

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL
May 14, 2014

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:19 P.M. with the following members present:

David O. Archie, Chairman, City of Tarpon Springs Mayor
Doreen Hock-DiPolito, Vice-Chairman, City of Clearwater Vice-Mayor
John Morroni, Treasurer, County Commissioner
Harriet K. Crozier, City of Largo Commissioner
Dave Eggers, City of Dunedin Mayor
Jim Kennedy, City of St. Petersburg 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
Andy Steingold, City of Safety Harbor Mayor

Not Present:

Doug Bevis, City of Oldsmar Mayor
Sam Henderson, City of Gulfport Mayor

Also Present:

Michael C. Crawford, Interim Executive Director, PPC
Linda A. Fisher, PPC Staff
Christopher Mettler, PPC Staff
Michael D. Schoderbock, PPC Staff
Janine M. Lescarbeau, PPC Staff
Jewel White, Chief Assistant County Attorney
Other interested individuals
Arlene L. Smitke, Senior Board Reporter, Deputy Clerk

AGENDA

- I. CALL TO ORDER
 - A. Invocation and Pledge
 - B. Identification of Members Present
 - C. Introduction of New Member

- II. CONSENT AGENDA
 - A. Minutes of April 9, 2014 Meeting

May 14, 2014

- B. Financial Statement for April 2014
- C. CPA Actions – May 2014
- D. Annexation Report – April 2014
- E. Preliminary June 2014 Agenda
- F. Correspondence and PAC Agenda Action Sheet (Draft)

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 14-14: Pinellas County
 - Regular Amendments
 - 2. Case CW 14-15: City of Seminole
 - 3. Case CW 14-16: City of St. Petersburg

IV. REPORTS/OTHER ACTION

- A. Countywide Plan Update – Local Government 60-Day Review Package
- B. Proposed Amendment to the Countywide Rules Re: 60-Day Review Period and Advertising/Public Notice
- C. Pinellas Planning Council Newsletter – Draft
- D. 2014 Legislative Update
- E. Tampa Bay Estuary Program Update (Presentation)

V. EXECUTIVE DIRECTOR ITEMS

- A. MPO/PPC Unification Update
- B. Amendment to FY14 Budget
- C. Verbal Reports

VI. OTHER COUNCIL BUSINESS

- A. Chairman/Member Items
- B. Cancellation of August PPC Meeting

VII. ADJOURNMENT

CALL TO ORDER

Chairman Archie called the meeting to order at 3:19 P.M. and welcomed those in attendance.

INVOCATION AND PLEDGE

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

IDENTIFICATION OF MEMBERS PRESENT

At the Chairman's request, a roll call was taken in which the members introduced themselves.

INTRODUCTION OF NEW MEMBER

Chairman Archie welcomed new member City of Safety Harbor Mayor Andy Steingold and thanked him for his willingness to present the invocation at his first meeting; whereupon, Mr. Crawford noted that Mayor Steingold has previously served on the Council.

RECOGNITION OF OUTGOING MEMBER

Chairman Archie presented a plaque to outgoing member City of Safety Harbor Mayor Joe Ayoub in honor of his service on the Council and recognized his support and leadership in the unification of the Council and the Metropolitan Planning Organization (MPO) and in the update of the Countywide Plan.

CONSENT AGENDA – APPROVED

Chairman Archie presented the Consent Agenda items, as follows:

- A. Minutes of April 9, 2014 Meeting
- B. Financial Statement for April 2014
- C. Countywide Planning Authority (CPA) Actions – May 2014
- D. Annexation Report – April 2014
- E. Preliminary June 2014 Agenda
- F. Correspondence and Planners Advisory Committee (PAC)
Agenda Action Sheet (Draft)

Councilmember Jim Kennedy moved, seconded by Commissioner Morroni and carried, that the Consent Agenda items be approved (Vote 10–0).

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 14-14, A PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW MEDIUM (RLM) TO RESIDENTIAL/OFFICE LIMITED (R/OL) – APPROVED

Pursuant to legal notice published in the April 26, 2014 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-14, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from RLM to R/OL, re 0.4 acre m.o.l., located at 2335 Evans Road.

Referring to an aerial photograph and the land use map, Mr. Schoderbock pointed out the location of the subject area, described surrounding land uses, and provided a brief overview of the proposal, relating that the site contains a home that is currently being used as an office; that the applicant wishes to retain the office use; and that the request will bring the land use designation into compliance with local government codes; whereupon, he indicated that staff recommends approval of the proposed amendment.

Planners Advisory Committee (PAC) Vice-Chairman Marie Dauphinais indicated that the PAC had voted unanimously in favor of all three amendments on today’s agenda.

Responding to the Chairman’s call for the applicant, Planning Department Zoning Manager John F. Cueva appeared and offered to answer any questions. No one responded to the Chairman’s call for citizens wishing to be heard.

May 14, 2014

Thereupon, Commissioner Morroni moved, seconded by Commissioner Cookie Kennedy and carried, that Case CW 14-14 be approved as recommended by staff (Vote 10–0).

REGULAR AMENDMENTS

PUBLIC HEARING: CASE CW 14-15, A PROPOSAL BY THE CITY OF SEMINOLE TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM PRESERVATION (P) WITH WATER/DRAINAGE FEATURE OVERLAY (W/DF) TO RESIDENTIAL URBAN (RU) – APPROVED

Pursuant to legal notice published in the April 26, 2014 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-15, a proposal by the City of Seminole to amend the Countywide Future Land Use Plan from P with W/DF to RU, re 1.7 acres m.o.l., located at 9753 Seminole Boulevard.

Referring to the land use map and aerial and ground level photographs, Mr. Schoderbock pointed out the location of the subject area, described surrounding uses, and provided a brief overview of the proposal, indicating that the site is part of a 9.8 acre parcel and contains two mobile homes; that there are no development plans for the site; and that the request is to remove the Water/Drainage Feature and adjust the Preservation line to the east, concurrent with the wetland jurisdictional line; whereupon, he presented staff's recommendation for approval.

During discussion and in response to queries by the members, Mr. Schoderbock indicated that the Council is allowed to remove the Overlay and Preservation designation, as the applicant submitted a Southwest Florida Water Management District approved wetland survey; that the area in question is currently uplands; and that it may have been mis-designated as Preservation in the past; whereupon, Mr. Crawford clarified that there are no jurisdictional wetlands on the property being amended.

Chairman Archie noted that the PAC had voted unanimously in favor of the request.

No one appeared in response to the Chairman's call for citizens wishing to be heard; whereupon, Councilmember Jim Kennedy moved, seconded by Councilmember Mullins and carried, that Case CW 14-15 be approved as recommended by staff (Vote 10–0).

PUBLIC HEARING: HEARING: CASE CW 14-16, A PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED (IL) AND WATER/DRAINAGE FEATURE (W/DF) TO PLANNED REDEVELOPMENT-MIXED USE (PR-MU) – APPROVED

Pursuant to legal notice published in the April 26, 2014 issue of the *Tampa Bay Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 14-16, a proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from IL and W/DF to PR-MU, re 6.1 acres m.o.l., generally located on the northeast corner of 34th Street North and 13th Avenue North.

Mr. Schoderbock referred to an aerial photograph and the land use map and pointed out the location of the subject property, described surrounding land uses, and provided a brief overview of the proposal, indicating that the site is part of a larger parcel owned by the Tampa Bay Times; and that there are currently no development plans for the property, but it is proposed to be listed for sale.

Mr. Schoderbock provided background information pertaining to the application, noting that it originally came before the PPC in February with an additional 1.2 acres; that it was continued and subsequently withdrawn by the City; and that the request was revised and approved by the St. Petersburg City Council on April 17; whereupon, he displayed various photographs of the property and surrounding area and presented the following recommendation:

Staff recommends that the Council recommend to the Countywide Planning Authority that the proposed map amendment be denied and instead approve the Alternative Compromise Recommendation to Planned Redevelopment-Mixed Use, with the following conditions:

1. Reservation of a minimum of 2.8 acres on the site for a target employment use;
2. The subject area be developed as a true mixed-use project (i.e., full integration of site improvements such as parking, stormwater drainage, pedestrian and bike improvements);
3. The subject area to be integrated with the remaining parcel to the east as much as practical; and

4. The City of St. Petersburg to submit a Development Agreement to the Countywide Planning Authority to address these items.

Mr. Schoderbock reviewed the Relevant Countywide Considerations including the criteria pertaining to reservation of industrial land and discussed the conclusion, as set forth in the Council staff analysis, which has been filed and made a part of the record.

Responding to query by Commissioner Crozier regarding the water/drainage feature, Mr. Schoderbock indicated that the Countywide Rules allow a man-made retention feature under three acres to “go away,” as it does not need to be designated on the map; whereupon, Commissioner Morroni related that there is no water on the site.

Mr. Crawford discussed the Alternative Compromise Recommendation process, noting that the compromise process is being used because St. Petersburg’s Vision 2020 Special Area Plan is very general and does not lend itself to adding the type of specific condition used in a recent Dunedin case. He indicated that if the Council approves staff’s recommendation, the case would go back before the St. Petersburg City Council before going to the CPA; and that the City would have the option of accepting staff’s recommendation or submitting its original request to the CPA, but the PPC recommendation would then be to deny.

Chairman Archie indicated that the PAC had voted unanimously in favor of the staff recommendation.

Responding to the Chairman’s call for the applicant local government, Dave Goodwin, Director of Planning and Economic Development, City of St. Petersburg, provided background information regarding the parcel and reviewed the uses allowed in the area with the current land use and zoning compared to the uses that would be allowed in the proposed, adding that there are advantages to the proposed land use and zoning in terms of the types of uses the City would prefer for the area. Referring to current maps and maps predating changes the City allowed in the area in 2007, he related that the City had protected the Industrial zoning for 30 years, which led to a tremendous demand for retail services in the area; and that when the City changed the zoning in 2007 to allow mixed use in the 34th Street and 22nd Avenue corridor, the community changed to meet that pent-up demand, citing the successful Home Depot and Lowes stores and others. He stated that the corridor is now almost built out, and the request would allow the mixed-use retail corridor to continue to this area. He stated that St. Petersburg supports the policy to keep industrial use and industrial land, but in certain locations and under certain

May 14, 2014

situations, such as this area, other uses should be allowed. He read pertinent selections from the Countywide Rules that support the request; whereupon, he requested that the Council approve the application as submitted and without any conditions.

In response to queries by the members, Mr. Goodwin indicated that St. Petersburg staff feels the development agreement is not needed, as it unnecessarily limits the site; that the City has used development agreements before, but usually on larger sites; and that he is unaware of any contract to buy the property or any user seriously looking at the site. He stated that he supports the designation, but not the conditions proposed by the PPC staff; and that the development agreement would not necessarily jeopardize the City's plan for the area, but it would cause an unnecessary limitation. In response to queries by Commissioner Crozier, Councilmember Mullins, and School Board Member O'Shea, Councilmember Jim Kennedy stated that the conditions were not part of the discussion when the St. Petersburg City Council approved the application; that their vote was unanimous; that the existing zoning allows uses that the City does not consider desirable; and that the citizens in the area did not protest changing the industrial zoning, as only one citizen appeared in opposition, noting that an appeal was filed to keep the area park-like.

In response to the Chairman's call for citizens wishing to be heard, Marilyn Healey, representing the Times Publishing Company, appeared and requested that the Council approve the application, relating that the company is prepared to comply with the conditions, although it hopes it will not be necessary.

Chairman Archie suggested that the conditions were a compromise in lieu of a recommendation of denial; and Mr. Crawford agreed, noting that the conditions are a result of negotiations between PPC staff and the property owner, and the development agreement is a tool to accomplish what was agreed to during negotiations.

In rebuttal, Mr. Crawford acknowledged that the site has physical constraints, but stated that staff feels that, due to its proximity to the larger industrial area to the east and to the interstate and arterial roadway system, it meets the criteria for the Industrial designation, noting that Economic Development Director Michael Meidel concurs. He indicated that the PR-MU category alone would not specifically limit the site to employment-based uses, but it does allow them along with other uses, and the Corridor Commercial Suburban (CCS-1) zoning proposed by St. Petersburg could prohibit some of the uses that are less productive; and that while the retail community can afford to buy industrial land, it is not always better for the County in the long run. He stated that the Council staff compromise offers flexibility to include some retail uses

that would allow for a true mixed-use area; whereupon, he reiterated that staff is requesting that the 2.8 acres be reserved for employment-based uses.

Commissioner Morroni said that while he usually strongly supports the preservation of Industrial land, he agrees with the City of St. Petersburg in this instance, and queried as to whether the PPC recommendation would be for denial if the request is approved without the conditions. Mr. Crawford explained that the Council has the option of approving St. Petersburg's original request, which would make the PPC staff recommendation null and void; whereupon, Commissioner Morroni indicated that he would support the request without the restrictions.

In response to a comment by Mayor Eggers, Mr. Crawford confirmed that St. Petersburg is one of the more proactive communities in creating industrial land opportunities; whereupon, the Mayor stated that he also supports the original request. Chairman Archie pointed out that the Council has changed its thinking on the industrial land issue, and is giving the municipalities more standing in the decision-making; whereupon, Mayor Steingold pointed out that the property in today's case is much smaller than a similar case in Safety Harbor that resulted in a huge public outcry; and that he is an advocate for making decisions on a case-by-case basis, and Councilmember Jim Kennedy concurred.

School Board Member O'Shea queried as to the Council's options, and Mr. Crawford indicated that when the case goes before the CPA, staff will defend whatever the Council decides; whereupon, he restated the issues the members raised as follows:

- The parcel is small.
- The site is fairly limited in its size and configuration.
- The PR-MU fits better with the surrounding area.
- The PR-MU with the CCS-1 zoning allows for employment uses already, plus limits some of the inappropriate uses.
- The restrictions might be too limiting.

Thereupon, Councilmember Jim Kennedy moved, seconded by Councilmember Mullins and carried, that the amendment be approved as submitted by the City of St. Petersburg to reclassify the 6.1 acres of land from Industrial Limited (5.8 acres) and Water/Drainage Feature (0.3 acres) to Planned Redevelopment-Mixed Use (Vote 10-0).

REPORTS AND OTHER ACTION

A. Countywide Plan Update – Local Government 60-Day Review Package – Authorized Transmittal to the Local Governments

Mr. Mettler related that the Countywide Plan update process is in the third and final phase, finalizing the Plan Map in anticipation of its adoption this fall. He indicated that the new PPC Special Act grants the Council one-time authority to repeal and replace the Countywide Plan Map and also establishes a 60-day period for the local governments to review and comment on the updated map prior to its adoption.

Noting that most of the material in the package has been presented to the Council, the Joint Land Use/Transportation Working Group, and the PAC, Mr. Mettler summarized the contents of the review package, noting that staff has provided background information to assist the local governments in understanding the revisions. He stated that staff anticipates sending the review package to all governments in Pinellas County by June 1 and commencing the repeal and replacement process in September; and Mr. Crawford noted that PPC staff members will make themselves available to provide explanations or additional information to the local governments during the 60-day review period.

Thereupon, Mayor Eggers moved, seconded by Commissioner Crozier and carried, that the Countywide Plan Update – 2014 Local Government 60-Day Review Package be approved for transmittal to the local governments (Vote 10-0).

B. Proposed Amendment to the Countywide Rules Re: 60-Day Review Period and Advertising/Public Notice – Authorized Public Hearing for the June PPC Meeting

Mr. Mettler indicated that it is necessary to amend the Countywide Rules to provide for the Countywide Plan Update 60-day local government review and to address new legal advertising/public notice requirements; whereupon, he requested authorization to hold a public hearing at the June 11, 2014 PPC meeting to consider an ordinance amending the Rules.

Mr. Mettler indicated that the Special Act specifies that the local government review process and the public notice/advertisement requirements be set forth in the Countywide Rules; and that staff is seeking to expedite the process in hopes of scheduling Countywide Planning Agency hearings on June 24 and July 25 in order to move forward with the repeal/replacement process in September.

Responding to query by Commissioner Crozier, Mr. Crawford indicated that it has been the practice of staff and is required to confirm the intent of the Council by obtaining authorization prior to setting a public hearing date.

Thereupon, Commissioner Cookie Kennedy moved, seconded by Commissioner Crozier and carried, that a public hearing regarding the proposed amendment be held at the June 11 PPC meeting (Vote 10-0).

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Chairman Archie announced that Item No. IV. E, the Tampa Bay Estuary Program Update, would be heard at this time, and no objections were noted.

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E. Tampa Bay Estuary Program Update – Received/Discussed

Chairman Archie indicated that Councilmember Jim Kennedy had requested an update regarding the Tampa Bay Estuary Program; and that the Program’s Executive Director, Holly Greening, is in attendance to make a presentation.

Ms. Greening referred to a PowerPoint presentation titled *Restoring Tampa Bay: 25 Years of Progress*, a copy of which has been filed and made a part of the record, and provided historical information regarding the state of Tampa Bay in the 1970s, implementation of legislation to reduce the amount of nitrogen being deposited into the Bay, formation of the Tampa Bay Estuary Program and various public/private partnerships to restore and protect the Bay, the enactment of a residential fertilizer ordinance by Pinellas County and its municipalities, and the Estuary Program’s *Be Floridian* education campaign; whereupon, she presented various charts and graphs depicting the decrease in nitrogen loading, water quality improvement, and the seagrass coverage from the 1970s to the present.

Ms. Greening related that the Tampa Bay Nitrogen Management Consortium of over 40 public and private partners has developed and agreed to voluntary caps on nitrogen loads, which have now been adopted by the Florida Department of Environmental Protection and incorporated into discharge permits; whereupon, she related that stormwater runoff is now the major source of nitrogen in Tampa Bay; that land use and development practices can be developed and incorporated into development/redevelopment decisions to further reduce the amount of nitrogen being introduced into the Bay; and that there is an opportunity to develop

innovative solutions, such as a system for banking of “nitrogen credits,” as incentives for new industry and development.

Commissioner Cookie Kennedy noted that development is currently taking place on the beaches, and that a presentation by Ms. Greening to the Barrier Islands Government Council (BIG-C) may be beneficial for the local communities; whereupon, Ms. Greening indicated that she would be pleased to make a presentation to the group.

C. Pinellas Planning Council Newsletter – Draft – Authorized Printing and Distribution

Ms. Fisher provided a brief overview of the Spring 2014 PPC Newsletter, a copy of which has been filed and made a part of the record, noting that she is pleased to report that the lead article announces the Governor’s approval of the MPO/PPC unification; whereupon, she related that other items include a status update on the Countywide Plan, an article pertaining to celebration of Geographic Information Systems (GIS) Day, a schedule of upcoming meeting dates, and a listing of board members and staff.

Ms. Fisher related that, upon Council approval, she will proceed with printing and distribution of the newsletter; and Mr. Crawford noted that much of the distribution is done electronically.

Thereupon, Commissioner Cookie Kennedy moved, seconded by Councilmember Mullins and carried, that the Spring 2014 PPC Newsletter be approved for printing and distribution (Vote 10-0).

D. 2014 Legislative Update – Received/Discussed

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Ms. Fisher reported that the 2014 session of the Florida Legislature ended on May 2; that over 1,900 bills were filed and less than two percent passed; that very little new growth management legislation passed this year; and that there is a continuation of the trend by the state to decrease state and local regulation of development activity.

Ms. Fisher discussed Senate Bill 1632, noting that the bill consolidates and reorganizes existing statutes pertaining to Special Districts; that it updates reporting requirements for the Districts and the state’s process for review and enforcement of the requirements; and that staff is working with legal counsel to ensure compliance. Mr. Crawford reminded the members

that the PPC is a Dependent Special District and already adheres to certain regulations, noting that one of the only new requirements identified requires posting additional information to the website.

Ms. Fisher provided a brief summary of various bills that did and did not pass; and referring to the state budget, noted that the Legislature recommended funding for beach renourishment and a 275-mile coast-to-coast pedestrian/bicycle trail, as well as various local projects.

EXECUTIVE DIRECTOR ITEMS

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

Mr. Crawford reported that the joint MPO/PPC Executive Committee met on April 16 to discuss a number of topics, including operational and budgeting considerations. He indicated that there has been a delay in execution of the Interlocal Agreement, precluding seating of the unified board at today's meeting; and that pending approval of the Agreement, this may be the last meeting for Mayors Steingold and Bevis, School Board Member O'Shea, Councilmember Mullins, and Commissioner Morroni.

Mr. Crawford related a recommendation by Commissioner Seel that he and MPO Interim Executive Director Sara Ward co-direct the unified organization, citing a possible \$232,000 per year savings; and indicated that the Council members can discuss the matter at a future meeting.

Referring to the proposed Interlocal Agreement with the Florida Department of Transportation, Councilmember Kennedy related that the City of St. Petersburg's legal staff had objected to the fact that the individual MPO members would be personally liable for potential MPO liabilities; that he had thought the issue was resolved, but was advised today that the agreement now calls for individual liability by the member cities and municipalities; that he feels it is a legitimate concern; and that hopefully the matter can be resolved.

B. Amendment to Fiscal Year 2014 Budget – Approved Amendment-Line Item Allocation

Mr. Crawford indicated that it is necessary to update the trip generation rates as part of the update to the Countywide Rules; that the consultant, Tindale-Oliver and Associates, has submitted a proposal that is higher than anticipated; and that he suggests transferring \$56,000

from several line items to cover the cost, as delineated in the proposed budget amendment included in the agenda package.

Thereupon, Commissioner Morroni moved, seconded by Councilmember Mullins and carried, that the Fiscal Year 2014 Budget Amendment be approved (Vote 10 – 0).

C. Verbal Reports – Received/Discussed

Mr. Crawford related that former PPC Executive Director David Healey has been elected to the College of Fellows of the American Institute of Certified Planners; that staff was instrumental in developing the application leading to his nomination, which is a very complicated process; and that the agenda backup package contains a letter from Mr. Healey thanking staff for their efforts in his regard.

Commissioner Cookie Kennedy related that, many years ago, Mr. Healey had assisted her in preparing an article for a professional publication; and that she knows of no one more deserving of the honor; whereupon, Councilmember Jim Kennedy suggested that the PPC send a letter of congratulations to Mr. Healey, and Mr. Crawford agreed to draft a letter for signature by the Chairman.

Mr. Crawford reminded the members that he is always available to speak with them regarding the agenda items prior to the monthly meeting.

OTHER COUNCIL BUSINESS

A. Chairman/Member Items

Commissioner Morroni noted that today is Katherine Holt's last day as Office Specialist with the PPC and wished her a happy retirement.

B. Cancellation of August PPC Meeting

Upon motion by Commissioner Morroni, seconded by Commissioner Cookie Kennedy and carried, the August 2014 PPC meeting was cancelled.

May 14, 2014

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:05 P.M.

Chairman