

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL
January 9, 2013

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:05 P.M. with the following members present:

Jim Kennedy, Chairman, City of St. Petersburg Councilmember
David O. Archie, Vice-Chairman, City of Tarpon Springs Mayor
John Morroni, Treasurer, County Commissioner
Samuel Henderson, Secretary, City of Gulfport Vice-Mayor
Joe Ayoub, City of Safety Harbor Mayor
Dave Eggers, City of Dunedin Mayor
Doreen Hock-DiPolito, City of Clearwater Councilmember
Joanne "Cookie" Kennedy, City of Indian Rocks Beach Commissioner
Jerry Mullins, City of Pinellas Park Councilmember
Peggy O'Shea, Pinellas County School Board Member
Jim Ronecker, City of Oldsmar Mayor
Marvin Shavlan, City of St. Pete Beach Vice-Mayor

Not Present:

Harriet K. Crozier, City of Largo Commissioner

Also Present:

Michael C. Crawford, Interim Executive Director, PPC
Linda Fisher, PPC Staff
Michael Schoderbock, PPC Staff
Carolyn Shoemaker, PPC Staff
Jewel White, Managing Assistant County Attorney
Other interested individuals
Arlene L. Smitke, Board Reporter, Deputy Clerk

AGENDA

- I. CALL TO ORDER
 - A. Invocation and Pledge
 - B. Identification of Members Present and Recognition of New Officers
 - C. Introduction of and Welcome to New Members
 - D. Recognition of Outgoing Member

II. CONSENT AGENDA

- A. Minutes of December 12, 2012 Meeting
- B. Financial Statement for December 2012
- C. CPA Actions
- D. Annexation Report – December 2012
- E. Preliminary February 2013 Agenda
- F. Correspondence

III. PUBLIC HEARING – To begin at 3:00 P.M. or as soon thereafter as agenda permits

- A. Public Hearing Format Announcement and Oath
- B. Amendments to the Countywide Future Land Use Plan
 - Subthreshold Amendments
 - 1. Case CW 13-1: City of Dunedin
 - Regular Amendments
 - 2. Case CW 12-16: City of Largo (Deferred from December PPC Meeting)
- C. Amendments to Council Operating Procedures – Resolution 13-1

IV. REPORTS/OTHER ACTION

- A. Countywide Plan Update – Phase II
- B. Annual Report – Authorization to Print and Distribute

V. EXECUTIVE DIRECTOR ITEMS

- A. PPC/MPO Unification Update (Verbal)
- B. Annual Audit Fiscal Year 2011/12 – Acceptance and Distribution
- C. Verbal Reports

VI. OTHER COUNCIL BUSINESS

- A. Chairman/Member Items

VII. ADJOURNMENT

CALL TO ORDER

Chairman Kennedy called the meeting to order at 3:05 P.M. and welcomed those in attendance.

INVOCATION AND PLEDGE

The Invocation was given by Mayor Ronecker, following which he led the Pledge of Allegiance to the Flag.

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IDENTIFICATION OF MEMBERS PRESENT

A roll call was taken in which the members introduced themselves; whereupon, deviating from the agenda, Chairman Kennedy acknowledged the passing of former City of St. Petersburg Councilmember and community leader Robert Kersteen, noting that Mr. Kersteen had served on various boards and committees, including a term as Chairman of the PPC.

INTRODUCTION OF AND WELCOME TO NEW MEMBER

Chairman Kennedy welcomed School Board Member Peggy O'Shea to the PPC and provided an overview of her professional background information.

RECOGNITION OF OUTGOING MEMBER

Chairman Kennedy recognized outgoing member City of Safety Harbor Commissioner Nina Bandoni and presented a plaque in honor of her service on the Council.

CONSENT AGENDA - APPROVED

Chairman Kennedy presented the Consent Agenda items, as follows:

- A. Minutes of December 12, 2012 Meeting
- B. Financial Statement for December 2012
- C. CPA Actions
- D. Annexation Report – December 2012
- E. Preliminary February 2013 Agenda
- F. Correspondence

Mr. Crawford related that the minutes of the December 12 meeting have yet to be completed; and that they will be included as an item on next month's Consent Agenda.

Mayor Archie moved, seconded by Councilmember Mullins and carried, that Consent Agenda Items B through F be approved (Vote 12-0).

PUBLIC HEARINGS

A. Public Hearing Format Announcement and Oath

Upon request by the Chairman, all persons planning to give testimony were duly sworn by the Deputy Clerk.

B. Amendments to the Countywide Future Land Use Plan

SUBTHRESHOLD AMENDMENT

PUBLIC HEARING: CASE CW 13-1, PROPOSAL BY THE CITY OF DUNEDIN TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL MEDIUM (RM) TO COMMERCIAL GENERAL (CG) – APPROVED

Pursuant to legal notice published in the December 22, 2012 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 13-1, a proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from RM to CG, re 0.6 acre m.o.l., located at 1326 San Christopher Drive.

Mr. Crawford indicated that parcels of less than one acre in size are considered subthreshold amendments; that staff relies on local government input rather than conducting a detailed review; and that a process exists whereby Council members can request that an item be pulled for further review.

Referring to an aerial photograph and the land use map, Mr. Schoderbock pointed out the location of the subject property, described surrounding land uses, and provided a brief overview of the proposal, noting that the amendment area is part of a larger parcel to the west, that the remainder of the site is currently Commercial General, and that the request is to allow for construction of a Dollar General store.

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

Thereupon, Councilmember Mullins moved, seconded by Commissioner Morroni and carried, that Case CW 13-1 be approved as recommended by staff (Vote 12-0).

REGULAR AMENDMENT

CASE CW 12-16, PROPOSAL BY THE CITY OF LARGO TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL ESTATE (RE) AND RESIDENTIAL LOW MEDIUM (RLM) WITH RESORT FACILITIES OVERLAY (RFO) TO RESIDENTIAL HIGH (RH) - (DEFERRED FROM DECEMBER 2012 MEETING) – WITHDRAWN AT THE REQUEST OF THE APPLICANT

Mr. Crawford referred to Case CW 12-16, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from RE and RLM with RFO to RH, re 13.8 acres m.o.l., located at 2098 Seminole Boulevard and the contiguous southern parcel, and related that the Council continued the item from last month's meeting; and that the City of Largo has since requested that the item be withdrawn, noting that the City has asked the developer to submit a development agreement and continue discussions with the neighbors; whereupon, he indicated that the request will likely be back before the Council in the coming months; and that it will be re-advertised accordingly.

Thereupon, Commissioner Morroni moved, seconded by Vice-Mayor Henderson and carried, that Case CW 12-16 be withdrawn as requested by the applicant (Vote 12-0).

C. RESOLUTION NO. 13-1 AND ITS ACCOMPANYING ATTACHMENT 1 ADOPTED APPROVING AMENDED OPERATING PROCEDURES FOR THE COUNCIL

Mr. Crawford indicated that the Pinellas Planning Council Operating Procedures are in need of update and revision; whereupon, he reviewed the following proposed changes:

- Change the address of the office of the Council to 310 Court Street.
- Change the Council's meeting date and time to reflect the second Wednesday of the month at 3:00 P.M.
- Removal of an outdated procedure for considering site plans, which has been replaced with a provision in the Countywide Rules dealing with development agreements.
- Removal of reference to voluntary annexation Ordinance No. 00-63, which is no longer in effect.

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

Thereupon, Vice-Mayor Henderson moved, seconded by Mayor Archie and carried, that Resolution No. 13-1 be adopted approving the revised Operating Procedures of the Pinellas Planning Council as set forth in Attachment 1 to the resolution (Vote 12-0).

REPORTS AND OTHER ACTION

A. Countywide Plan Update – Phase II – Received

Mr. Crawford indicated that today's presentation will include a review of background information and past activities for the benefit of the new Council members.

Ms. Fisher conducted a PowerPoint presentation titled *Update to the Countywide Plan, January 9, 2013*, a copy of which has been filed and made a part of the record. Referring to the Countywide Plan Update Work Program timeline, she indicated that work on Phase I, Inventory of Conditions, Data and Analysis Update, and Criteria Development, began in October 2011 and extended through mid 2012; that Phase II, Policy Development, Countywide Rule Drafting, and Future-Oriented Map Development, is underway and should be completed by May; and that Phase III, Policy, Rule, and Map Adoption, should be completed by the end of October.

Noting that development patterns and local government planning have evolved significantly since the adoption of the current Countywide Plan in 1989 and the last major policy update in 2005, Ms. Fisher indicated that there is a need for greater coordination with transportation planning; that the PPC is coordinating its efforts with the Metropolitan Planning Organization's update of its Long-Range Transportation Plan; that local government planners are participating in a Land Use/Transportation Working Group; and that the Pinellas Suncoast Transit Authority (PSTA) and Pinellas County Economic Development Department have provided substantial input.

Ms. Fisher displayed a chart depicting the Countywide Plan issues to be addressed as a pyramid, noting that work has begun at the bottom with the most important, or foundational, concepts; whereupon, referring to a series of maps and overlays, she related that:

- The impetus for the update dates back to 2005 when *Pinellas by Design*, a five-year planning and visioning effort, identified areas of the county most appropriate for redevelopment, resulting in the **Centers, Corridors, and Districts Concept**.
- Phase I of the Plan update included the analysis of current data to identify desired and/or anticipated Areas of Growth where higher development density/intensity is desired, as well as Areas of Stability where existing development patterns should be protected and enhanced.
- Phase II of the update refined the data to identify Existing Centers/Corridors, Future Centers/Corridors, and Target Employment Districts.

Proceeding to the second phase of the pyramid, **Proposed Land Use Categories**, Ms. Fisher displayed a list of the 37 Plan Map Categories in use today, indicating that relatively minor land use changes are required to go through the countywide planning process; whereupon, she related that a total of eleven Plan Map Categories are proposed, as well as an overlay for Target Employment Districts; and that the categories will allow a greater mix of uses, resulting in more flexibility/discretion for local governments and fewer Map amendments, as local maps will no longer be required to be identical to the Countywide Plan Map. She indicated that two additional designations, Future Centers and Future Corridors, will not automatically carry any development entitlement; however, a streamlined regulatory process will allow local governments to apply higher, transit-oriented densities and intensities in those areas.

Ms. Fisher related that the third level of the pyramid, **Associated Planning**, pertains to a set of planning requirements that will apply to all Centers and Corridors. She noted that the creation of higher density/intensity areas currently requires the approval of a Special Area Plan; that the approval process is fairly onerous and tends to discourage communities from creating such areas; and that the proposal is to simplify the process by adopting fewer requirements in identified Future Centers, Future Corridors, and Target Employment Districts while maintaining stricter requirements in other areas; whereupon, she indicated that certain elements are essential to accommodating higher densities and intensities, as follows:

- **Connectivity** to allow convenient circulation for pedestrians, bicycles, and transit riders.
- **Public Realm Enhancements** to create a safe, comfortable environment for walking or waiting for transit.
- **Site Orientation** to bring buildings closer to the street/transit for easy pedestrian access.

- **Ground Floor Design and Use** to create an active, walkable streetscape.
- **Transition to Neighborhoods** by stepping down densities/intensities and blending appropriate uses.

Ms. Fisher indicated that staff is in the process of working through the concepts with the Land Use/Transportation Working Group, noting that the following topics will be discussed at their January, February, and March meetings, respectively: proposed densities, intensities and uses for each new category; criteria for converting current land use categories to new categories; and associated planning requirements.

Mr. Crawford thanked Ms. Fisher for her presentation, indicating that good progress is being made; that staff will continue to provide updates to the Council as it continues work on the remaining pyramid issues; and that, eventually, he will seek Council approval of the Updated Map and Countywide Rule Amendments.

B. Annual Report – Authorized Printing and Distribution

Ms. Fisher provided a brief overview of the draft Annual Report for Fiscal Year 2012; whereupon, responding to queries by Commissioner Morroni, she indicated that the Report will be available on the PPC website; and that the printed report will be mailed to 300 recipients, including agencies and organizations within Pinellas County as well as a select number of state agencies and universities outside the county.

Commissioner Morroni moved, seconded by Mayor Archie and carried, that the Fiscal Year 2012 Annual Report be approved for printing and distribution (Vote 12–0).

EXECUTIVE DIRECTOR ITEMS

A. PPC/MPO Unification Update (Verbal) – Received/Discussed

Mr. Crawford reported that the Florida Department of Transportation (FDOT) has initiated the process for approval of the Metropolitan Planning Organization (MPO) Reapportionment Plan and discussion of regionalizing certain neighboring MPOs; that the Plan must be approved by the FDOT and the Governor; that the discussions will take place in March; that the PPC Special Act depends on the approval of the Reapportionment Plan; and that he will provide the Council with status updates as they become available.

Mr. Crawford related that the MPO should be receiving a letter soon encouraging the regionalization of MPOs; that the same situation occurred ten years ago, and the Pinellas MPO remained independent; that there may not be as strong a push to regionalize, although there is a need for regional coordination; that he believes the MPO will make a good case that the regional issues will be addressed; and that any letters received will be forwarded to the Council.

Chairman Kennedy indicated that PPC and MPO membership is moving toward a unified board; and Mr. Crawford noted that there is also some commonality of membership on the Advisory Committee on Pinellas Transportation, which has led to a better discussion of land use and transportation than has taken place in the last five or ten years.

B. Annual Audit, Fiscal Year 2011-2012 – Accepted/Authorized Distribution

Mr. Crawford referred to the Annual Audit Report prepared by CliftonLarsonAllen LLP, a copy of which has been filed and made a part of the record, and introduced Michael E. Carter, CPA, who indicated that the report presents a clean, unqualified opinion on the financial statements and auditing standards.

Mr. Carter related that the report contains two sets of accounting statements, Government-Wide Financial Statements and Fund Financial Statements, as required by the Governmental Accounting Standard Board; and that the main difference between the two relates to accrued compensation, depreciation, and the method of rent allocation; whereupon, he presented an overview of the Government-Wide, or full accrual, statements, noting that program revenues were up but property tax revenues were down; that expenses exceeded revenues, resulting in a decrease in net assets of approximately \$125,000 for the year; and that the Council is still in good financial shape, with nearly \$600,000 to carry forward into the future.

Referring to the section of the report pertaining to internal control over financial reporting, Mr. Carter reported one finding of *significant deficiency* related to recording of taxes receivable, indicating that the error is worth noting but did not rise to the level of a *material weakness*. He reviewed the Management Letter, relating that all prior year findings have been cleared, with the exception of the year-end closing process, which was partially cleared due to the property tax accrual deficiency previously discussed. In response to query by Vice-Mayor Henderson, he indicated that if the condition does not recur, it would be considered cleared as part of next year's audit.

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Mr. Carter reviewed a letter to the Planning Council Board of Directors summarizing the audit; whereupon, he thanked Mr. Crawford and his staff for their cooperation, noting that the audit went very smoothly.

Mayor Archie moved, seconded by Councilmember Hock-DiPolito and carried, that the Annual Financial Statements and Regulatory Reports for the year ended September 30, 2012 be approved; and that the Interim Executive Director be authorized to transmit the report to the Auditor General of the State of Florida and the Board of County Commissioners (Vote 12-0).

Mr. Crawford thanked Mr. Carter and his staff for their professionalism; whereupon, he noted that CliftonLarsonAllen also performs work for the MPO, which is convenient; that the PPC has an option for renewal of its contract in the coming months; and that he has had discussions with Mr. Carter regarding implications of the proposed unification.

C. Verbal Reports

Mr. Crawford made several announcements, as follows:

- Former City of St. Petersburg Planner Rick MacAulay now works for the MPO. The PPC has previously worked with Mr. MacAulay as a representative of the City and member of the Joint Transportation/Land Use Working Group.
- The Advisory Committee on Pinellas Transit, chaired by City of Largo Commissioner and new PPC member Harriet Crozier, will meet in February. Council members Kennedy and Hock-DiPolito also serve on the Advisory Committee.
- He has received a request from the broker for R. J. Reynolds to renew the Bank of America sublease agreement for an additional three months.

Mr. Crawford referred to discussions at the December 2012 Council meeting pertaining to City of Largo Case No. CW 12-16, noting that some members had requested clarification as to whether the PPC hearings are considered legislative or quasi-judicial in nature. He indicated that the PPC board acts as a legislative body; and that the members are allowed to speak to persons regarding the cases and view the respective sites; however, PPC policy, as set forth in Resolutions No. 96-2 and 98-3 included in the Supplemental Agenda Packet, provides

that any such communication be disclosed to the Council using the *Pinellas Planning Council Ex Parte Disclosure Form*, attached to Resolution No. 98-3.

Commissioner Morroni noted that the cases sometimes become quasi-judicial when they go before the Board of County Commissioners sitting as the Countywide Planning Authority (CPA); and responding to his query, Attorney White clarified that all cases that come before the PPC for recommendation to the CPA will be land use cases, and therefore will be legislative in nature; that zoning applications are quasi-judicial in nature, prohibiting ex-parte communication; and that Local Planning Agencies (cities or unincorporated county) sometimes combine zoning and land use cases on the same parcel which are, by default, considered quasi-judicial; whereupon, she confirmed Mr. Crawford's statement that PPC members are not prohibited from ex-parte communications, although they are required to complete the disclosure form in order to remove any presumption of prejudice created by such communication.

OTHER COUNCIL BUSINESS

A. Chairman/Member Items

1. City of Clearwater Resolution No. 12-15

Councilmember Hock-DiPolito presented City of Clearwater Resolution No. 12-15, a copy of which is included in the Supplemental Agenda Packet, indicating that the resolution expresses the City's support of the establishment of a comprehensive public transit system based on the Alternative Analysis Study's Locally Preferred Alternative; and that a number of minor wording changes will be made based on comments from various committees and agencies. With input by Mr. Crawford, she related that the City is in support of the Advisory Committee on Pinellas Transit appointing a transportation project manager and taking on a more active role in the various projects; and that the Advisory Committee is working with PSTA Chief Executive Officer Brad Miller to formalize the Committee's role and responsibilities, which could include the ability to vote on various recommendations to the PSTA and, eventually, the Board of County Commissioners.

Commissioner Morroni referred to concerns he expressed to Mr. Miller at the November PPC meeting stressing the importance of getting the word out to the communities before decisions are finalized, and inquired whether any outreach has been conducted; whereupon, Councilmember Hock-DiPolito related that Mr. Miller had

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provided an update at today's MPO meeting; and that the community has an opportunity to interface with the agencies via the *telluspinellas.com* website. Noting that Mr. Miller is scheduled to make a presentation at the Mayors Council of Pinellas County meeting next month, Commissioner Morroni reiterated the importance of conducting a "deep dive" into the neighborhoods, particularly those that will be directly affected, in order to obtain the residents' input.

2. Recognition of New Officers

Chairman Kennedy recognized his fellow Executive Committee members, as follows: Mayor David Archie, Vice-Chairman; Vice-Mayor Samuel Henderson, Secretary; and Commissioner John Morroni, Treasurer.

3. Recognition of Mayor Ayoub

Commissioner Morroni congratulated Mayor Ayoub on his recent inauguration.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:06 P.M.

Chairman