity Wheelchair Transportation

Wheelchair/Stretcher Limo, Inc.

Wheelchair Transport Service, Inc.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

County Administrator

- 12.** Receipt and file report of non-procurement items delegated to the County Administrator for the period ending April 30, 2017.

In response to a request for clarification by Commissioner Eggers pertaining to Delegated Item No. 30, Summary of Commercial Insurance Coverage for property and casualty risks, Mr. Woodard related that authority for the insurance renewal program was delegated to the County Administrator in 2006; that the renewal period was adjusted to a date outside of hurricane season; that cybersecurity coverage has been added; and that the aggregate premium is approximately \$8 million.

In response to queries by Commissioner Eggers and Chairman Long, Mr. Woodard indicated that the delegation of authority is documented, and Risk Management Director Virginia Holscher described her department's policy renewal process, relating that reviews are performed at least every three years; and that the County now carries flood insurance as required by the Stafford Act. She explained the importance of the delegation of authority, noting that it is sometimes necessary to bind coverage within an hour, and referred to the crisis after the 2004 and 2005 hurricane seasons; whereupon, Mr. Woodard indicated that he receives a recommendation report containing staff and broker analyses; and that, going forward, he will share the information with the Commissioners for their review.

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

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

Nay: 1 - Commissioner Eggers

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

- 19.** Program Year 2017-2018 Planning Budget for WorkNet Pinellas, Inc., d/b/a CareerSource Pinellas.

Budget for the year beginning July 1, 2017, approved for submission to the State Workforce Board.

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

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

Public Works

- 20.** District Seven Highway Landscape Reimbursement and Maintenance Memorandum of Agreement with the Florida Department of Transportation for the Pinellas Bayway/SR 679 beautification landscape project.

Agreement approved (FDOT PID No. 440205-1-58-01) providing grant funding in the amount of \$1,000,000.00. Chairman authorized to execute and the Clerk to attest.

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

- 21.** Increase to the blanket purchase agreements with Crawford Maintenance Services, LLC and Stan Cisilski, Inc. for requirements of the Surface Water Work Order Contract.

Increase to Contract No. 134-0379-B in an amount not to exceed \$1,250,000.00 approved for a revised estimated expenditure of \$7,000,000.00 through June 30, 2017.

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

Real Estate Management

- 22.** Resolution and lease agreement with the Florida Dream Center, Inc. for property at 4017 56th Avenue North, in St. Petersburg.

Resolution No. 17-30 adopted and lease agreement approved. Lease is for a term of five years.

Mr. Woodard related that execution of the lease agreement is subject to the receipt of an executed quitclaim deed from the Pinellas County Housing Finance Authority.

Responding to the Chairman's call for citizens wishing to speak, Jonathan Brewer indicated that he represents Rotary District 6950, which supports the Dream Center, and requested approval of the lease, assistance from County engineering and building staff to identify and plan structural improvements to the second floor, and a list of materials needed for Code compliance. He asked that fees related to permits and inspections be waived, noting that the Rotary will pay for the subcontractor, labor, and materials; and that the improvements would be provided at no cost to the County.

In response to query by Chairman Long, Mr. Woodard related that he has had no contact with the Rotary; that discussions with the Florida Dream Center included use of the upstairs; and that staff evaluated the structure. He discussed the Code improvements needed to make the building compliant and indicated that staff will follow up with Mr. Brewer, noting that using public money to make structural improvements on a property for a short-term use would not be a good return on investment.

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

COUNTY ADMINISTRATOR

23. County Administrator miscellaneous: None.

COUNTY ATTORNEY

24. County Attorney miscellaneous.

Attorney White indicated that the County has received final dismissal in the United States ex rel. Dean "Whistleblower" lawsuit and the case was settled and has been completely resolved.

COUNTY ADMINISTRATOR REPORTS

25. County Administrator reports:
- Doing Things! TV - Air Quality.

At Mr. Woodard's request, staff played the County's latest *Doing Things!* YouTube video titled *Air Quality*, which highlighted the best practices the County employs to ensure high air quality.

Mr. Woodard noted that a recent Air Quality Advisory issued for high ozone levels associated with record-high temperatures and wildfires in adjacent counties has been lifted.

CITIZENS TO BE HEARD

26. Public comment.

Brian Scott, Seminole, re Seminole water tower
Rev. Kathleen Walter, Clearwater, re Penny for Pinellas
Johnny Watson, Largo, re Penny for Pinellas

Rev. Paul Gibson, St. Petersburg, re Penny for Pinellas
Rev. Jen Daysa, Seminole, re Penny for Pinellas
Janice Olson, Largo, re Penny for Pinellas
Michael Anderson, homeless, re Penny for Pinellas
Rev. Eugene Watson, Palm Harbor, re Penny for Pinellas
Ralph Madison Jr., St. Petersburg, re Penny for Pinellas
Harry Williams, Pinellas Park, re Penny for Pinellas
Florette Young, St. Petersburg, re affordable housing
Harry Miller, Pinellas Park, re Penny for Pinellas
Lenore Faulkner, Madeira Beach, re education excellence
David Ballard Geddis Jr., Palm Harbor, re Sodom and Gomorrah "setup"
Greg Pound, Largo, re truth

Commissioner Welch thanked the members of Faith and Action for Strength Together (FAST) who spoke and noted that he and Commissioner Eggers enjoyed the recent Nehemiah Action conference; whereupon, he clarified that he supports allocating 4.125 percent, or an estimated \$82.5 million, of prospective Penny for Pinellas IV tax revenue for affordable housing.

Later in the meeting, Commissioner Gerard related that she also supports the allocation for affordable housing.

COUNTY COMMISSION

27. Appointments to the Council for Persons with Disabilities (individual appointments by each Commissioner).

Commissioner Justice requested that the worksheet in the agenda packet showing the appointments be amended to include his nominee, Linsey Grove.

Also appointed to serve two-year terms on the new Council were James "Steve" Cleveland (Chairman Long), Deborah Figgs-Sanders (Commissioner Welch), Douglas Towne (Commissioner Eggers), Kailey Creech (Commissioner Gerard), Keli Mondelo (Commissioner Morroni), and Jennifer Boggess (Commissioner Seel).

Commissioner Eggers noted that Mr. Towne was present and thanked him for volunteering.

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

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

28. Appointment to the Lealman Community Redevelopment Area Citizen Advisory Committee (Commission as a whole).

Ballots were distributed, collected, and presented to the Clerk for tabulation. Later in the meeting, Chairman Long announced that Enoch Nicholson has been elected to fill an

unexpired term ending December 31, 2017.

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

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

29. County Commission Board Reports:

- Capital Projects Funding Recommendations from the Tourist Development Council - American Craftsman Museum.

Commissioner Eggers

- Pinellas Suncoast Transit Authority (PSTA): The Finance Committee discussed small buses as an option for certain routes, and the full Board will consider the option at tomorrow's meeting.
- MyVa Community Engagement Board: Noted that Dr. Alfonso Carreno, chief of Mental Health and Behavioral Sciences Services, Bay Pines Veterans Administration Healthcare System, gave an enlightening talk about suicide rates within the veterans community. Offered to share a PowerPoint presentation from that meeting and suggested inviting Dr. Carreno to present at a future Commission meeting.
- Tampa Bay Water: The Executive Committee met recently and discussed water quality issues that will be taken up at the next meeting. The Executive Director's review is coming up.

Commissioner Welch

- Business Technology Services: It was decided at a May 17 workshop to postpone recruitment of a new Chief Information Officer (CIO) pending discussions about realigning certain vertical applications to the County Administrator. The Board is comfortable with Jeff Rohrs as Interim CIO, and discussions are going well between Mr. Rohrs and the Administrator.

Commissioner Justice

- Area Agency on Aging of Pasco-Pinellas: Ann Marie Winter, formerly Chief Operating Officer for Specialized Programs and Policy at Gulf Coast Jewish Family and Community Services, is the new Executive Director, replacing longtime leader Sally Granda.
- Tampa Bay Estuary Program: Executive Director Holly Greening announced her retirement.

Commissioner Gerard

- Value Adjustment Board: Sent out a second solicitation for a Board Attorney after the first attempt drew few responses. Letters are due back June 22, and the Board will choose an attorney on July 18 to start the new cycle.
- Youth Advisory Committee: The members will receive their participation certificates later in the meeting, and the Committee will be off for the summer.

Commissioner Morroni

- Human Rights Board: Will meet next on June 7.
- Forward Pinellas: Communication from the Florida Department of Transportation (FDOT) has improved greatly. Bill Jones, FDOT's Project Development Director, gives a report at each meeting and has been meeting with mayors and city councils. Construction on the new northbound span of the Howard Frankland Bridge is set to begin in 2019. Gateway Express construction will commence this fall, and the project is set for completion in 2022. The Pinellas Planning Council underwent its annual audit recently and received a clean report.

Chairman Long

- Army Corps of Engineers/Beach Nourishment: Chairman Long has been working with Representative Charlie Crist's office on issues related to the reluctance of property owners on Sand Key to participate in the Beach Nourishment program.
- County Attorney Oversight Committee: At Chairman Long's request, Human Resources Director Holly Schoenherr provided an update on the status of the recruitment for a new County Attorney, relating that as of May 28, the HR Department had received 27 applications; that most applicants met the minimum qualifications; and that a SharePoint site is being set up through which Committee members will be able to view the applications. She indicated that qualified applicants will be sent an additional questionnaire covering competencies associated with the position, which will be due back in approximately another week.
- Pinellas Suncoast Transit Authority Legislative Committee: Chairman Long credited Senator Jack Latvala and the state government advocacy team for passage of a bill revamping the Tampa Bay Area Regional Transportation Authority and a \$1 million allocation for design work to facilitate Bus Rapid Transit between Clearwater and Clearwater Beach. Executive Director Brad Miller is working on a pilot program for driverless cars similar to a program in Tampa.
- Tourist Development Council (TDC): Met last week to discuss the budget. Will review the Elite Event Funding Program applications on May 26.

TDC Capital Projects Funding Recommendation

Chairman Long indicated that the Commission would now consider the TDC Capital Project Funding recommendation of \$6 million for the American Craftsman Museum; whereupon, at her invitation, the following individuals appeared and offered their support:

Alan DeLisle, City of St. Petersburg Development Administrator
Travis Norton, St. Petersburg Area Chamber of Commerce

Discussion ensued, and Chairman Long related that she brought the recommendation back to the Commission for another vote out of respect for her colleagues even though motions for approval at TDC and Commission meetings technically failed by virtue of tie votes. Commissioner Welch advocated for the funding, citing the private investment in the project of more than \$80 million, the project receiving the necessary scoring by the TDC, and safeguards being in place such as the proposed payment terms of \$2 million for three years on a reimbursement basis.

Commissioner Justice noted that the TDC's Capital Project Funding Committee initially approved recommending the funding by a 7-3 vote; whereupon, Chairman Long related that opinions were changed during the TDC's discussion because care was taken to ensure that all members' views were fully considered. Commissioners Morroni and Seel stated their opposition to the funding, citing the museum's lack of a track record and the project's estimated annual Tourist Development Tax collection of only about \$150,000.

Following discussion, Commissioner Justice proposed that the Commission authorize staff to negotiate with the American Craftsman Museum for Tourist Development Tax funding with a ceiling of \$6 million, centering on questions raised during discussion and by the TDC.

A motion was made by Commissioner Justice, seconded by Vice-Chairman Welch, that staff be authorized to begin negotiations, as stated above. The motion carried by the following vote:

Aye: 4 - Vice-Chairman Welch, Commissioner Eggers, Commissioner Gerard, and Commissioner Justice

Nay: 3 - Chairman Long, Commissioner Morroni, and Commissioner Seel

30. County Commission miscellaneous.

The members expressed condolences to Senator Jack Latvala and his family on the passing his mother.

Commissioner Morroni

- Wished everyone a happy and safe Memorial Day.

Commissioner Eggers

- Congratulated Keith Kurber and Anita Apley on being inducted into the Dunedin Senior Hall of Fame, praising them for their service to the community.
- Will continue his meetings with mayors and city managers, and will meet next with Safety Harbor Mayor Joe Ayoub and City Manager Matt Spoor.
- Gave the days and times for Memorial Day remembrances in Crest Lake Park, Oldsmar, Curlew Hills Memory Gardens, and Tarpon Springs.
- Indicated that he tried to convince retiring County Attorney Jim Bennett to stay through July as originally planned, expressed concern about "the process" he went through, and suggested the Commission schedule a time to formally recognize him for his service.
- Congratulated the Palm Harbor Fire Department for christening its new safety boat in Ozona.
- Thanked Chairman Long for inviting the Gold Star Family representatives who were recognized earlier in the meeting.

Commissioner Welch

- Echoed Commissioner Eggers' comments about Attorney Bennett and inquired about the appointment of an Interim County Attorney; whereupon, Chairman Long indicated that the County Attorney Oversight Committee will discuss the issue on June 15, and Attorney White related that Mr. Bennett will take a number of weeks of vacation before leaving and, as Chief Assistant County Attorney, she will perform his duties during that time.

Commissioner Justice

- Expects to present a Municipal Services Taxing Unit grant request for improvements to the recreation facilities in Tierra Verde at the next meeting.
- Referring to public comment earlier in the meeting, clarified that his father, rather than he, served on the staff at Pasadena Presbyterian Church.

Commissioner Seel

- Echoed comments about Attorney Bennett and praised him for his dedication to the County for more than 30 years, his honesty and ethics, and for building a capable staff that has more camaraderie than most, and Commissioner Gerard concurred.

Commissioner Gerard

- Noted that she attended the launching of a new University of South Florida (USF) research vessel this morning in Tarpon Springs, and there was a great turnout.
- Inquired about a memo sent by Chairman Long regarding purchasing cards; whereupon, Chairman Long indicated there is a need for a uniform policy governing their use, and the matter may be discussed at an upcoming workshop.

Chairman Long

- Expressed concern that a computer provided in the media room for public access to County email and documents could be vulnerable to hackers and viruses and suggested that restrictions be implemented.

Attorney White advised that the County must respond to public records requests as they come in, but that is not required to provide unfettered access through a computer terminal. Responding to queries by the members, she indicated that if the computer is available to any members of the public, it should be available to all; and suggested that the Commission ask Business Technology Services (BTS) to analyze the security risks.

Commissioner Welch agreed to discuss the matter with Mr. Rohrs; whereupon, Commissioner Justice stated that he would like to hear from BTS before eliminating access because he is proud that the County offers the public that level of access to the record.

- Discussed her concern about the contract stalemate between United HealthCare and Johns Hopkins All Children's Hospital and, noting that the insurance company is the health insurance administrator for County employees, asked Director of Human Resources (HR) Holly Schoenherr to provide an update.

Ms. Schoenherr concurred with Chairman Long that the stalemate is affecting many employees and their families; whereupon, she indicated that the County has a standard contract with United; that her department is watching the negotiations closely and is encouraged by recent movement; that gaps in coverage like this one occur from time to time when contracts expire and negotiations linger; and that the County appreciates the positions of both parties in trying to reach an agreement that provides for high-quality but affordable health care.

Responding to queries and comments by the Commissioners, Ms. Schoenherr related that there is a continuity of care provision in the contract that allows established patients to continue receiving hospital care at in-network rates for up to six months; that the provision covers more than cancer; that HR communicated with employees about the situation within the last two weeks; that information is available through the benefits link on the HR webpage; and that United HealthCare and Johns Hopkins All Children's Hospital are not legally required to renew their contract, but it

is in their best interest to do so.

Following discussion and responding to a request by Chairman Long, Ms. Schoenherr agreed to invite representatives of the insurance company and the hospital to a future Commission meeting to discuss the situation.

- Related that she and Mr. Woodard have discussed a request that the County provide \$50,000 in seed money for a Veterans Reef project promoted by former Congressman David Jolly and requested that staff be directed to proceed with the allocation.

Mr. Woodard opined that the project is a good fit with the County's artificial reef program, relating that it is funded through the solid waste budget; and that a placeholder for \$50,000 has been included in the budget for that purpose. He indicated that the construction cost is estimated at \$500,000; that a Legislative appropriation request for that amount failed this year; and that the County would rely on the project's organizers to obtain that funding from the state next year.

- Discussed Fourth of July fireworks, and following input by Commissioner Welch on the County's ordinance, asked Director of Marketing and Communications Barbra Hernandez to issue a reminder to the general public about the regulations, and Ms. Hernandez agreed to do so.
- Discussed her attendance at the launching of the USF research vessel.

Meeting Recessed: 4:42 P.M.

Meeting Reconvened: 6:02 P.M.

PRESENTATIONS AND AWARDS

31. Youth Advisory Committee Year-end Presentation - Dayita Wable, Chairman.

Outgoing Youth Advisory Committee (YAC) Chairman Dayita Wable, Largo High School, discussed her experiences on the Committee and its functions and accomplishments, and staff played a video that highlighted the students' focus on community service.

Commissioner Gerard thanked staff for attending YAC meetings during the year to discuss their jobs and presented certificates to Ms. Wable and the other YAC members; whereupon, a group photo was taken with the Commissioners.

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

32. Petition of Eastern Shores Holdings, LLC to vacate a portion of a platted right-of-way on Lots 14 through 16 and on the north of the south line of Lot 17, Riverside Farms, Plat Book 3, Page 16 in Section 2-27-15, Pinellas County, Florida (legislative hearing).

Resolution No. 17-31 adopted granting the petition. Clerk authorized to record the resolution. Letters of no objection were received from all appropriate parties. Affected property owners were notified as to the date of the public hearing. No correspondence has been received. No citizens appeared to be heard.

Mr. Woodard indicated that the petition pertains to the vacation of a 10-foot by 149-foot alleyway to clear a building encroachment, and staff has no objection.

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

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

33. Ordinance amending the County Code regarding the redevelopment of mobile home parks; Chapter 38, Article III to add Division 4 - Section 38-100; and modifying Section 138-240(20) (first hearing); and Ordinance amending the Future Land Use and Quality Communities and the Housing elements of the County Comprehensive Plan to establish policies regarding the redevelopment of non-conforming mobile home parks as affordable housing (first hearing).

First public hearing held and staff authorized to transmit the proposed ordinances to Forward Pinellas and the Florida Department of Economic Opportunity for review and comment.

Mr. Woodard related that the proposed ordinances provide a mechanism for the County to incentivize the redevelopment of mobile home parks in the Lealman Community Redevelopment Area (CRA), explaining that property owners who are grandfathered for higher density allowances than the current Code permits would be able to apply for a special exception that would provide a density bonus, subject to certain conditions.

Responding to query by Commissioner Gerard, Mr. Woodard indicated that staff decided to start only with the Lealman CRA because it has one of the County's highest densities of mobile home parks, but other unincorporated areas could be phased in later if the changes bring about the desired result.

Planning Director Renea Vincent responded to additional queries by the Commissioners as follows:

- The ordinances were carefully crafted to discourage developers from displacing residents before providing staff with acceptable plans for redevelopment and relocation.

- She will check to see whether the local branch of the Federation of Manufactured Homes still has an organized group, and if it does, she will reach out to representatives about the proposed ordinances.
- The proposed ordinances are being presented without a planned revision to allow manufactured homes on the properties. Staff changed its position after meeting with industry representatives and touring manufactured home facilities and weighing the importance of retaining affordable housing. However, replacement units must have a manufactured date of June 1, 1994 or later, reflecting more stringent construction standards.
- Redeveloped properties must be certified as affordable housing developments by the Community Development Department.
- Stacked flats are multi-family dwellings with a unit on the ground floor and another above it, with all of the living space of each on one level.
- Mobile home parks occupy about 2,200 acres in Lealman, or about nine percent of the CRA. About half are problem parks, and some are in very bad shape.
- Parcels adjacent to mobile home parks can be rolled into a development project but would not enjoy the full benefit of the park's nonconforming density. Staff can look into ways to incentivize development on adjacent parcels.
- Improving living conditions at existing mobile home parks is a bigger challenge, but staff can pursue the matter.
- Staff hopes to present the final versions of the ordinances in July or August.

Commissioner Gerard related that the City of Largo has addressed poor living conditions in mobile home parks through Code Enforcement and with the Fire Department. Commissioner Eggers, citing his experiences in the City of Dunedin, opined that such an approach has to be carefully navigated because park owners can close down and displace residents.

Mr. Woodard related that the County has been trying to address the problem of deteriorating parks for years, but previous ideas have always brought unintended consequences for those needing help, and the new proposed ordinances seem like a viable approach.

34. Ordinance amending the County Code providing for locations, zoning, operating conditions, and number of medical marijuana dispensing facilities and treatment centers (final hearing).

Staff authorized to redraft the proposed ordinance as discussed and present it for consideration at the July 18, 2017 meeting.

Mr. Dean related that 280 emails urging the County to reconsider the number of dispensaries allowed were received, including 210 in connection with the previous public hearing on the ordinance.

Upon Chairman Long's call for citizens wishing to be heard, Beth Leytham, The Leytham Group, and Todd Pressman, Pressman and Associates, Inc., appeared separately and stated their partial opposition to the ordinance.

Ms. Leytham indicated that she was appearing on behalf of one of the state's approved marijuana growers and advocated for stricter controls than those provided for in the ordinance and existing code. She responded to queries by the members as follows:

- An approved grower with a dispensary in Clearwater, Trulieve, is seeking to sell smokable whole-flower cannabis. The product's legal status falls into a gray area because it is designed for use with a vaporizer, which is legal.
- The state has not yet imposed limits on the number of retail dispensaries each approved vendor can have.
- A sensible starting point would be to limit the number of dispensaries to one for every 67,222 residents, as recommended in a Marijuana Policy Group study. Mr. Woodard provided input, noting that would equate to four dispensaries in the unincorporated County.
- If the County restricts the number of approved growers to fewer than the state-approved seven, it could determine the winners on a "first-in" basis, as Pasco County has done, or through a process that considers merit.
- Hillsborough County's proposed medical marijuana ordinance is very comprehensive, limits the number of dispensaries to the recommended population ratio, and includes a merit-based selection process.
- The product can be obtained by delivery, but not on a 24-hour basis.

Mr. Pressman discussed unintended consequences of not having strict controls, citing the sale of smokable marijuana as reported in the *Orlando Sentinel*, and referred to the emails from County residents favoring a cautious approach.

Lengthy discussion ensued, and Mr. Woodard, Senior Assistant County Attorney David Sadowsky, and Attorney White, with input by Ms. Vincent, responded to queries and comments by the Commissioners as follows:

- As drafted, the ordinance allows each state-approved grower to have one vertically integrated facility with manufacturing and up to 25 percent retail and one freestanding retail facility, subject to zoning restrictions.

- The maximum number of dispensaries allowed by the ordinance, based on the state's current limit of seven growers, would be 14, but there may be fewer because some of the growers could decide they do not need a standalone retail outlet.
- The proposed ordinance is subject to preemption when the state enacts its medical marijuana rules. If the Legislature does not act, Amendment 2 requires that the Department of Health (DOH) adopt regulations by July 3 and implement them by August 3.
- The DOH is focused on rulemaking that covers activities within the manufacturing and retail entities and other factors such as purity and chemical composition, not where the facilities can be located within the communities, which likely leaves zoning issues to local governments.
- Allowing more than the suggested one dispensary per 67,222 residents could be justified by the geographically dispersed population in the unincorporated portions of the County.
- Staff was asked for, and therefore included, an alternate approach that calls for regulating medical marijuana through existing zoning. Medical marijuana manufacturing would be treated as light industrial, and retail dispensaries would be treated like pharmacies.
- Staff does not want to pick and choose which of the state-approved growers are allowed to manufacture and/or dispense in the County, which is another argument for allowing the state's currently approved seven growers.
- The prudent approach to investigating whether the County can regulate how medical marijuana is consumed is to see what rules the DOH imposes before taking action.
- If the County caps access at the seven growers currently approved by the state, it would have to provide rationale for not allowing new approvals with code language such as the population-ratio restriction.
- There is no need to emulate Hillsborough County's ordinance because all of the restrictions included are covered by state law, existing County code, and the proposed ordinance.

Following further discussion with input by Mr. Woodard and Attorney White, Commissioner Gerard moved that the ordinance be amended to limit the seven growers to one facility each, whether manufacturing/retail or retail, and remove the restriction that dispensaries be housed in stand-alone buildings.

Commissioner Seel seconded the motion, amending it to restore language involving separation from daycare centers that was included in an earlier draft, and Commissioner Gerard accepted her amendment.

Attorney White recommended that the ordinance be redrafted and brought back to the Commission in mid-July, advising that the DOH rules would be known by then; and that the revisions could be substantive enough to require two public hearings and new advertisement; whereupon, discussion ensued pertaining to enforcement.

Attorney White requested and received confirmation from the Commissioners that the revised ordinance should include the following changes:

- Cap the number of growers allowed at the seven currently approved by the state.
- Limit the approved growers to one dispensary each, either manufacturing and retail or retail only.
- Remove the hours-of-operation restriction for manufacturing, but not retail sales.
- Restore the daycare separation language.

A motion was made by Commissioner Gerard, seconded by Commissioner Seel, that the item be deferred for modification, as stated above. The motion carried by the following vote:

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

Nay: 1 - Commissioner Justice

ADJOURNMENT - 7:45 P.M.

ATTEST: KEN BURKE, CLERK

By

Deputy Clerk

Chairman

