

Pinellas County

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



Minutes - Final

Tuesday, November 22, 2016

9:30 AM

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 - 9:34 A.M.

Present: 6 - Charlie Justice, Janet C. Long, Dave Eggers, Pat Gerard, John Morroni, and Kenneth T. Welch

Absent: 1 - Karen Williams Seel

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Tony Fabrizio and Michael Schmidt, Board Reporters, Deputy Clerks.

INVOCATION by Reverend Clarence Williams, Pastor of Greater Mt. Zion A.M.E. Church in St. Petersburg

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

1. Presentations and awards:

Doing Things Employee Recognition - Natasha Suarez, Community Development

Thank You for Doing Business - Sea Sub Systems Offshore

Community Water Wise Awards

Juvenile Welfare Board 70th Anniversary Proclamation

Partner Presentation:

Tampa Bay Area Regional Transportation Authority - Ray Chiaramonte, Executive Director

Doing Things Employee Recognition - Natasha Suarez, Community Development

Chairman Justice recognized Community Development Planning Analyst Natasha Suarez for her efforts assisting and educating local residents and clients regarding affordable housing opportunities and housing assistance. He noted that she is a five-year employee who goes above and beyond to help families and individuals in difficult situations; whereupon, a video was shown highlighting the services Ms. Suarez provides.

Thank You for Doing Business - Sea Sub Systems Offshore

Chairman Justice and Director of Economic Development Mike Meidel provided information regarding the company and thanked Administrative Director Anne LaMaire for doing business in Pinellas County.

Community Water Wise Awards

This item was not addressed.

Juvenile Welfare Board 70th Anniversary Proclamation

Proclamation presented to Juvenile Welfare Board (JWB) Chief Administrative Officer Lynda M. Leedy. Chairman Justice provided background information regarding the JWB and read a proclamation recognizing November 2016 as its 70th anniversary.

Partner Presentation: Tampa Bay Area Regional Transportation Authority - Ray Chiaramonte, Executive Director

Mr. Chiaramonte referred to a PowerPoint presentation titled *TBARTA: Year in Review, November 22, 2016*, a copy of which has been filed and made a part of the record, and provided background information regarding the organization. He reported that TBARTA continues to develop and implement a Regional Transportation Master Plan for eight counties in the West Central Florida region, and discussed the master plan, local region, migration trends, work travel, commuter services, ridesharing, airport travel impacts, trails, modernizing transit technology, present and future priorities, recent legislation, and next steps.

In response to queries by Commissioner Long, Mr. Chiaramonte discussed his conversations with Tampa Bay Regional Planning Council Executive Director Sean Sullivan regarding how their respective organizations could consolidate functions and use resources more effectively; whereupon, he provided information about upcoming Collaborative Lab workshops and discussions concerning regional transportation issues and the potential merging of the three core Metropolitan Planning Organizations.

In response to queries by Commissioner Eggers, Mr. Chiaramonte discussed the success of the Vanpool Program and provided general and statistical information regarding the transit option, indicating that while the focus has been on federal employees, TBARTA is now reaching out to private sector companies; and that Pinellas County has 25 vans that travel throughout the region.

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.

COUNTYWIDE PLANNING AUTHORITY

2. Case No. CW 16-24 - City of St. Petersburg
Countywide Plan Map amendment from Industrial (I) and Target Employment Center to Multimodal Corridor (MMC) and Target Employment Center, regarding 3.7 acres more or less, generally bounded by 6th Avenue South, 22nd Street South, 8th Avenue South/I-275,

and 23rd Street South (regular amendment).

Ordinance No. 16-54 adopted. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

In response to queries by Commissioner Welch, City of St. Petersburg Planning and Economic Development Director Dave Goodwin provided information regarding the proposed St. Petersburg Commerce Park development located in the South St. Petersburg Community Redevelopment Area, indicating that two bids were selected through an RFP process to develop the 14-acre site; that the proposed rezoning only includes the 3.7-acre parcel; that the balance of the site remains industrially zoned; and that the Target Employment Center designation will help to accomplish the goal of retaining higher paying jobs; whereupon, he discussed the inclusion of workforce housing as part of the project, and agreed to have staff member Bruce Grimes contact Commissioner Welch regarding the Manhattan Casino and Sylvia's Restaurant.

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

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

Absent: 1 - Commissioner Seel

BOARD OF COUNTY COMMISSIONERS

3. Petition of Jon G. Conrad and Jennifer A. Conrad to vacate a ten-foot easement contiguous to Lot 31, Block 9, Windmill Pointe of Tarpon Lake - Unit Three, for the addition of a swimming pool (quasi-judicial hearing).

Resolution No. 16-82 adopted granting the petition. Authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received.

In response to the Chairman's call for persons wishing to be heard, Shannon Krukonis, Palm Harbor, appeared and expressed support for the item, indicating that she is representing her neighbors, the applicants, who are unable to attend the meeting.

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

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

Absent: 1 - Commissioner Seel

4. Ordinance amending the Future Land Use and Quality Communities Element of the Comprehensive Plan to establish the Crystal Beach Community Overlay (second hearing).
Ordinance No. 16-55 adopted. One letter in support of the ordinance was received in connection with the first public hearing.

In response to the Chairman's call for persons wishing to be heard, Barbara Witlin and Lindsay Ball, Crystal Beach, spoke in support of the proposed overlay.

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

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

Absent: 1 - Commissioner Seel

5. Case No. Q Z-24-10-16 (Laurens K. & Marianne E. Bradley, Joseph W. Bradley, and Hadir K. Bradley)

A request for a zoning change from A-E, Agricultural Estate Residential, to R-1, Single Family Residential, on approximately 10.2 acres located at 869 Manning Road and 1580 Hermosa Drive in Palm Harbor.

Resolution No. 16-83 adopted approving the zoning change. The Local Planning Agency recommended approval of the request. No correspondence has been received.

James Marcus Vernon, Clearwater, appeared and indicated that he is an attorney and a professional engineer; and that he represents the applicant; whereupon, he provided background information regarding the application and pointed out surrounding land uses.

In response to the Chairman's call for citizens wishing to be heard, the following individuals appeared and expressed their support:

Laurens K. Bradley, Palm Harbor

Joseph W. Bradley, Palm Harbor

Marianne Bradley, Palm Harbor

Hadir K. Bradley, Palm Harbor

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

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

Absent: 1 - Commissioner Seel

6. Case No. Q CU-17-7-16 (Renee' Letosky-Smith (Briggs))

A request for a modification of an existing conditional use to allow for the day care, training,

grooming, and overnight boarding of up to 100 dogs and to allow for the boarding of three horses on a property without a primary residential use, a variance to allow an existing 6-foot-high fence to remain with a 0-foot front setback where 50 feet is required in an A-E zone, and a variance to allow for the construction of a 36-square-foot sign where a maximum 24-square-foot sign is permitted in a residential district on approximately 1.3 acres located at 2845 Belcher Road in the unincorporated area of Dunedin.

Resolution No. 16-84 adopted approving the variances and conditional use request. The Local Planning Agency recommended approval subject to the conditions set forth in the Staff Report. Two letters in support have been received.

Planning Department Zoning Manager Glenn Bailey referred to a PowerPoint Presentation titled *Proposed Conditional Use, CU-17-7-16, November 22, 2016*, a copy of which has been filed and made a part of the record, and indicated that the conditional use request is to allow for up to 100 dogs onsite at any given time and for the boarding of three horses, but that the request was modified by the applicant during the Local Planning Agency (LPA) hearing and will now allow for only two horses.

Mr. Bailey referred to aerial and ground-level photographs and the zoning and land use map, pointed out the location of the subject property, described surrounding land uses, and provided historical background information regarding the application. He indicated that because the 1.3-acre parcel is zoned Agricultural Estate Residential (A-E) and has no primary residence onsite, it requires a conditional use approval for the kennel and for the boarding of horses; whereupon, he related that the application includes two variance requests: (1) to allow an existing 6-foot-high fence to remain with a 0-foot front setback where 50 feet is required in an A-E zone, and (2) to allow for the construction of a 36-square-foot sign where a maximum of 24 square feet is permitted in a residential district.

Mr. Bailey related that the existing conditional use permit was granted by the Board in 1995; that it allows a maximum of 15 dogs for breeding purposes; and that a single family residence was maintained on the property; whereupon, he indicated that the existing kennel operation is under different ownership; that there is no residential use on the site; that the number of dogs has increased beyond the 15 permitted; that inspections have documented up to 70 dogs; that the average number of dogs is 45 during peak season; that the dogs are housed in the former home; and that the matter is under Code Enforcement procedures.

Mr. Bailey related that the current request would bring the kennel into compliance and expand its scope to allow for up to 100 dogs on the property at a time via a combination of activities as proposed by the applicant, including:

Overnight Boarding

- Maximum of 85 dogs per night
- Hours: 7:00 A.M. to 10:00 P.M., 7 days/week
- Staffed 24 hours per day

Doggie Daycare/Grooming

- Maximum of 60 dogs per day
- Hours: 7:00 A.M. to 10:00 P.M., 7 days/week

Agility Training

- Maximum of 5 dogs per class
- Hours: 9:00 A.M. to 11:00 A.M. and 5:00 P.M. to 7:00 P.M. up to 3 days/week

In response to queries by the members, Mr. Bailey confirmed that even though the application is to allow for the overnight boarding of 85 dogs, the LPA recommendation is to allow for 75, and related that he is not aware of any standard with regard to space requirements and the housing of the animals; whereupon, he presented the Planning Review Committee (PRC) staff findings as follows:

Kennel request is a significant expansion of that approved in 1995

- Number of animals and additional activities
- Could detrimentally affect neighbors
 - Noise and odor
 - Traffic crossing property to the west

Where allowed, the Code permits a maximum of three horses per acre

- Pasture area identified as 2/3 acre

The 200-foot distance from Belcher Road is an important consideration regarding the variance requests for the fence and sign

- Will not impact roadway visibility or safety
- Will enhance screening of the kennel

Thereupon, Mr. Bailey provided the PRC staff recommendation and an alternative recommendation as follows:

Denial of the conditional use request for the kennel expansion as proposed and the boarding of up to three horses

Approval of the requested variances, subject to the following conditions:

1. All required permits shall be obtained and applicable fees paid
2. Full site plan review
3. The development shall maintain substantial conformance with the submitted concept plan with respect to the variance requests

Staff supports a modified request limiting the number of dogs on site to 45 and the number of horses to two

- In keeping with the average number of dogs currently boarded on site
- In keeping with the three horses per acre provision of the code (2/3 acre)
- Would not subject neighboring properties to substantially increased impacts

Mr. Bailey indicated that the LPA, citing evidence of a well-run and clean operation, recommended approval of the conditional use and variance requests during its

September 15, 2016 public hearing, subject to conditions as provided in the Staff Report; whereupon; in response to queries by the members, Mr. Bailey, with input by Mr. Woodard, provided information relating to the number of dogs housed on the property, the number of horses permitted under the current code, options for owners of growing businesses who find themselves in similar situations, and the penalty for violating a conditional use.

Director of Development Review Services and Code Enforcement Blake G. Lyon provided historical information pertaining to code issues, indicating that complaints had been lodged by a neighbor who recently passed away; whereupon, Mr. Bailey related that adjacent properties are institutional; that the original conditional use concerned the breeding of Labrador Retrievers; that the residence on the property was converted into a kennel facility and is approximately 2,400 square feet; that the zoning code does not speak to the number of dogs allowed on a property; and that Code Enforcement is involved due to the number of dogs exceeding the conditional use and also the fence.

Responding to the Chairman's call for the applicant, Housh Ghovae, Northside Engineering, indicated that he represents the applicant, and introduced Renee Letosky-Smith, owner of Precious Pets Luxury Dog Resort.

Ms. Letosky-Smith, with input by Mr. Ghovae, provided information regarding the case, indicating that she has owned the property since 2003; that the new fence merely replaced a damaged wooden fence; that 70 dogs had been on the property at one time due to a clerical error; that 800 square feet were added to the building in 2012; and that no complaints have ever been received regarding noise; whereupon, during lengthy discussion and in response to comments and queries by the members, she presented information relating to doggy daycare, grooming operations, agility training, animal care, financial considerations, grandfathering, and letters of support.

Responding to queries by Commissioner Morroni, Ms. Letosky-Smith stated for the record that she had not met him prior to today; whereupon, he related that he and his wife have boarded their dog at Precious Pets Luxury Dog Resort many times, and discussed his interactions with staff and experiences with the facility, indicating that they have always been positive.

No one appeared in response to the Chairman's call for citizens wishing to be heard.

Thereupon, Messrs. Bailey and Woodard reviewed the options available to the members.

A motion was made by Vice-Chairman Long, seconded by Commissioner Morroni, that the item be approved as recommended by the Local Planning Agency, including the variances and conditional use, subject to the conditions set forth in the Staff Report. The motion carried by the following vote:

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

Absent: 1 - Commissioner Seel

CITIZENS TO BE HEARD

7. Public comment.

Walter Donnelly, St. Petersburg, re Pinellas sewers

David Ballard Geddis, Jr., Palm Harbor, re circuitous contraband (submitted document)

Jay Alexander, Lealman, re addition to 26 (submitted document)

Van Farber, Clearwater, re CCCs

CONSENT AGENDA - Items 8 through 23 (Item 24 withdrawn)

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

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

Absent: 1 - Commissioner Seel

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

8. Minutes of the regular meetings held October 11 and October 25, 2016.

9. Vouchers and bills paid from August 28 through September 3, 2016.

Period August 28 through September 3, 2016

Payroll - None

Accounts Payable - \$23,754,393.07

Reports received for filing:

10. Dock Fee Report for the month of October 2016.

11. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2016-23 dated October 27, 2016 - Follow-Up Audit of Animal Services Operations and Internal Controls.

12. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2016-24 dated November 3, 2016 - Follow-Up Audit of Housing Finance Authority Long-Term

Obligations.

13. Pinellas County Sheriff's Office Adopted Budget for Fiscal Year (FY) 2016-2017.
14. Juvenile Welfare Board Quarterly Financial Statements for the period ending September 30, 2016.

Miscellaneous items received for filing:

15. City of Clearwater Ordinances Nos. 8933-16, 8936-16, and 8939-16 adopted October 5, 2016, annexing certain properties.
16. City of Dunedin Notice of Public Hearing regarding proposed Ordinance No. 17-02, voluntarily annexing certain property. Public hearing to be held January 26, 2017.
17. City of Tarpon Springs Ordinance No. 2016-11 adopted October 18, 2016, annexing certain property; and Notice of Public Hearing held October 26, 2016 regarding a variance application.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

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

Human Services

19. Funding Agreement with Operation PAR, Inc. under the Grant Award for the Substance Abuse and Mental Health Services Administration's Cooperative Agreement to Benefit Homeless Individuals.

Agreement approved for three-year funding in an amount not to exceed \$1,026,351.00 (\$342,117.00 per contract year). No cost sharing/match is required. Chairman authorized to sign and the Clerk to attest.

Planning

20. Resolution supplementing the FY 2016 Community Development Grant Fund Budget for unanticipated revenues to the Planning Department, Community Development and Planning Division.

Resolution No. 16-85 adopted appropriating earmarked receipts for a particular purpose (unanticipated grant revenue in the amount of \$70,000.00).

Utilities

21. Ranking of firms and negotiated agreement with ChemWare, LLC for the supply, implementation and maintenance of a Laboratory Information Management System.
- Contract No. 156-0140-P approved for a total expenditure not to exceed \$352,070.00 for software licensing, implementation services, maintenance services, and travel as set forth in the Staff Report. Chairman authorized to sign and the Clerk to attest.

COUNTY ATTORNEY

22. Notice of new lawsuit and defense of the same by the County Attorney in the case of Jan A. Phebus v. Pinellas County - Circuit Civil Case No. 16-006319-CI-08 - allegations of negligence resulting in personal injuries.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

23. Renewal of Certificates of Public Convenience and Necessity for Advanced Life Support Providers.

Renewal certificates issued for the following providers in accordance with Pinellas County Code Section 54 and Florida Statutes Section 401.25. Chairman authorized to sign the certificates.

ALS First Responders

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

ALS Helicopter Ambulances

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

Hospitals

St. Joseph's Hospital, Inc.

Sunstar Ambulance Service

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

Human Resources

24. Award of bid to Dynamic Staffing, Inc. for requirements of temporary staffing services.

Chairman Justice related that the item was withdrawn from the agenda.

Deviating from the agenda, Chairman Justice indicated that the selection of the 2017 Chairman and Vice-Chairman would take place at this time.

42. Selection of 2017 Chairman and Vice-Chairman.

Upon nomination by Commissioner Morroni, Commissioner Janet C. Long was unanimously elected to serve as Chairman.

Upon nomination by Commissioner Gerard, Commissioner Kenneth T. Welch was unanimously elected to serve as Vice-Chairman.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

25. Third Amendment to the agreement with Dean, Mead, Egerton, Bloodworth, Capouano, Bozarth, P.A. for state governmental relations services.

Amendment to Contract No. 134-0087-N approved increasing the amount by \$150,000.00 and extending the agreement for an additional 18 months, beginning December 1, 2016 and continuing through May 31, 2018, for a revised total estimated expenditure of \$450,000.00. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 1 - Commissioner Seel

26. 2017 State and Federal Legislative Program.

Mr. Woodard introduced the item, relating that it is before the members for their consideration and adoption; whereupon, Intergovernmental Liaison Mary Scott Hardwick, with input by Harry Glenn and Greg Burns, Van Scoyoc Associates, provided

an overview of the 2017 State and Federal Legislative Program.

Ms. Hardwick referred to a document titled *Pinellas County Board of County Commissioners 2017 Legislative Program*, a copy of which has been filed and made a part of the record and, beginning with the state program, discussed the following topics:

- Support of statewide vehicles-for-hire regulation.
- Support funding for a regional inflow and infiltration study of all sewer systems countywide and other recommendations from the Wastewater/Stormwater Task Force.
- Support for a 50-50 match of state and local funding for the construction of an airline support facility at the St. Pete-Clearwater International Airport; total cost of the project is estimated between \$3 million and \$4 million.
- Support regional transportation coordination and funding, including funding for a study of the best regional models.

Commissioner Eggers discussed the Dunedin Causeway project, the prospect of obtaining state funding for bridge construction since the roadway ends at a state park, and adding language to the state program requesting funding for similar projects.

In response to comments and queries by Commissioner Long, Ms. Hardwick indicated that discussions regarding flood insurance will likely take place during the upcoming legislative session; and that a bill was filed last year by members of the Pinellas County Legislative Delegation regarding state funding for mitigation activities that could help Community Rating System scores in local communities.

Messrs. Glenn and Burns discussed matters relating to the federal program, the next Congress, and other areas of interest, including:

- Beach Nourishment
- Fiscal Year 2017 Appropriations
- National Flood Insurance Program
- Waters of the United States
- Regional Transportation
- Zika Funding and Research
- Offshore Drilling
- Infrastructure Investment
- Affordable Care Act

In response to queries by Chairman Justice, Mr. Glenn provided information regarding legislative bills to reactivate the Civilian Conservation Corps, relating that legislation has languished over many years; that he is unsure how the new Administration will proceed; and that his office will review the bills and update the members through Ms. Hardwick.

In response to queries by Commissioner Eggers, Mr. Glenn, with input by Ms. Hardwick, presented information with regard to the Anclote River Dredging Project, indicating that it is federally authorized; that the Army Corps of Engineers is presently working through the design and engineering aspects of the project; and that since Congress cannot add funding to projects via earmarks, it has created a Work Plan Fund to be utilized by the Corps.

In response to queries by Commissioner Welch, Mr. Burns, with input by Mr. Glenn, provided information relating to the National Flood Insurance Program, the imminent flood insurance rate increases, the Map Modernization Program, and the accuracy of the flood maps. He discussed the Federal Emergency Management Agency, its lack of openness regarding how it sets its rates, and how the Florida Association of Counties may wish to elevate the statewide issue of flood insurance; whereupon, he indicated that it is unlikely that the federal government will create a National Catastrophic Flood Insurance Fund, and Commissioner Long provided input.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

Meeting Recessed: 12:06 P.M.

Meeting Reconvened: 12:17 P.M.

Human Services

27. Criminal Lab Financial Assistance Agreement with the Florida Department of Law Enforcement on behalf of the Pinellas County Forensic Laboratory.

Agreement approved for Fiscal Year 2017. Pinellas County Forensic Laboratory to receive 12.73 percent of the total criminal fines collected statewide, not to exceed 75 percent of its actual operation costs.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

Safety and Emergency Services

- 28.** Second Amendment to the agreement with Motorola Solutions, Inc., for professional engineering and construction services pertaining to the Multi-Site Tower Replacement Project.

Amendment to Contract No. 134-0251-NC approved increasing the amount by \$4,404,082.00 and extending the term through December 31, 2019; total revised estimated expenditure, \$7,904,082.00. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seal

- 29.** Resolution to receive Emergency Medical Services Trust Fund monies for pre-hospital emergency medical services.

Resolution No. 16-86 approved certifying that monies received will be used to improve and expand pre-hospital emergency medical services. Grant revenue in the amount of \$125,506.00 will be awarded upon application, with no matching funds required. Chairman authorized to sign the grant application and the Clerk to attest.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seal

COUNTY ADMINISTRATOR

- 30.** County Administrator miscellaneous - None.

COUNTY ATTORNEY

- 31.** Proposed initiation of litigation in the case of Bryan Collins and Kathleen Collins v. Golf Terrace Investment Company, LP and Thelma Creech, Property Manager - HUD Case No. 04-16-4202-8; PC Case No. 16-020 - allegations of housing discrimination.

Attorney Bennett indicated that the case will be litigated by Bay Area Legal Services or Gulfcoast Legal Services under an existing agreement with the County.

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

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

Absent: 2 - Commissioner Morrioni, and Commissioner Seel

32. County Attorney miscellaneous - None.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Business Technology Services

33. Professional services with Tyler Technologies, Inc. in support of Odyssey Software.

Contract No. 167-0054-A with Tyler Technologies Inc. approved for enhancements to the Consolidated Case Management System as requested by the Justice Policy Board. Contract is for 24 months, for an estimated expenditure not to exceed \$1,346,040.00.

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

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

Absent: 2 - Commissioner Morrioni, and Commissioner Seel

Emergency Medical Services Authority

34. Amendment No. 2 to the Advanced Life Support First Responder Agreement with the City of Clearwater.

Sitting at the Emergency Medical Services Authority, the Board approved the amendment retroactive to October 1, 2016; Fiscal Year 2017 expenditure, \$6,488,512.27. Chairman authorized to sign and the Clerk to attest.

Mr. Woodard noted that Clearwater Fire and Rescue Chief Robert Weiss has retired and thanked him for his service; whereupon, he welcomed Chief Scott Ehlers to the position and recognized EMS Chief Anthony Tedesco, who was in attendance.

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

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

Absent: 2 - Commissioner Morrioni, and Commissioner Seel

35. First Amendment to the agreement with Paramedics Plus L.L.C. for requirements of ambulance services.

Sitting as the Emergency Medical Services Authority, the Board approved the First Amendment to Contract No. 134-0452-P. Term is through September 30, 2020, and the Amendment has no net fiscal impact. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seal

Later in the meeting during discussion on Item No. 36, Chairman Justice acknowledged citizens wishing to speak with regard to the Paramedics Plus agreement.

Jonathan Kessel, Palm Harbor, indicated that he is a former County employee and opposes a provision in the agreement banning EMS workers from accepting free food from health care facilities.

Joshua Works, St. Petersburg, indicated that he is appearing on behalf of the EMS Professionals Union and read a letter into the record objecting to the modification and to a letter from EMS and Fire Administration Director Craig Hare to EMS personnel dated November 2, 2016. He asserted that:

- EMS crews are influenced only by proximity, medical need, and patient choice when choosing where to transport a patient, and existing policies make that mandatory.
- No health care facility has implied to EMS personnel that preferential treatment is expected in return for free snacks, beverages, or meals.
- The provision was included in the amended agreement without evidence of any wrongdoing by EMS personnel, and the letter from Mr. Hare unfairly calls into question the integrity of the crews.

Discussion ensued, with input by Mr. Woodard, Mr. Hare, Attorney Bennett, and Assistant County Administrator John Bennett.

Mr. Woodard indicated that the provision was predicated on state statute that restricts public employees from accepting gifts and gratuities; that it was added "in an abundance of caution" to avoid the appearance of influence; and that he was not aware of any concerns about it until this morning.

Mr. Hare, responding to query by Commissioner Gerard, indicated that the issue was

raised through complaints by hospital administrators about one facility offering full meal tickets; and that staff recommended adding the provision to preempt any problems that could arise if EMS undergoes a Medicare provider audit.

Attorney Bennett explained how the Safe Harbor law applies to the situation, indicating that it prohibits the acceptance of food, but does not enumerate a beverage as a gift; whereupon, Mr. Bennett stated that the provision is included in operational guides in almost every jurisdiction.

Chairman Justice expressed reservations about the provision, noting he has seen no evidence of a patient being diverted to a facility due to an inducement; whereupon, Mr. Bennett related that he has become aware of some "capitalization" of meal tickets by personnel, and that staff deemed it advisable to change the policy before an outright violation occurred.

The members expressed general agreement that the health care facilities should be given the opportunity to correct any inequities themselves; whereupon, Mr. Woodard proposed that the Board reconsider its vote of approval, strike Section VIII, and adopt the balance of the agreement. He indicated that staff would then engage the County's EMS partners, the Medical Control Board, and the EMS Advisory Committee and bring a revised policy to the Board next year.

A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the Board reconsider the vote for Item No. 35. The motion carried by the following vote:

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the item be approved as amended, striking proposed Section VIII pertaining to the addition of Section 420(e) to the Ambulance Service Agreement. The motion carried by the following vote:

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

36. Revisions to the Emergency Medical Services Rules and Regulations.

Sitting as the Emergency Medical Services Authority, the Board approved the revisions allowing for stretcher van transport by wheelchair transport providers, aligning with recent revisions to the EMS Ordinance.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

Fire Protection Authority

- 37.** Interlocal Agreement with the City of Belleair Bluffs for partial funding of the construction of Fire Station 43.

Sitting as the Fire Protection Authority, the Board approved the Interlocal Agreement. County to remit \$840,666.00 to the City upon issuance of a Certificate of Occupancy. Chairman authorized to sign and the Clerk to attest.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

Human Resources

- 38.** FY 2016 Board Budget Amendment No.12 to realign Employee Health Benefits Fund Reserves for higher than anticipated Medicare Advantage plan expenses.

Amendment approved realigning \$1,488,350.00 within the Employee Health Benefits Fund.

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

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

Following the vote, Commissioner Welch requested information about a data breach the Board recently became aware of involving County employee information.

Human Resources (HR) Director Holly Schoenherr related that employee identification numbers and dates of birth were provided to a medical services vendor during a routine transfer of information; that the County Attorney's Office informed HR that such information could be used to make a public records request and obtain additional employee information; and that it was technically a Health Insurance Portability and

Accountability Act (HIPAA) breach. She indicated that steps were taken to remedy the breach and inform the affected employees.

Responding to queries by Commissioner Welch, Ms. Schoenherr indicated that HR requested that the protected information be returned by the vendor; that the protocol for transferring allowable information has been changed; and that no Social Security numbers, medical information, or claim information was transferred, noting that staff does not anticipate any problems related to identity theft.

COUNTY ADMINISTRATOR REPORTS

39. County Administrator reports:

- Great American Teach-In
- Behavioral Health Pilot Program Update

Deviating from the Agenda, Mr. Woodard indicated that the items would be heard out of order, and no objections were noted.

Behavioral Health Pilot Program Update

Human Services Director Lourdes Benedict conducted a PowerPoint presentation titled *Doing Things! Human Services Behavioral Health Pilot "Pinellas Community Empowerment Team" 11-22-16*, a copy of which has been filed and made part of the record.

Ms. Benedict reviewed why the pilot was started, how it functions, and what its goals are. She recognized Lynda Wagner of Suncoast Center, the lead agency, and Miriam Nordlinger of Boley Centers, co-lead, and named other partner agencies, including the Pinellas County Sheriff's Office, Public Defender's Office, Vincent House, and Personal Enrichment through Mental Health Services.

Ms. Benedict indicated that a team of experts studied data related to the top 33 utilizers of the Baker Act and jail system and determined that their cost to the system was \$2.4 million; whereupon, she thanked the Board for authorizing a \$964,000 investment in the pilot program, and indicated that the team believes the program can be operated successfully for that amount. Noting the success of the program to date, she indicated that 24 of the 33 utilizers have been located and engaged, three have been located and must be engaged, and six will be replaced with new participants for various reasons.

Discussing the pilot's interim findings, Ms. Benedict cited problems with wait times for behavioral health services, access to substance abuse services, lack of community resource knowledge due to turnover and program changes, lack of a secure Marchman facility, lack of Baker Act and discharge planning, data sharing, jail medical services and jail release times, and gaps in the continuum of care.

Responding to queries by the members, Ms. Benedict related that the number 33 was

chosen because Baker Act and jail system records indicated that it was a natural cutoff; that the \$964,000 approved covers Fiscal Year 2017; that the pilot is a one-year program; and that about 74 percent of the 33 utilizers were homeless. Mr. Woodard related that the pilot has been in place for six months, and that staff will present detailed findings to the Board in mid-2017.

Great American Teach-In

Citing the Commission's strategic goals pertaining to fostering economic vitality and creating a quality workforce, Mr. Woodard related that the County participated in this year's Great American Teach-In, noting that it was the County's first organized effort, to his knowledge; and that the aim was to inspire academic achievement and introduce young people to public service jobs. Marketing and Communications Director Barbra Hernandez played a highlight video indicating that nearly 30 County employees from 14 departments visited 15 schools.

Following the video, Chairman Welch stated that he enjoyed his participation in the teach-in at John Hopkins Middle School and Chairman Justice suggested that the Board coordinate its schedule and commitments so that more members can participate next year, and brief discussion ensued.

COUNTY COMMISSION

40. Appointment to the Health Facilities Authority.

Karen Mullins was appointed for a four-year term following a ballot vote.

41. Annual performance review of the County Administrator.

Chairman Justice indicated that the results of Mr. Woodard's review are included in the agenda packet; whereupon, he related that the overall average score of 2.8 indicates that his performance "exceeds expectations."

Noting that the Board continues to look at ways to tweak the evaluation process so that it best reflects the actual mission, Chairman Justice complimented Mr. Woodard for his work ethic, expertise, and poise, and for being easy to work with.

Following comments by the members, Chairman Justice asked for a motion to raise the pay range for the County Administrator position in the Human Resources pay plan to align it with Mr. Woodard's current salary. In response to query by Commissioner Long, he indicated that he does not know where Mr. Woodard's salary falls in relation to those of his peers in the area and around the state, but will ask the Human Resources Department to obtain comparisons.

A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the County Administrator pay range be adjusted as suggested by the Chairman. The motion carried by the following vote:

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

Absent: 2 - Commissioner Morroni, and Commissioner Seel

43. County Commission miscellaneous.

The Commissioners congratulated their colleagues who were re-elected and wished everyone a Happy Thanksgiving.

Commissioner Eggers

- Thanked Supervisor of Elections Deborah Clark, staff, and volunteers for their efforts during the General Election.
- Thanked Attorney Bennett for wearing a ribbon in honor of fallen law enforcement officers and offered prayers for affected officers and their families.
- Provided an update on the process for review of the Downtown Palm Harbor Master Plan, noting that the focus group has met twice and that open public meetings are scheduled for early next year.
- Noted that holiday events will take place in many of the communities and encouraged everyone to volunteer to help those in need.

Commissioner Welch

- Referred the passing of Master Sergeant Willie Rogers at age 101, calling him an American hero and noting that he had been the oldest living member of the original Tuskegee Airmen.
- Thanked his colleagues for electing him Vice-Chairman for next year.
- Complimented Chairman Justice on his letter to the County's Legislative Delegation concerning the Pinellas County Construction Licensing Board's (PCCLB) member appointment issue.
- Provided an update pertaining to WorkNet/CareerSource Pinellas issues discussed at recent meetings.

Commissioner Gerard

- Asked how Hillsborough County is able to pay its Chairman more than the amount set by the Legislature and whether the Board should look into raising its Chairman's pay. Mr. Woodard related that he believes Hillsborough County pays its Chairman a

stipend, and other members supported investigating the matter further.

- Recommended also looking at the salaries of the Chairman's and Vice-Chairman's assistants to ensure that they are fairly compensated for the additional work they do.
- Mentioning the earlier presentation about the Great American Teach-In, noted that the Youth Advisory Committee is trying to generate ideas on how to attract young people to government jobs.
- Requested that staff investigate whether other counties have restrictions on the number of dogs allowed in a given space.

Commissioner Long

- Suggested that the Board consider a policy barring a Commissioner from serving as Chairman in a year during which he or she is running for political office.
- Praised the Holiday Lights event at the Botanical Gardens and suggested that everyone tour the display.
- Discussed her attendance at the World Travel Market and expressed appreciation for the hard work done by Convention and Visitors Bureau Executive Director David Downing.
- Noted that the Tampa Bay Regional Planning Council will hold a transportation summit on February 16, with speakers from the Federal Transit Administration.
- Asked that everyone keep law enforcement members in their prayers.
- Thanked the Board for electing her Chairman for 2017.
- Asked about the status of the Science Center at CareerSource Pinellas, and noted that she has not yet received a copy of the budget; whereupon, Mr. Woodard related that he is reviewing a budgetary document recently received from CareerSource.

Chairman Justice

- Related that Pilgrim Congregational Church near Pasadena will continue its tradition of offering a free Thanksgiving Day meal for all interested, noting that the volunteer effort is led by Court Administrator Gay Inskeep and her husband.
- Referring to previous discussion and noting that other municipalities have done so, asked whether the County should consider a moratorium on medical marijuana dispensaries. The members expressed general support, and Mr. Woodard indicated that staff could bring back a proposal in December or January.

- Discussed the statutory procedure for appointments to certain boards and a recent issue involving PCCLB membership, indicating that the Legislative Delegation has been asked to review the issue, and discussion ensued pertaining to the Board’s role with, and authority over, various boards.
- Solicited support for sending the Licensing Board a letter asking for disciplinary action or removal of its executive director following a *Tampa Bay Times* article. Following discussion with input by Attorney Bennett, Chairman Justice indicated that he would send a letter to the Licensing Board asking for a response to allegations made in the article and copy it to the members.

ADJOURNMENT - 1:44 P.M.

ATTEST: KEN BURKE, CLERK

Chairman

By _____
Deputy Clerk